

RESOLUTION NO. 2025 - _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, DECLARING RESULTS OF
MAJORITY PROTEST PROCEEDINGS AND RENEWING THE
FRESNO/CLOVIS TOURISM BUSINESS IMPROVEMENT
DISTRICT (FCTBID)

WHEREAS, the City of Fresno created the FCTBID on December 16, 2010 by Resolution No. 2010-295, for a five (5) year term, which ended on December 31, 2015; and

WHEREAS, the FCTBID was subsequently renewed on December 18, 2014 by Resolution No. 2014-222 for a ten (10) year term, which ends on December 31, 2025; and

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

WHEREAS, lodging business owners who will pay more than fifty percent (50%) of the proposed assessment, as weighted according to the amount of the assessment to be paid by the petitioner, within the boundaries of the FCTBID have petitioned the City Council of the City of Fresno (Council) to renew the FCTBID; and

WHEREAS, the renewed FCTBID includes all lodging businesses, including all short-term rentals, existing and in the future, available for public occupancy in the cities of Fresno and Clovis (collectively referred to herein as “assessed businesses”); and

WHEREAS, the City has requested and received consent from the City of Clovis to include assessed businesses within its jurisdiction of the FCTBID boundaries; and

WHEREAS, included with the petitions was a Management District Plan (Plan) summary that describes the proposed assessment to be levied on assessed businesses within the FCTBID to pay for Destination Sales and Marketing programs, and other improvements and activities set forth in the Plan; and

WHEREAS, the assessed businesses within the FCTBID will receive a specific benefit from the activities and improvements set forth in the Plan; and

WHEREAS, on October 30, 2025 at 9:00 AM at the Council Chambers located at 2600 Fresno Street, Fresno, CA 93721, the Council held a public meeting and adopted a Resolution of Intention, Resolution No.25-1356; and

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

WHEREAS, on November 20, 2025 at 9:00 AM at the Council Chambers located at 2600 Fresno Street, Fresno, CA 93721, the Council held a public meeting regarding the renewal of the FCTBID, and the Council heard and received objections and protests, if any, to the renewal of the FCTBID and the levy of the proposed assessment; and

WHEREAS, on December 18, 2025 at 9:00 AM at the Council Chambers located at 2600 Fresno Street, Fresno, CA 93721, the Council held a public hearing regarding the renewal of the FCTBID, and the Council heard and received all objections and protests, if any, to the renewal of the FCTBID and the levy of the proposed assessment; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The recitals set forth herein are adopted by the City Council as findings and they are true and correct.

2. The FCTBID is hereby renewed for a ten (10) year term, beginning January 1, 2026, or as soon as possible thereafter, and ending ten (10) years from its start date, unless renewed pursuant to Streets and Highways Code § 36660.

3. The Plan dated October 20, 2025 is hereby adopted and approved.

4. The activities to be provided to benefit businesses in the FCTBID will be funded by the levy of the assessment. The revenue from the assessment levy shall not be used: to provide activities that directly benefit businesses outside the FCTBID; to

provide activities or improvements outside the FCTBID; or for any purpose other than the purposes specified in this Resolution, the Resolution of Intention, and the Plan. Notwithstanding the foregoing, improvements and activities that must be provided outside the FCTBID boundaries to create a specific benefit to the assessed businesses may be provided, but shall be limited to marketing or signage pointing to the FCTBID.

5. The following findings are hereby made by Council:

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

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

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

d) Assessments imposed pursuant to the FCTBID are levied solely upon the assessed business, and the business owner is solely responsible for payment of the assessment when due. If the owner chooses to collect any portion of the assessment from a transient, that portion shall be specifically called out and identified for the transient in any and all communications from the business owner as the "FCTBID Assessment" or "Tourism Assessment" as specified in the Plan.

6. The assessments levied for the FCTBID shall be applied towards Destination Sales and Marketing programs to market Fresno/Clovis assessed businesses as tourist, meeting and event destinations, and other improvements and activities as set forth in the Plan.

7. Assessments levied on assessed businesses pursuant to this Resolution shall be levied on the basis of benefit. Because the services provided are intended to increase sleeping room rentals, an assessment based on gross short-term sleeping room rental revenue is the best measure of benefit.

8. The annual assessment rate is two percent (2%) of gross short-term room rental revenue in years one (1) and two (2) of the term. The assessment rate will automatically increase to two and one-half of one percent (2.5%) of gross short-term room rental revenue in years three (3) through six (6) and will subsequently increase to three percent (3%) of gross short-term room rental revenue in years seven (7) through ten (10) of the term, as outlined in the table below.

Years	Assessment Rate
1 - 2	2%
3 - 6	2.5%
7 - 10	3%

Based on the benefit received, assessments will not be collected on the following stays:

- Stays of more than thirty (30) consecutive days;
- Stays by railroad crews and airline crews;
- Stays by any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty or any federal or California city, county or state government officer or employee when on official business; and
- Stays by any occupant whose rent is of a value less than two dollars (\$2.00) a day.

9. The assessments for the entire FCTBID will total approximately \$3,585,000 in year one (1).

10. Bonds shall not be issued to fund the FCTBID.

11. The FCTBID shall include all lodging businesses, including all short-term rentals, existing and in the future, available for public occupancy located within the boundaries of the cities of Fresno and Clovis. A boundary map is attached hereto and incorporated herein by reference.

12. The assessments shall be used for the purposes set forth above and any funds remaining at the end of any year may be used in subsequent years in which the FCTBID assessment is levied as long as they are used consistent with the requirements set forth herein.

13. The assessments to fund the activities and improvements for the FCTBID will be collected by the cities of Fresno and Clovis on a not less than quarterly basis, and in accordance with Streets and Highways Code §36631.

14. The Council, through adoption of this Resolution and the Plan, has the right pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the FCTBID as defined in Streets and Highways Code §36612. The Council has determined that Fresno/Clovis Convention and Visitors Bureau shall be the FCTBID Owners' Association.

15. Fresno/Clovis Convention and Visitors Bureau, pursuant to Streets and Highways Code §36650, shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the

improvement and activities described in the report. The first report shall be due after the first year of operation of the FCTBID.

16. The FCTBID renewed pursuant to this Resolution will be subject to any amendments to the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §36600 et. seq.).

17. The City Clerk, or his or her designee, is directed to take all necessary actions to complete the renewal of the FCTBID and to levy the assessments.

18. This Resolution shall take effect immediately upon its adoption by the Council.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, AMY K. ALLER, Interim City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2025.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2025
Mayor Approval/No Return: _____, 2025
Mayor Veto: _____, 2025
Council Override Vote: _____, 2025

AMY K. ALLER
Interim City Clerk

By: _____ Date
Deputy

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____ Date
Sukhman S. Sekhon
Deputy City Attorney

Attachment: Boundary Map

Fresno/Clovis Tourism Business Improvement District (FCTBID)

