

## RESOLUTION NO. 23-100

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DECLARING ITS INTENTION TO LEVY AND COLLECT AN ANNUAL ASSESSMENT FROM BUSINESSES IN THE MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT WITHIN THE BOUNDARIES OF THE UNINCORPORATED PORTION OF THE COUNTY OF MENDOCINO AND THE INCORPORATED AREAS OF THE CITY OF FORT BRAGG, THE CITY OF POINT ARENA, THE CITY OF UKIAH, AND THE CITY OF WILLITS FROM SPECIFIED LODGING BUSINESSES AND FIXING THE DATE, TIME AND PLACE OF A PUBLIC HEARING TO BE HELD BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO TO LEVY THE PROPOSED ASSESSMENT FOR FISCAL YEAR 2023/2024**

**WHEREAS**, the Board of Supervisors of the County of Mendocino (the “Board of Supervisors”) adopted Ordinance No. 4336 adding Chapter 5.140 to Title 5 of the Mendocino County Lodging Business Improvement District (the “District Ordinance”) pursuant to the “Parking and Business Improvement Area Law of 1989” being Section 36500 to 36551 of the California Streets and Highways Code; and

**WHEREAS**, the Board of Supervisors appointed an Advisory Board for the District; and

**WHEREAS**, the Advisory Board approved and submitted an Annual Report to the Board of Supervisors pursuant to the District Ordinance for Fiscal Year 2023/2024; and

**WHEREAS**, the Board of Supervisors approved the Annual Report on May 23, 2023, as approved and submitted by the Advisory Board.

**NOW, THEREFORE, BE IT RESOLVED** by the Mendocino County Board of Supervisors as follows:

### **SECTION 1 – AUTHORITY AND INTENTION TO LEVY AND COLLECT**

The County of Mendocino hereby declares its authority and intention to levy and collect an annual assessment for Fiscal Year 2023/2024 pursuant to the Annual Report.

### **SECTION 2 – NAME AND LOCATION**

The name of business improvement area is the “Mendocino County Lodging Business Improvement District” (the “District”) and the location of the District includes all that area within the unincorporated area of the County of Mendocino, and the incorporated areas of the City of Fort Bragg, City of Point Arena, City of Ukiah, and the City of Willits, California.

### **SECTION 3 – CLASSIFICATION OF BUSINESSES**

The classification of businesses remains unchanged and shall include all “Hotel” or “Lodging” businesses, as defined by Section 5.140.030 of the Mendocino County Code.

### **SECTION 4 – GENERAL DESCRIPTIONS OF AUTHORIZED USES**

As authorized by the District Ordinance and described by the Annual Report, the services, activities and programs to be provided for in the 2023/2024 Fiscal Year by the District, as defined by Section 5.140.050 of the Mendocino County Code, are generally as follows:

- A. The general promotion of all lodging operating within the District;
- B. The marketing of products and events that have a connection with the lodging 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 lodging establishments in the District; and
- D. Any activities permitted under the Parking and Business Improvement Law of 1989, being Section 36500 to 36551 of the California Streets and Highways Code that are included as costs as specified in this annual report and adopted by the Mendocino County Board of Supervisors.

## **SECTION 5 – ANNUAL REPORT**

The Annual Report is available for review on the Department of Planning and Building Services website at, <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/business-improvement-district-advisory-board-bid>. The Annual Report contains a description of the improvement and activities to be provided for Fiscal Year 2023/2024, the boundaries of the District, the proposed assessment to be levied upon the businesses within the District area, and other information.

## **SECTION 6 – DATE, TIME, AND PLACE OF PUBLIC HEARING**

**Public Hearing:** Notice is hereby given that the Board of Supervisors of Mendocino County will hold a public hearing on **June 20, 2023**. The public hearing will occur at a regular meeting of the Board of Supervisors to commence at or about 9:00 A.M. or as soon thereafter as the matter may be heard. This meeting will take place in the Board of Supervisors Chambers, at **501 Low Gap Road, Ukiah, California**, and virtual attendance will be available via Zoom (pursuant to Government Code section 54953(e)(1)(A)). Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo> or by toll-free, telephonic live stream at 888-544-8306. The subject of the public hearing is the possible adoption of a resolution confirming the Mendocino County Lodging Business Improvement District Annual Report as submitted, and continuing the program and assessments as levied in the current year, being Fiscal Year 2022/2023, without change.

All persons are invited to appear and present testimony in this matter. Oral comments may be presented to the Board of Supervisors during the public hearing. The public may participate digitally in meetings in lieu of personal attendance. Comment may be made in any of the following ways: via written comment using our online eComment platform at <https://mendocino.legistar.com/Calendar.aspx>, or by joining the Zoom Webinar and using the "raise hand" feature when Public Comment is called. All submitted eComments will be made available to the Supervisors, staff, and the general public immediately upon submittal. Information regarding telecomment participation can be found here: <https://www.mendocinocounty.org/government/board-of-supervisors/agendas-and-minutes>. All submitted eComments will be made available to the Supervisors, staff, and the general public immediately upon submittal.

For details and a complete list of the latest available options by which to engage with agenda items, please visit: <https://www.mendocinocounty.org/government/board-of-supervisors/public->

[engagement.](#)

As an alternative the Board of Supervisors may modify the report and adopt a resolution confirming the report as modified after providing notice of the proposed change(s) as specified in Parking and Business Improvement Area Law of 1989.

At the public hearing, the Board of Supervisors shall hear and consider all protests against the levying of the proposed assessment, or the furnishing of specified types of improvements or activities within the area directed at increasing tourism. Protests may be made orally or in writing by any interested person and must be filed with the Clerk of the Board of Supervisors at 501 Low Gap Road, Room 1010, Ukiah, California at or before the time fixed for public hearing. Protests 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. Written protests may be withdrawn at any time before the conclusion of the public hearing. Each written protest shall be sufficient to identify the business and, if the person submitting the written protest is not shown on the official records of the County as 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. Written protests that do not comply with this provision shall not be counted in determining a majority protest.

If written protests are received from the owners of businesses in the unincorporated District area which will pay 50% or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50%, no further proceedings to levy the proposed assessment shall be taken for a period of one year from the date of the finding of a majority protests by the Board of Supervisors.

Within one year from receipt of a signed petition protesting the assessment and requesting the removal from the District boundaries by owners of lodging businesses in an incorporated city who will pay more than fifty percent (50%) of the assessments proposed to be levied in that incorporated city boundary, the Board shall remove the incorporated city and all lodging businesses contained therein from the District pursuant to such procedures prescribed by law, including Streets & Highways Code Section 36550.

The foregoing Resolution introduced by Supervisor Mulheren, seconded by Supervisor Williams, and carried this 23<sup>rd</sup> day of May, 2023, by the following vote:

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

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

ATTEST: DARCIE ANTLE  
Clerk of the Board

  
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Deputy

APPROVED AS TO FORM:  
CHRISTIAN M. CURTIS  
County Counsel

  
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GLENN MCGOURTY, 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: DARCIE ANTLE  
Clerk of the Board

  
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Deputy