

RESOLUTION NO. 07-18593

A RESOLUTION CREATING A TOURISM BUSINESS IMPROVEMENT DISTRICT FOR THE PURPOSE OF PROMOTING TOURISM, CONVENTIONS, TRADE SHOWS AND TRAVEL TO THE CITY OF BILLINGS, MONTANA

WHEREAS, the 2007 Montana Legislature and the Governor approved legislation that allows local governments to create Tourism Business Improvement Districts, effective October 1, 2007; and

WHEREAS, a Tourism Business Improvement District will increase tourist trips and promote and benefit the tourism and lodging industry in Billings; and

WHEREAS, a Tourism Business Improvement District will provide funding that will promote the health, safety, prosperity, security, and general welfare and will convey a special benefit to the properties within the boundaries of the Tourism Business Improvement District;

BE IT RESOLVED by the City Council of the City of Billings (the "City"), Montana, as follows:

Section 1. Creation of Tourism Business Improvement District (T.B.I.D.); In accordance with its stated intention contained in Billings Resolution No. 07-18578 the City Council hereby creates a Tourism Business Improvement District (TBID) for the purpose of promoting and marketing Billings and creating special benefit for the lodging businesses in the city. The assessments collected shall be used for the purposes set forth in Business Improvement District Law, Montana Code Annotated Section 7-12-1101 through 7-12-1144 as amended and as specified in the Billings Tourism Business Improvement District budget.

Section 2. Number of District. The District shall be known and designated as the Tourism Business Improvement District No. 0002 of the City of Billings, Montana.

Section 3. Boundaries of District. The limits and boundaries of the District are the limits and boundaries of the City of Billings as may be amended from time to time, which boundaries are designated and confirmed as the boundaries of the District. A listing of each of the properties in the District to be assessed, as of this date, is shown on Exhibit "A," attached hereto.

Section 4. Benefited Property. The District and territory included within the limits and boundaries described in Section 3 are hereby declared to be the Tourism Business Improvement District and the territory which will benefit from the assessments that are collected from within the District. The hotels or lodging facilities, as defined in Section 8, are specially benefited by the activities and operations of the District.

Section 5. General Character of the Services to be Performed. The services to be performed shall be all uses and projects for tourism promotion within Billings as specified in the

Billings Tourism Business Improvement District budget. It includes, but is not limited to, marketing convention and trade shows that benefit local tourism and lodging businesses in Billings; marketing Billings to the travel industry in order to benefit local tourism and the lodging businesses located within the Billings Tourism Business Improvement District; and marketing Billings to recruit major sporting events in order to promote local tourism and to benefit the lodging businesses within the Billings Tourism Business Improvement District.

Section 6. Appointment of Board of Trustees. Upon adoption of this Resolution, the Mayor, with the approval of the City Council, shall appoint not less than 5 or more than 7 owners of property or their assignees within the T.B.I.D. to comprise the Board of Trustees of the District. The members of the Board shall be appointed in compliance with Section 7-12-1121, M.C.A.

Section 7. Powers and Duties of Trustees. The appointed Trustees shall have the powers and duties set out in Sections 7-12-1121 through 7-12-1133, M.C.A. and any other applicable laws, ordinances or regulations. At a time determined by the City Council, the Board of Trustees shall submit to the City Council for approval a work plan and budget for the ensuing fiscal year. The City Council may modify the work plan and budget as it considers necessary and appropriate.

Section 8. Property To Be Assessed. All hotels, defined as any structure, or any portion of any structure, which are occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and including any hotel, inn, motel, or other similar structure or portion thereof, with six (6) or more rooms that are within the District are to be assessed for the costs of operating the Tourism Business Improvement District.

Section 9. Assessments. All hotels, as defined in Section 8, that are within the District will be assessed for their proportionate share of the costs of maintaining the activities of the Tourism Business Improvement District as prescribed in Section 7-12-1133(2)(c) M.C.A. The assessments to fund the work plan for the first fiscal year are to be collected from all hotels with 6 or more rooms within the boundaries of the district and all such hotels shall be subject to an assessment of seventy five cents (\$0.75) per occupied room night. Stays by persons who are otherwise exempt from paying a transient occupancy tax (a.k.a. lodging facility use tax), as provided in Sections 15-65-101 through 15-65-136 MCA, shall be exempt from the assessment. The assessments may be modified annually by adoption of a resolution or adoption of the City's budget.

Section 10. Payment of Assessments. The assessments for the costs of maintaining the services provided by the Tourism Business Improvement District shall be payable, as prescribed in Section 7-12-1133(2)(c) M.C.A.

Section 11. Duration of District. The duration of the Tourism Improvement District shall be for a period of 10 years as prescribed in Section 7-12-1141, M.C.A. Upon receipt of a petition signed by the owners of more than 50% of the area of the property included in the district, the governing body shall terminate the district at the end of any fiscal year.

Section 12: Effective Date. The effective date for this resolution and the date upon which the District is created shall be October 1, 2007.

APPROVED by the City Council of the City of Billings, Montana this 27th day of August, 2007.

THE CITY OF BILLINGS:

By: _____
Ron Tussing, Mayor

ATTEST:

By: _____
Cari Martin, City Clerk

EXHIBIT A

HOTELS TO BE ASSESSED FOR THE BILLINGS TOURISM BUSINESS IMPROVEMENT DISTRICT (2007-2008)

Best Western Clock Tower Inn
Best Western Kelly Inn
Big 5 Motel
Billings Hotel and Conv. Ctr.
Boothill Inn & Suites
C'Mon Inn
Carlin Hotel
Cherry Tree Inn
Clubhouse Inn and Suites
Comfort Inn of Billings
Country Inn & Suites
Crowne Plaza Billings
Days Inn
Dude Rancher Lodge
Extended Stay America
Fairfield Inn
Hampton Inn
Heights Inn Motel
Hilltop Inn
Hilton Garden Inn
Holiday Inn Grand Montana
Juniper Inn
Kelly Inn
LaQuinta
Lazy KT Motel
Lewis & Clark Inn
Mariott Residence Inn
Motel 6
Overpass Motel
Parkway Motel
Picture Court Motel
Quality Inn Homestead
Ramada Limited Hotel
Red Roof Inn
Rimrock Inn
Rimview Inn
Riverstone Billings Inn
Sleep Inn Motel Billings
SpringHill Suites by Marriott
Super 8 Lodge

Town House Motel
Travel West Inn
Twin Cubs Motel
Vegas Motel
War Bonnet Inn
Western Executive Inn
Wingate