

**RESOLUTION NO. 21-8955**

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA DECLARING ITS INTENTION TO ESTABLISH THE SANTA CLARA TOURISM IMPROVEMENT DISTRICT (SCTID) AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF**

**BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, the Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes the City to establish business improvement districts for the purposes of promoting tourism;

**WHEREAS**, Silicon Valley/Santa Clara DMO, Inc., lodging business owners, and representatives from the City of Santa Clara have met to consider the formation of the SCTID;

**WHEREAS**, Silicon Valley/Santa Clara DMO has drafted a Management District Plan (Plan) which sets forth the proposed boundary of the SCTID, a service plan and budget, and a proposed means of governance; and,

**WHEREAS**, lodging business who will pay more than fifty percent (50%) of the assessment under the SCTID have petitioned the City Council to establish the SCTID.

**NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the City Council hereby finds that the above Recitals are true and correct by reference make them a part hereof.

2. That the City Council finds that lodging businesses that will pay more than fifty percent (50%) of the assessment proposed in the Plan have signed and submitted petitions in support of the formation of the SCTID. The City Council accepts the petitions and adopts this Resolution of Intention to establish the SCTID and to levy an assessment on certain lodging businesses within the SCTID boundaries in accordance with the Property and Business Improvement District Law of 1994.

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3. That the City Council finds that the Plan satisfies all requirements of Streets and Highways Code § 36622.

4. That the City Council declares its intention to establish the SCTID and to levy and collect assessments on lodging businesses within the SCTID boundaries pursuant to the Property and Business Improvement District Law of 1994.

5. That the SCTID shall include all lodging businesses with ten (10) rooms or more located within the boundaries of a portion of the City of Santa Clara, as shown in the map attached as Exhibit A.

6. That the name of the district shall be Santa Clara Tourism Improvement District (SCTID).

7. That the annual assessment rate is one and one-half of one percent (1.5%) of gross short-term room rental revenue. After the initial year of the SCTID's five (5) year term, the assessment rate may be increased by the Owner's Association's Board to a maximum of two percent (2%) of gross short-term room rental revenue. Based on the benefit received, assessments will not be collected on stays by any officer or employee of a foreign government who is exempt by reason of express provision of Federal law or international treaty. Additionally, assessments will not be collected on stays by any Federal or State of California officer or employee on official business who shall provide one of the following; a warrant or check drawn on the Treasury of the United States; a copy of the official travel orders indicating the issuing governmental agency and the employee's full name; or, a copy of a letter on the official letterhead of an exempt governmental agency requesting exemption and listing the employee's name and stating that the stay is for official government business. The dates of occupancy must also be included. These requirements must be demonstrated by the guest at the time of registration. Failure to satisfy these requirements will result in no assessment exemption. Copies of the documentation for each exemption claimed must be submitted to the Director of Finance with each remittance of assessments.

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8. That the assessments levied for the SCTID shall be applied toward conventions sales, incentives and services and marketing and communication programs to market assessed lodging businesses in Santa Clara as tourist, meeting, and event destinations, as described in the Plan. Funds remaining at the end of any year may be used in subsequent years in which SCTID assessments are levied as long as they are used consistent with the requirements of this resolution and the Plan.

9. That the proposed SCTID will have a five (5) year term, beginning July 1, 2021 through June 30, 2026, unless renewed pursuant to Streets and Highways Code § 36660.

10. That bonds or any debt obligation shall not be issued.

11. That the time and place for the public meeting to hear testimony on establishing the SCTID and levying assessments are set for April 20, 2021 at 4:00 PM, or as soon thereafter as the matter may be heard, at , Virtual Zoom Meeting: Zoom information:

<https://santaclara.legistar.com/Calendar.aspx>.

12. That the time and place for the public hearing to establish the SCTID and the levy of assessments are set for May 25, 2021 at 4:00 PM, or as soon thereafter as the matter may be heard, at , Virtual Zoom Meeting: Zoom information:

<https://santaclara.legistar.com/Calendar.aspx>. The City Clerk is directed to provide written notice to the lodging businesses subject to assessment of the date and time of the meeting and hearing, and to provide that notice as required by Streets and Highways Code § 36623, no later than April 10, 2021.

13. That at the public meeting and hearing the testimony of all interested persons for or against the establishment of the SCTID may be received. If at the conclusion of the public hearing, there are of record written protests by the owners of the lodging businesses within the proposed SCTID that will pay more than fifty percent (50%) of the estimated total assessment of the entire SCTID, no further proceedings to establish the SCTID shall occur for a period of one (1) year.

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14. That the complete Plan is on file with the City Clerk and may be reviewed upon request.

15. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6<sup>TH</sup> DAY OF APRIL, 2021, BY THE FOLLOWING VOTE:

AYES: COUNCILORS: Becker, Chahal, Hardy, Jain, Park, and Watanabe, and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:   
NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference:  
1. Exhibit A – District Boundaries

EXHIBIT A  
District Boundaries

