

RESOLUTION NO. 20-125

A RESOLUTION OF THE COUNTY OF MENDOCINO DECLARING ITS INTENTION TO MODIFY THE BOUNDARIES OF THE MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT TO INCLUDE THE INCORPORATED AREA OF THE CITY OF POINT ARENA TO PROVIDE FOR THE LEVYING OF ASSESSMENTS ON SPECIFIED HOTEL BUSINESSES CONDUCTED WITHIN THE CITY OF POINT ARENA, CLASSIFYING HOTEL 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 BOUNDARIES 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 boundaries of 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.*).

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 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 currently 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 Ukiah, and the City of Willits. It is proposed that the District boundaries be modified to include the City of Point Arena, so that the description of the District would be as follows:

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 Ukiah, the City of Willits, and the City of Point Arena.

SECTION 5. LEVY OF ASSESSMENT

Within the District, an assessment as described in Section 6 below is imposed on hotel businesses. Should the District be modified to include the City of Point Arena, the assessment would be imposed on hotel businesses in that City.

SECTION 6. CLASSIFICATIONS OF HOTEL BUSINESSES AND ASSESSMENTS IMPOSED

- (A) Each operator of a hotel 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 hotels 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) "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.
- (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 hotel room revenue before taxes. The levy shall not apply to other sales on the hotel 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 boundaries of the District are expanded to include the City of Point Arena, the effective date for commencement of the assessment imposed on the operators of the businesses in the proposed District will be January 1, 2021. New hotel businesses within the expanded boundaries of 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, October 20, 2020, at 9:00 a.m. or as soon thereafter as the matter may be heard, to allow for public testimony on the proposed expansion of the District boundaries to include the City of Point Arena.

Public Hearing: Notice is hereby given that the Board of Supervisors will hold a public hearing, virtually, on Tuesday, November 17, 2020, 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 expansion of the District boundaries to include the City of Point Arena.

At the public hearing, the Board of Supervisors shall hear and consider all protests against the expansion of the District area. 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 , 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](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 in the proposed expansion area (the City of Point Arena) 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 expand the District boundaries to include the City of Point Arena, 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 businesses in the existing boundaries of the District protest the expansion of the District boundaries to include the City of Point Arena, the proceedings to expand the boundaries of the District will terminate.

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 50 percent of the assessments proposed to be levied in that incorporated city boundary, the Board of Supervisors 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 36500 *et seq.*

SECTION 8: 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 lodging business within the City of Point Arena. 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 Gjerde, and carried this 22nd day of September 2020, by the following vote:

AYES: Supervisors Brown, McCowen, Haschak, Gjerde, and Williams

NOES: None

ABSENT: None

ATTEST: CARMEL J. ANGELO
Clerk of the Board

JOHN HASCHAK, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy