

## RESOLUTION NO. 21-073

**A RESOLUTION OF THE COUNTY OF MENDOCINO DECLARING ITS INTENTION TO MODIFY THE ASSESSMENT LEVIED WITHIN THE MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT TO INCLUDE PRIVATE CAMPGROUNDS, RECREATIONAL VEHICLE PARKS AND SIMILAR LODGINGS AS SPECIFIED LODGING BUSINESSES TO BE ASSESSED, CLASSIFYING LODGING BUSINESSES FOR SUCH PURPOSES, DESCRIBING THE BOUNDARIES OF THE PROPOSED AREA TO BE INCLUDED, THE AUTHORIZED USES TO WHICH THE PROPOSED REVENUES SHALL BE PUT, THE RATE OF SUCH ASSESSMENTS, FIXING THE DATE, TIME AND PLACE OF A HEARING TO BE HELD BY THE COUNTY BOARD OF SUPERVISORS TO CONSIDER THE MODIFICATION OF THE ASSESSMENT OF SUCH DISTRICT, AND DIRECTING THE GIVING OF NOTICE OF SUCH HEARING**

### **SECTION 1. AUTHORITY AND INTENTION**

The County of Mendocino hereby declares its intention to modify the assessment levied within the Mendocino County Lodging Business Improvement District under the Parking and Business Improvement Area Law of 1989 (Streets and Highways Code section 36500 *et seq.*), to include additional types of lodging within the District as specified herein.

### **SECTION 2. NAME**

The name of the parking and business improvement district shall remain the "Mendocino County Lodging Business Improvement District (the "District").

### **SECTION 3. AUTHORIZED USES**

The purpose of forming the District as a business improvement area under the Parking and Business Improvement Area Law of 1989 is to provide revenue to defray the costs of services, activities and programs promoting tourism which will benefit the operators of hotels in the District through the promotion and marketing of the hotels and related products, including scenic, recreational, cultural and other attractions in the District of benefit to the District. It is the intent of the District to provide a supplemental source of funding for the promotion of tourism in the District and it is not intended to supplant any other existing sources of revenues that may be used by the County of Mendocino for the promotion of tourism or marketing of products produced within the County. The specific services, activities and programs to be provided by the District are stated in Mendocino County Code section 5.140.050 and are as follows:

- (A) The general promotion of hotels operating within the District;
- (B) The marketing of products and events that have a connection with the hotel industry operating in the District;
- (C) The marketing of the District to the media and travel industry in order to benefit local tourism and the hotels in the District.
- (D) Any activities permitted under the Parking and Business Improvement Law of 1989 that are included as costs as specified in the annual report to be prepared by the advisory board and adopted annually by the Board of Supervisors. Activities means, but is not limited to, all of the following:
  - 1. Promotion of public events which benefit businesses in the area and which take place on or in public places within the area;

2. Furnishing of music in any public place in the area;
3. Promotion of tourism within the area;
4. Activities which benefit businesses located and operating in the area.

#### **SECTION 4. DESCRIPTION OF DISTRICT BOUNDARIES**

The District includes all that area within the unincorporated area of the County of Mendocino and the incorporated areas within the City of Fort Bragg, the City of Point Arena, the City of Ukiah, and the City of Willits.

#### **SECTION 5. LEVY OF ASSESSMENT**

Within the District, an assessment as described in Section 6 below is imposed on a "hotel" or "lodging business," which is currently defined in section 5.140.030(q) as follows:

HOTEL or LODGING BUSINESS. "Hotel" or "lodging business" means any structure or any portion of any structure which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes and includes any hotel, inn, tourist home or house, private residence, detached bedroom, motel, studio hotel, bachelor hotel, lodging houses, rooming houses, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.

As proposed to be modified, the above definition is proposed to be modified to mirror that of the County's Transient Occupancy Tax, which is stated in section 5.20.020(B):

"Lodging establishment" means any shelter, room or rooms, or other living space or structure, or any portion thereof which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes and includes, but is not limited to, any hotel, inn, tourist home or house, motel, studio hotel, cottage, cabin, bachelor hotel, lodging houses, rooming house, house, room, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, private campground, recreational vehicle (RV) park, tent site (with or without tent; including "glamping" style accommodation), RV site, or any other similar structure or portion thereof.

The primary changes are adding "private campground, recreational vehicle (RV) park, tent site (with or without tent; including "glamping" style accommodation), RV site. Certain additional clarifying terms are also added, including references to shelter, room or rooms, other living space, cottage, cabin, and house; however these changes are clarifying in nature only, as the existing definition already refers to "structure or any portion of any structure." The defined term in Chapter 5.140 would also be revised to simply "lodging business," with corresponding changes made throughout the chapter.

Should the assessment levied within the District be modified, the assessment would be additionally imposed on the additional establishments added by the included definition, in particular private campgrounds and RV parks.

**SECTION 6. CLASSIFICATIONS OF LODGING BUSINESSES AND ASSESSMENTS IMPOSED**

- (A) Each operator of a lodging business who collects rent and benefits from tourist visits and operates in the District will be assessed a share of the costs of the aforementioned services, activities and programs according to the rent revenues and the benefit to be received, and the assessment is hereby levied as set forth as a one percent (1%) levy on gross rent.
- (B) The above-described assessment is an assessment calculated on a daily basis from gross rent revenues collected by each operator, is levied on the operators of the lodging business on a daily basis and is due to be collected on a quarterly basis or at the close of any shorter reporting period established by the Tax Administrator.
- (C) "Lodging business" means any shelter, room or rooms, or other living space or structure, or any portion thereof which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes and includes, but is not limited to, any hotel, inn, tourist home or house, motel, studio hotel, cottage, cabin, bachelor hotel, lodging houses, rooming house, house, room, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, private campground, recreational vehicle (RV) park, tent site (with or without tent; including "glamping" style accommodation), RV site, or any other similar structure or portion thereof
- (D) The above-described assessment may only be modified following a notice and hearing process as required by Streets and Highways Code section 36500 *et seq.* and Mendocino County Code Chapter 5.140.

**SECTION 7. PAYMENT OF ASSESSMENTS – EFFECTIVE DATE**

The percentage rate of assessment shall be an initial 1% levy on gross rent revenue before taxes. The levy shall not apply to other sales on the lodging business premises. The percentage rate of the assessment shall be determined annually, with the collection of the individual assessments proposed hereunder to be quarterly. If the assessment imposed by the District is modified to include private campgrounds and RV parks, the effective date for commencement of the assessment imposed on the operators of said facilities will be October 1, 2021. New lodging businesses within the District shall not be exempt from the assessment.

**SECTION 8: DATE, TIME AND PLACE OF PUBLIC MEETING AND PUBLIC HEARING**

**Public Meeting:** Notice is hereby given that the Board of Supervisors will hold a public meeting, virtually, on Tuesday, August 3, 2021, at 9:00 a.m. or as soon thereafter as the matter may be heard, to allow for public testimony on the proposed modification of the assessment to include private campgrounds and RV parks.

**Public Hearing:** Notice is hereby given that the Board of Supervisors will hold a public hearing, virtually, on Tuesday, August 17, 2021, at 9:00 a.m. or as soon thereafter as the matter may be heard, at which the Board of Supervisors will hear any additional testimony and consider taking action on the proposed modification of the assessment to include private campgrounds and RV parks.

At the public hearing, the Board of Supervisors shall hear and consider all protests against the modification of the assessment to include private campgrounds and RV parks. Protests may be

made digitally in lieu of personal attendance. Comment may be made in any of the following ways: via written comment to [bos@mendocinocounty.org](mailto:bos@mendocinocounty.org), through our online eComment platform at <https://mendocino.legistar.com/Calendar.aspx>, through voicemail messaging by calling 707-234-6333, or by telephone via telecomment. Information regarding telecomment participation can be found here: <https://www.mendocinocounty.org/government/board-of-supervisors/agendas-and-minutes>.

Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. The Board of Supervisors may waive any irregularity in the form or content of any written protest and at the public hearing may correct minor defects in the proceedings. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Every written protest shall contain a description of the business in which the person submitting the protest is interested sufficient to identify the business and, if a person submitting the protest is not shown on the official records as the owner of the business, the protest shall contain or be accompanied by written evidence that the person submitting the written protest is the owner of the business. A written protest which does not comply with these provisions shall not be counted in determining a majority protest.

If written protests are received from the owners of businesses that would be affected by the modified assessment (private campgrounds and RV parks) which will pay 50 percent or more of the assessments proposed to be levied in such area, and protests are not withdrawn so as to reduce the protest to less than that 50 percent, no further proceedings to modify the assessment to include private campgrounds and RV parks, as provided for in this resolution, shall be taken for a period of one year from the date of the finding of a majority protest by the Board of Supervisors.

In addition, pursuant to Mendocino County Code section 5.140.230, if 50 percent of operators of lodging businesses subject to the existing assessment (i.e., lodging businesses that are not private campgrounds or RV parks), protest the modification of the assessment to include private campgrounds and RV parks, the proceedings to modify the assessment will terminate.

#### **SECTION 9: DATE, TIME AND PLACE OF PUBLIC MEETING AND PUBLIC HEARING**

Pursuant to section 36523.5 of the California Streets & Highways Code, the County of Mendocino will publish notice of the public hearing for three consecutive weeks in a newspaper of general circulation commencing at least forty-five (45) days in advance of the public hearing.

The County of Mendocino shall mail a copy of this resolution of intention, first-class postage prepaid, to each owner of a private campground and RV park. Said mailing shall be completed within seven (7) days of the adoption of this resolution of intention.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor McGourty, and carried this 25<sup>th</sup> day of May 2021, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams  
NOES: None  
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

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Deputy

*APPROVED AS TO FORM:*  
CHRISTIAN M. CURTIS  
County Counsel

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DAN GJERDE, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO  
Clerk of the Board

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Deputy