



Mendocino County

Legislation Text

File #: 21-0604, Version: 1

To: Board of Supervisors

From: County Counsel Planning and Building Services

Meeting Date: May 25, 2021

Department Contact: Matthew Kiedrowski

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Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Adoption of a Resolution Declaring the County's 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 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

Recommended Action/Motion:

Adopt Resolution declaring the County's 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 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; 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 December 8, 2020, the Board adopted Ordinance No. 4477, adding the City of Point Arena back into the boundaries of the BID.

Summary of Request:

In 2019, the Board of Supervisors approved Ordinance No. 4442, subject to voter approval, to amend Mendocino County Code Chapter 5.20 to change "hotel" to "lodging establishment" and add private campgrounds, recreational vehicle parks, and tent sites, including "glamping" style accommodations to the definition of "lodging establishment." Additional minor changes were made to the definition, including

references to shelter, room or rooms, other living space, cottage, cabins, and house, however, these changes were clarifying, as the definition already included the term “structure or any portion of any structure.” The changes allowed for the collection of a transient occupancy tax (“TOT”) at private campgrounds and RV parks. At the March 3, 2020, election, voters approved Measure D, which adopted Ordinance No. 4442.

Similar to the expansion of the County’s TOT to apply to private campgrounds and recreational vehicle parks, it is now proposed to amend Chapter 5.140 of the Mendocino County Code to modify the assessment imposed by the BID to apply to the same facilities as the Chapter 5.20. This ordinance change was also a recommendation of the BID Advisory Board, in their Annual Report submitted to the Board of Supervisors on May 4, 2021. This change would create consistency between the types of transient occupancy facilities which charge TOT and which are assessed by the BID.

It is anticipated that this change to the BID assessment will result in the collection of approximately \$100,000, per the Tax Collectors estimates. While the TOT is a general tax not legally restricted to any particular purpose, the BID assessments would be used to fund the activities of the BID. The authorized uses of BID assessments will not be changed.

Staff has prepared a resolution of intention for the modification to the assessment imposed within the BID. Among other requirements, the resolution sets the dates of a required public meeting and a required public hearing to consider the modification of the assessment. The public meeting is scheduled to occur at the Board’s August 3, 2021, meeting, and the public hearing is scheduled to occur at the Board’s August 17, 2021, meeting. These meetings will be noticed in accordance with statute.

Alternative Action/Motion:

Not adopt resolution, provide direction to staff.

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: BU 1810 County Match

current f/y cost: \$50,000 Est.

annual recurring cost: \$50,000 Est.

budget clarification: Addition of campgrounds to BID assessment was not included in FY Budget.

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Steve Dunncliff, Deputy CEO

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Deputy Clerk I

Date: May 28, 2021

Final Status: Adopted

Executed Item Type: Resolution Number: 21-073

