

**CITY OF UNION GAP, WASHINGTON  
RESOLUTION NO. 907**

**A RESOLUTION** providing notice of the intent to establish a tourism promotion area (TPA) pursuant to RCW 35.101; setting a public hearing on the proposed TPA; identifying the boundaries of the TPA; identifying the proposed use of revenues generated by the TPA; and specifying the estimated lodging charge by classification.

**WHEREAS**, the State Legislature has recognized the importance of tourism in the State of Washington and locally and, as a result, has passed ESSB No. 6026, which is codified as the Tourism Promotion Area Act, RCW 35.101;

**WHEREAS**, RCW 35.101 authorizes the establishment of a Tourism Promotion Area (TPA), which can levy special assessments to fund tourism promotion;

**WHEREAS**, the lodging businesses within the City of Union Gap have presented a Petition pursuant to the terms of RCW 35.101 to initiate the establishment of a City of Union Gap, Washington TPA hereinafter referred to as the "Initiation Petition", a copy of which is attached hereto as Exhibit "A";

**WHEREAS**, the Initiation Petition contains all of the required elements pursuant to RCW 35.101.020, including:

1. A description of the boundaries of the proposed Union Gap TPA;
2. The proposed uses to which the proposed revenue from the special assessments should be dedicated;
3. The estimated rate for the special assessments to be levied on lodging businesses with a proposed breakdown based on zones and by class of lodging business, if such classification is to be used;
4. The signatures of the persons representing those entities who operate lodging businesses in the proposed Union Gap TPA who would pay sixty percent or more of the proposed special assessment;

**WHEREAS**, the City Council, having received the Initiation Petition, is required under RCW 35.101.030 to adopt a resolution providing notice of the intention to establish a TPA, containing specific information regarding the proposed TPA, and setting a time and place for a public hearing to hear protests, if any, and to receive evidence for or against the proposed action;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION GAP, WASHINGTON, HEREBY RESOLVES as follows:**

**Section 1.** The City Council hereby provides Notice of the Intent to Establish a Union Gap Tourism Promotion Area.

**Section 2.** The City Council hereby provides Notice that a Public Hearing will be conducted on February 14, 2011 at 7:00 p.m. or as soon as possible thereafter at the City of Union Gap, City Council Chambers, 102 West Ahtanum Road, Union Gap, Washington. The purpose of the public hearing is to hear all protests and receive all evidence for or against the establishment of a Union Gap TPA which, if established, shall have the legal authority to impose a charge on the provision of lodging by "Lodging Businesses" located within the Union Gap TPA. The proceeds collected from the charge shall be used solely to fund tourism promotion. For purposes of the TPA, a Lodging Business means a person or entity that furnishes lodging taxable by the State of Washington under RCW 82.08 that has 40 or more lodging units.

**Section 3.** Consistent with the requirements of state law, the following information is being provided in conjunction with the public hearing:

A. The boundaries of the proposed Union Gap TPA will include all properties lying within the corporate limits of the City of Union Gap, Washington.

B. The revenues from the special assessment levied on the operators of Lodging Businesses situated within the Union Gap TPA shall be used for the following purposes only:

- i. Advertising campaigns;
- ii. Public relations campaigns; and,
- iii. Group tour, leisure, and sports tourism sales and marketing.

C. The total estimated costs of the proposed uses will approximate and be based upon actual assessments collected which vary from year to year based upon fluctuating occupancy rates, the number of hotel rooms offered in the TPA and the amount charged per day by the Lodging Businesses.

D. The special assessment to be imposed on the operators of those Lodging Businesses with room revenues during the preceding calendar year will, initially, be set at \$2.00 per room per evening pursuant to RCW 35.101.050 with no distinction being made as to classification. Consistent with RCW 35.101 the special assessment imposed is not a tax on the "sale of lodging" for the purposes of RCW 82.14.410.

**Section 4.** Any person may appear at the public hearing and present testimony on the City of Union Gap's intention to establish a Union Gap Tourism Promotion Area as described above. The City of Union Gap will withdraw its intention to establish the TPA if protests are made by Lodging Businesses in the proposed TPA which would pay the majority of the proposed charges. If sufficient protest is not made, the City of Union Gap City Council may adopt an ordinance establishing the Union Gap Tourism Promotion Area and other matters related to its establishment as provided by law.

**PASSED** this 10<sup>th</sup> day of January, 2011.

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Jim Lemon, Mayor

ATTEST:

APPROVED AS TO FORM:

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Kathryn Thompson, CMC, City Clerk

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Robert F. Noe, City Attorney