



Mendocino County

Legislation Text

File #: 20-1130, Version: 1

To: Board of Supervisors

From: Planning and Building Services and County Counsel

Meeting Date: December 8, 2020

Department Contact: Adrienne Thompson

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Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Adoption of Ordinance Amending Chapter 5.140 - Mendocino County Lodging Business Improvement District to Modify the Boundaries of the District to Include the Incorporated Area of the City of Point Arena to Provide for the Levying of Assessments on Specified Hotel Businesses within the City of Point Arena

Recommended Action/Motion:

Adopt Ordinance amending Chapter 5.140 - Mendocino County Lodging Business Improvement District to modify the boundaries of the District to include the incorporated area of the City of Point Arena to provide for the levying of assessments on specified hotel businesses within the City of Point Arena; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

The Mendocino County Business Improvement District (BID) was established on May 16, 2006, through Ordinance No. 4170, which added Chapter 5.140 to the Mendocino County Code. The Board adopted Ordinance No. 4336 on May 19, 2015, amending Chapter 5.140. The Board adopted Ordinance No. 4384 on June 6, 2017, which made further amendments to Chapter 5.140, including the removal of the City of Point Arena from the boundaries of the BID. On July 11, 2017, the Board adopted Ordinance No. 4386, making further amendments to Chapter 5.140. On June 18, 2019, the Board adopted Resolution No. 19-202, accepting the Fiscal Year 2019-2020 Annual Report and Levying the Annual Assessment for Fiscal Year 2019-2020. On May 19, 2020, the Board adopted Resolution No. 20-064, accepting the Fiscal Year 2020-2021 Annual Report and Levying the Annual Assessment for Fiscal Year 2020-2021. On September 22, 2020, the Board adopted Resolution No. 20-125 declaring its intention to modify the boundaries of the BID to include the City of Point Arena, and calling a public meeting for October 20, 2020, and a noticed public hearing for November 17, 2020.

Summary of Request:

On March 26, 2019, the City Council of the City of Point Arena adopted a resolution, pursuant to California Streets & Highways Code section 36521.5, providing its consent to the City becoming part of the BID. The resolution is included as part of the agenda packet for this item.

The Board held a public meeting on October 20, 2020, which was announced in Resolution No. 20-125 (the "Resolution of Intention") and noticed pursuant to the Streets and Highways and Government Codes.

Protest Procedure - Health and Safety Code sections 36524 and 36525

In addition to hearing public comment on this item, the primary purpose of the public hearing is to allow for written or oral protests to the modification of the boundaries to be presented to the Board of Supervisors.

Protests may be made regarding the modification of the boundaries or to the regularity or sufficiency of the proceeding. A protest may be made orally or in writing by any interested person. 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.

Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The Board 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.

Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business. A written protest which does not comply with this section shall not be counted in determining a majority protest.

If written protests are received from the owners of businesses in the proposed area which will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than that 50 percent, no further proceedings to modify the BID boundaries to include the City of Point Arena shall be taken for a period of one year from the date of the finding of a majority protest by the Board.

Proposed Ordinance

Staff has prepared an ordinance amending relevant provisions of Chapter 5.140 to provide for the expansion of the BID boundaries to include the City of Point Arena.

There is one minor difference between the Resolution of Intention and the proposed ordinance. The Resolution of Intention had stated that the effective date of commencement of the assessment would be January 1, 2021. However, if the ordinance is introduced at today's meeting, and second reading is held on December 8, 2020, the ordinance would not be effective until January 7, 2021. The ordinance provides that the commencement of the assessment will begin as of the effective date of the ordinance.

Alternative Action/Motion:

Do not adopt Ordinance and return to staff with direction.

Supervisory District: District 5

vote requirement: Majority

Supplemental Information Available Online At: www.mendocinocounty.org/pbs
<<http://www.mendocinocounty.org/pbs>>

Fiscal Details:

source of funding: PM 862189

current f/y cost: \$30,000 County Match Estimate

annual recurring cost: \$60,000 estimate

budget clarification: Assessments are collected and fund tourism contract for a 50% match

budgeted in current f/y: Yes

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Steve Dunnicliff, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Atlas Pearson, Deputy Clerk I

Date: December 10, 2020

Final Status:**Adopted**

Executed Item Type: **Ordinance** Number:
4477

