



MARIPOSA COUNTY

Administration • 209-966-3222



RESOLUTION - ACTION REQUESTED 2013-162

MEETING: April 23, 2013

TO: The Board of Supervisors

FROM: Rick Benson, County Administrative Officer

RE: BID Hearing

RECOMMENDATION AND JUSTIFICATION: Conduct a public hearing on the matter of renewing the Mariposa County Tourism Improvement District and adopt a resolution declaring the results of the majority protest proceedings and renewing the district.

Your Board should be aware that there is one revision to the plan. The County Treasurer/Tax Collector is responsible for collecting the assessment and forwarding the funds to the Tourism Bureau. For his services the County holds 1% of the revenue up to a maximum of \$9,000 annually. This collection fee was overlooked but is now reflected in the plan.

In order for the Mariposa County Tourism Bureau to renew the 1% business improvement District assessment it is necessary for your Board to conduct a hearing and receive public comment regarding this matter. At the conclusion of the hearing, it is recommended that your Board adopt the attached resolution.

BACKGROUND AND HISTORY OF BOARD ACTIONS: The initial establishment of the business improvement District was accomplished in April 2008. The resolution of intention to renew the district was adopted by your Board on March 5, 2013 and a public meeting was conducted on March 19, 2013.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: If the resolution renewing the assessment is not adopted the Tourism Bureau will no longer be able to collect the assessment thereby decreasing the major source of funding the Bureau's activities.

ATTACHMENTS:

Draft Mariposa ROF 4-12-13 (DOC)

FINAL Mariposa MDP 4-22-13 - Edited to include collection costs (PDF)

CAO RECOMMENDATION

Requested Action Recommended


Rick Benson, County Administrative Office

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Lee Stetson, Merlin Jones, Kevin Cann, John Carrier

EXCUSED: Janet Bibby

RESOLUTION NO. 2013 - 162

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA DECLARING RESULTS OF MAJORITY PROTEST PROCEEDINGS AND RENEWING THE MARIPOSA COUNTY TOURISM BUSINESS IMPROVEMENT DISTRICT

Whereas, the Property and Business Improvement District Law of 1994 (Streets and Highways Code §36600 et. seq.) authorizes cities and counties to establish and renew property and business improvement districts upon petition by a weighted majority of the lodging business owners located within the boundaries of the district; and

Whereas, lodging business owners who will pay more than fifty percent (50%) of the proposed assessment, as weighted according to the amount of the assessment to be paid by the petitioner, within the boundaries of the Mariposa County Tourism Business Improvement District ("MCTBID") have petitioned the Board of Supervisors to renew the MCTBID; and

Whereas, included with the petitions was a Management District Plan summary that describes the proposed assessment to be levied on lodging businesses within the MCTBID to pay for marketing and sales promotions and public relations programs to increase tourism and market Mariposa County lodging businesses as tourist, meeting, and event destinations in accordance with the Management District Plan ("Plan"); and

Whereas, the assessed lodging businesses within the MCTBID will receive a special and specific benefit from the activities and improvements set forth in the Plan; and

Whereas, on March 5, 2013 at 9:00 a.m. at 5100 Bullion Street, Mariposa, CA 95338, the Board of Supervisors adopted a Resolution of Intention to Renew the MCTBID, Resolution No. 2013-67; and

Whereas, the public meeting and public hearing to consider renewal of the MCTBID have been properly noticed in accordance with Streets and Highways Code §36623; and

Whereas, on March 19, 2013 at 9:00 a.m. at 5100 Bullion Street, Mariposa, CA 95338, the Board of Supervisors held a public meeting regarding the renewal of the MCTBID, and the Board of Supervisors heard and received objections and protests, if any, to the renewal of the MCTBID and the levy of the proposed assessment; and

Whereas, on April 23, 2013 at 9:00 a.m. at 5100 Bullion Street, Mariposa, CA 95338, the Board of Supervisors held a public hearing regarding the renewal of the MCTBID, and the Board of Supervisors heard and received all objections and protests, if any, to the renewal of the MCTBID and the levy of the proposed assessment; and

Whereas, the Clerk of the Board has determined that there was no majority protest. A majority protest is defined as written protests received from owners of businesses in the proposed district which would pay more than fifty percent (50%) of the assessments proposed to be levied. Protests are weighted based on the assessment proposed to be levied on each lodging business.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS THAT:

1. The recitals set forth herein are adopted by the Board of Supervisors as findings and they are true and correct.

2. The Mariposa County Tourism Business Improvement District is hereby renewed for a five-year term.

3. The assessments levied for the MCTBID shall be applied towards marketing and sales promotions and public relations programs to increase tourism and to market Mariposa County lodging businesses as tourist, meeting and event destinations as set forth in the Plan.

4. The revenue from the levy of the assessments on lodging businesses within the MCTBID may not be used to provide for any purpose other than those specified herein, in the Management District Plan, and in the Resolution of Intention.

5. Assessments levied on lodging businesses pursuant to this resolution shall be levied on the basis of benefit. Because the services provided are intended to increase room rentals, an assessment based on room rentals is the best measure of benefit.

6. The amount of assessment, if passed on to each transient, shall be separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business.

7. The assessments for the entire District will total approximately \$1,200,000 in year one.

8. The activities and improvements set forth will be funded by the levy of an assessment on lodging businesses within the MCTBID as described in the Plan that is on file with the Clerk of the Board.

9. Bonds will not be issued to fund the MCTBID.

10. The boundaries of the MCTBID shall be the boundaries of the unincorporated area of the County of Mariposa. A boundary map is incorporated herein as Exhibit A.

11. The assessments shall be used for the purposes set forth above and any funds remaining at the end of any year may be used in subsequent years in which the MCTBID assessment is levied as long as they are used consistent with the requirements set forth herein.

12. The assessments to fund the activities and improvements for the MCTBID will be collected by the County of Mariposa at the same time and in the same manner as are transient occupancy taxes, and in accordance with Streets and Highways Code §36631.

13. The Yosemite Mariposa County Tourism Bureau shall be the Owners' Association pursuant to Streets and Highways Code §36614.5.

14. The Yosemite Mariposa County Tourism Bureau, pursuant to Streets and Highways Code §36650, shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the

improvement and activities described in the report. The first report shall be due after the first year of operation of the district.

15. The MCTBID established pursuant to this resolution will be subject to any amendments to the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §36600 et. seq.).

16. The Clerk of the Board, or his or her designee, is directed to take all necessary actions to complete the establishment of the MCTBID and to levy the assessments.

17. This Resolution shall take effect immediately upon its adoption by the Board of Supervisors.

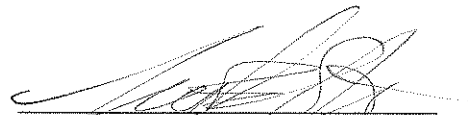
PASSED AND ADOPTED this 23rd day of April, 2013 by the following vote:

AYES: STETSON, JONES, CANN, CARRIER

NOES:

ABSTAINED:

EXCUSED: BIBBY



Lee Stetson, Chair

Attest:



René LaRoche, Clerk of the Board

Approved as to Form:



Steven W. Dahlem, County Counsel

Exhibit A District Map

