

FORM APPROVED COUNTY COUNSEL  
BY: D.C. 10/20/21  
DATE  
DARREN C. ZIEGLER

1 Board of Supervisors

County of Riverside

2 RESOLUTION NO. 2021 - 150

3 **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF**  
4 **RIVERSIDE DECLARING RESULTS OF MAJORITY PROTEST PROCEEDINGS AND**  
5 **RENEWING THE TEMECULA WINE COUNTRY TOURISM MARKETING DISTRICT**  
6 **(“TWCTMD”)**

7 **WHEREAS**, the Property and Business Improvement District Law of 1994 (Streets and Highways  
8 Code §36600 et. seq.) authorizes the County to renew business improvement districts upon petition by a  
9 weighted majority of the business owners located within the boundaries of the district; and

10 **WHEREAS**, lodging business owners who will pay more than fifty percent (50%) of the proposed  
11 assessment, as weighted according to the amount of the assessment to be paid by the petitioner, within the  
12 boundaries of the TWCTMD have petitioned the Board of Supervisors to renew the TWCTMD; and

13 **WHEREAS**, the renewed TWCTMD includes lodging businesses in the Temecula Valley region  
14 of the County of Riverside; and

15 **WHEREAS**, included with the petitions was a Management District Plan (“Plan”) summary that  
16 describes the proposed assessment to be levied on lodging businesses within the TWCTMD to pay for  
17 sales and marketing programs, and other improvements and activities set forth in the Plan; and

18 **WHEREAS**, the assessed lodging businesses within the TWCTMD will receive a specific benefit  
19 from the activities and improvements set forth in the Plan; and

20 **WHEREAS**, on September 14, 2021, at 9:30 AM at Board Chambers located at 4080 Lemon  
21 Street, 1st Floor, Riverside, CA 92501, the Board of Supervisors adopted a Resolution of Intention,  
22 Resolution No. 2021-149; and

23 **WHEREAS**, the public meeting and public hearing to consider the renewal of the TWCTMD  
24 have been properly noticed in accordance with Streets and Highways Code §36623; and

25 **WHEREAS**, on October 5, 2021 at 9:30 AM at Board Chambers located at 4080 Lemon Street,  
26 1st Floor, Riverside, CA 92501, the Board of Supervisors held a public meeting regarding the renewal of  
27

1 the TWCTMD, and the Board of Supervisors heard and received objections and protests, if any, to the  
2 renewal of the TWCTMD and the levy of the proposed assessment; and

3 **WHEREAS**, on November 2, 2021 at 9:30 AM at Board Chambers located at 4080 Lemon Street,  
4 1st Floor, Riverside, CA 92501, the Board of Supervisors held a public hearing regarding the renewal of  
5 the TWCTMD, and the Board of Supervisors heard and received all objections and protests, if any, to the  
6 renewal of the TWCTMD and the levy of the proposed assessment; and

7 **WHEREAS**, the Clerk of the Board has determined that there was no majority protest. A majority  
8 protest is defined as written protests received from owners of businesses in the renewed TWCTMD which  
9 would pay fifty percent (50%) or more of the assessments proposed to be levied. Protests are weighted  
10 based on the assessment proposed to be levied on each lodging business; and

11 **WHEREAS**, the County bears the burden of proving by a preponderance of the evidence that an  
12 assessment imposed for a specific benefit or specific government service is not a tax, that the amount is  
13 no more than necessary to cover the costs to the County in providing the specific benefit or specific  
14 government service, and that the manner in which those costs are allocated to a payor bear a fair or  
15 reasonable relationship to the specific benefits or specific government services received by the payor.

16 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS THAT:**

- 17 1. The recitals set forth herein are adopted by the Board of Supervisors as findings and they  
18 are true and correct.
- 19 2. The TWCTMD is hereby renewed for a five (5) year term, beginning November 2, 2021,  
20 or as soon as possible thereafter, and end five (5) years from its start date.
- 21 3. The Plan dated August 20, 2021 is hereby adopted and approved.
- 22 4. The activities to be provided to benefit businesses in the TWCTMD will be funded by the  
23 levy of the assessment. The revenue from the assessment levy shall not be used: to provide  
24 activities that directly benefit businesses outside the TWCTMD; to provide activities or  
25 improvements outside the TWCTMD; or for any purpose other than the purposes specified  
26 in this Resolution, the Resolution of Intention, and the Plan. Notwithstanding the  
27 foregoing, improvements and activities that must be provided outside the TWCTMD

1 boundaries to create a specific benefit to the assessed businesses may be provided, but  
2 shall be limited to marketing or signage pointing to the TWCTMD.

3 5. The Board of Supervisors finds as follows:

4 a) The activities funded by the assessment will provide a specific benefit to assessed  
5 businesses within the TWCTMD that is not provided to those not paying the  
6 assessment.

7 b) The assessment is a charge imposed for a specific benefit conferred or privilege  
8 granted directly to the payor that is not provided to those not charged, and which  
9 does not exceed the reasonable costs to the local government of conferring the  
10 benefit or granting the privilege.

11 c) The assessment is a charge imposed for a specific government service or product  
12 provided directly to the payor that is not provided to those not charged, and which  
13 does not exceed the reasonable costs to the local government of providing the  
14 service or product.

15 d) Assessments imposed pursuant to the TWCTMD are levied solely upon the  
16 assessed business, and the business owner is solely responsible for payment of the  
17 assessment when due. If the owner chooses to collect any portion of the assessment  
18 from a transient, that portion shall be specifically called out and identified for the  
19 transient in any and all communications from the business owner as the  
20 “TWCTMD Assessment” as specified in the Plan.

21 6. The assessments levied for the TWCTMD shall be applied towards sales and marketing  
22 programs to market Temecula Valley lodging businesses as tourist, meeting and event  
23 destinations, and other improvements and activities as set forth in the Plan.

24 7. Assessments levied on lodging businesses pursuant to this resolution shall be levied on the  
25 basis of benefit. Because the services provided are intended to increase room rentals, an  
26 assessment based on room rentals is the best measure of benefit.

- 1 8. The assessments for the entire TWCTMD will total approximately \$780,000 in year one  
2 (1).
- 3 9. Bonds shall not be issued to fund the TWCTMD.
- 4 10. The TWCTMD shall include all lodging businesses located within the boundaries of the  
5 Temecula Valley region of the County of Riverside, as shown on the boundary map that is  
6 attached hereto and incorporated herein by reference.
- 7 11. The assessments shall be used for the purposes set forth above and any funds remaining at  
8 the end of any year may be used in subsequent years in which the TWCTMD assessment is  
9 levied as long as they are used consistent with the requirements set forth herein.
- 10 12. The assessments to fund the activities and improvements for the TWCTMD will be  
11 collected by the County on a quarterly basis, and in accordance with Streets and Highways  
12 Code §36631.
- 13 13. The Board of Supervisors, through adoption of this Resolution and the Plan, has the right  
14 pursuant to Streets and Highways Code §36651 to identify the body that shall implement  
15 the proposed program, which shall be the Owners' Association of the TWCTMD as  
16 defined in Streets and Highways Code §36612. The Board of Supervisors has determined  
17 that Visit Temecula Valley shall be the TWCTMD Owners' Association.
- 18 14. Visit Temecula Valley, pursuant to Streets and Highways Code §36650, shall cause to be  
19 prepared a report for each fiscal year, except the first year for which assessments are to be  
20 levied and collected to pay the costs of the improvement and activities described in the  
21 report. The first report shall be due after the first year of operation of the TWCTMD.
- 22 15. The TWCTMD established pursuant to this resolution, and the businesses located therein,  
23 will be subject to any amendments to the Property and Business Improvement District Law  
24 of 1994 (California Streets and Highways Code §36600 et. seq.).
- 25 16. The Clerk of the Board, or his or her designee, is directed to take all necessary actions to  
26 complete the establishment of the TWCTMD and to levy the assessments.
- 27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

17. This Resolution shall take effect immediately upon its adoption by the Board of Supervisors.

**I HEREBY CERTIFY** that the foregoing Resolution of Formation was introduced and adopted at a regular meeting of the Board of Supervisors on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 by the following vote:

\_\_\_\_\_  
Chair

**Attest**

\_\_\_\_\_  
Clerk of the Board

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

