

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL**

**CONCERNING THE RENEWAL OF THE BERKELEY TOURISM BUSINESS IMPROVEMENT
DISTRICT AND LEVY OF AN ASSESSMENT ON CERTAIN LODGING BUSINESSES WITHIN THE
DISTRICT**

AND

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY DECLARING ITS
INTENTION TO MODIFY THE BERKELEY TOURISM BUSINESS IMPROVEMENT DISTRICT**

NOTICE IS HEREBY GIVEN that on February 14, 2017, the City Council (the "Council") of the City of Berkeley (the "City") adopted a Resolution of Intention to renew the Berkeley Tourism Business Improvement District (the "BTBID") and to levy an assessment on certain lodging businesses within the BTBID as set forth in the attached Resolution of Intention.

NOTICE IS HEREBY FURTHER GIVEN that on March 14, 2017, at the City of Berkeley Council Chambers located at 2134 Martin Luther King Jr. Way, Berkeley, CA 94704, a public meeting was held pursuant to Government Code section 54954.6 to allow public testimony regarding the renewal of the BTBID and the levy of assessments therein as set forth in the enclosed Resolution of Intention and pursuant to Government Code section 54954.6.

NOTICE IS HEREBY FURTHER GIVEN that at 7:00 PM on April 25, 2017, at the City of Berkeley Council Chambers located at 2134 Martin Luther King Jr. Way, Berkeley, CA 94704, has been set as the time and place for a public hearing at which time the Council proposes to renew the BTBID and to levy the proposed assessment as set forth in the Resolution of Intention.

- Boundaries:** The renewed BTBID includes all lodging businesses with five (5) rooms or more, located within the boundaries of the City of Berkeley
- Assessment:** The annual assessment rate is one percent (1%) of gross short-term room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; stays by any officer or employee of a government who is exempt by express provision of federal international treaty; and stays at a bed and breakfast establishment as defined in Section 23F.04.010 of the Berkeley Municipal Code.
- Budget:** The total BTBID annual budget for each full year of operation is anticipated to be approximately \$596,037. This budget is expected to fluctuate as room sales do, but is not expected to significantly change over the BTBID's term.
- Purpose:** The BTBID is designed to provide specific benefits directly to payors by increasing room night sales. Marketing and sales promotions will increase overnight tourism and market payors as tourist, meeting and event destinations, thereby increasing room night sales.
- Duration:** The renewed BTBID will have a ten (10) year life, beginning July 1, 2017 through June 30, 2027. Once per year, beginning on the anniversary of district renewal, there is a 30-day period in which owners paying more than fifty percent (50%) of the assessment may protest and initiate a City Council hearing on district termination.
- Collection:** The City will be responsible for collecting the assessment on a monthly basis (including any delinquencies, penalties and interest) from each lodging business with five (5) rooms or more, located in the boundaries of the BTBID. The City shall take all reasonable efforts to collect the assessments from each lodging business.
- Management:** Visit Berkeley will continue to serve as the BTBID's Owners' Association. The Owners' Association is charged with managing funds and implementing programs in accordance with the Plan, and must provide annual reports to the City.
- Protest:** Any owner of a lodging business within the proposed BTBID that will be subject to the assessment may protest the renewal of the BTBID. If written protests are received from the owners of lodging businesses in

the proposed BTBID who represent 50 percent (50%) or more of the estimated annual assessments to be levied, the BTBID shall not be renewed and the assessment shall not be imposed.

You may mail a written protest to:

Office of the City Clerk
City of Berkeley
2180 Milvia Street, 1st Floor
Berkeley, CA 94704

You may also appear at the public meeting or hearing and submit a written protest at that time.

Information: Should you desire additional information about this proposed BTBID or assessment contact:

Barbara Hillman, President & CEO
Visit Berkeley
2020 Addison Street, #102
Berkeley, CA 94704
(510) 549-7040

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NOTICE IS HEREBY GIVEN that at 7:00 PM on April 25, 2017, at the City of Berkeley Council Chambers located at 2134 Martin Luther King Jr. Way, Berkeley, CA 94704, has been set as the time and place for a public hearing at which time the Council proposes to modify the existing BTBID, to conclude service on June 30, 2017, as set forth in the Resolution of Intention.

- Boundaries:** There is no proposed change to BTBID boundaries which include all lodging businesses with five (5) rooms or more, located within the boundaries of the City of Berkeley
- Assessment:** There is no change proposed to the annual assessment rate. Which is currently one percent (1%) of gross short-term room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; stays by any officer or employee of a government who is exempt by express provision of federal international treaty; and stays at a bed and breakfast establishment as defined in Section 23F.04.010 of the Berkeley Municipal Code.
- Purpose:** The BTBID is designed to provide specific benefits directly to payors by increasing room night sales. Marketing and sales promotions will increase overnight tourism and market payors as tourist, meeting and event destinations, thereby increasing room night sales.
- Duration:** The modified BTBID will have a four (4) year and eight (8) month life, with a modified ending date of June 30, 2017. The City of Berkeley created the BTBID on September 18, 2012 by Resolution No. 65,899-N.S.; for a five (5) year term which currently ends on October 31, 2017. The BTBID Owner's Association has requested the City Council to modify the Management District Plan of the BTBID so that the current BTBID term ends June 30, 2017. The process to modify the current District is set to be completed concurrently with completion of District renewal. That is, the proposed modified District's term will expire on June 30, 2017, and the renewed district will begin on July 1, 2017 with no break in service. The purpose of the modification is to align the District's term and fiscal year with that of the City for ease of administration and budgeting.
- Collection:** The City will continue to be responsible for collecting the assessment on a monthly basis (including any delinquencies, penalties and interest) from each lodging business with five (5) rooms or more, located in the boundaries of the BTBID. The City shall take all reasonable efforts to collect the assessments from each lodging business.
- Management:** Visit Berkeley will continue to serve as the BTBID's Owners' Association. The Owners' Association is charged with managing funds and implementing programs in accordance with the Plan, and must provide annual reports to the City.
- Protest:** Any owner of a lodging business within the proposed BTBID that will be subject to the assessment may protest the modification of the BTBID. If written protests are received from the owners of lodging businesses in the existing BTBID who represent 50 percent (50%) or more of the estimated annual assessments to be levied, the BTBID shall not be modified.

You may mail a written protest to:

Office of the City Clerk  
City of Berkeley  
2180 Milvia Street, 1st Floor  
Berkeley, CA 94704

You may also appear at the public meeting or hearing and submit a written protest at that time.

Information: Should you desire additional information about the modified BTBID or assessment contact:

Barbara Hillman, President & CEO  
Visit Berkeley  
2020 Addison Street, #102  
Berkeley, CA 94704  
(510) 549-7040

Pursuant to Streets and Highways Code section 36636, notice for the public hearing that will result from the adoption of this Resolution shall be accomplished by mailing a copy of the Resolution to assessed business owners and publishing a copy of the Resolution in a newspaper of general circulation in the City.

"Notice of all other public hearings pursuant to this section shall comply with both of the following:

- (1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public hearing.
- (2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public hearing, to each business owner or property owner affected by the proposed modification."

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A copy of the agenda material for this hearing will be available on the City's website at www.CityofBerkeley.info as of **April 13, 2017**.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

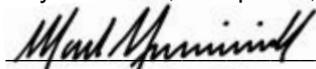
Mailed: February 15, 2017

Published: March 3, 2017

Notice provided pursuant to Government Code section 54954.6.

Notice provided pursuant to Streets and Highways Code section 36636.

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I hereby certify that the Notice for this Public Meeting and Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 13, 2017.



Mark Numainville, City Clerk