MARIPOSA COUNTY RESOLUTION NO. 08-37

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA DECLARING ITS INTENTION TO ESTABLISH THE MARIPOSA COUNTY TOURISM BUSINESS IMPROVEMENT DISTRICT (MCTBID) AND FIXING THE TIME AND PLACE OF A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF

WHEREAS, the Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes counties to establish property and business improvement districts for the purposes of promoting economic revitalization and promoting tourism.

WHEREAS, the Yosemite/Marioposa County Tourism Bureau composed of lodging business owners, members of the business community and representatives from the County of Mariposa began meeting in 2007 to consider the formation of the MCTBID.

WHEREAS, the Yosemite/Marioposa County Tourism Bureau has drafted a Management District Plan which sets forth the proposed boundary of the MCTBID, a service plan and budget, and a proposed means of governance.

WHEREAS, a majority of the lodging business owners subject to assessment under the MCTBID have petitioned the Board of Supervisors to establish the MCTBID.

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

1. The recitals set forth herein are true and correct.

2. The Board of Supervisors finds that the lodging businesses that will pay more than fifty (50) percent of the assessment proposed in the Management District Plan have signed and submitted petitions in support of the formation of the MCTBID. The Board of Supervisors accepts the petitions and adopts this resolution of intention to establish the MCTBID and to levy an assessment on certain lodging businesses within the MCTBID boundaries in accordance with the Property and Business Improvement District Law of 1994.

3. The Board of Supervisors finds that the Management District Plan satisfies all requirements of Streets and Highways Code § 36622, and any County participation would be subject to the annual appropriation process.

4. The Board of Supervisors declares its intention to establish the Mariposa County Tourism Business Improvement District (MCTBID) and to levy and collect assessments on lodging businesses within the MCTBID boundaries pursuant to the Property and Business Improvement District Law of 1994. The boundaries of the MCTBID shall be the boundaries of
the County of Mariposa. Please see the attached map, incorporated herein as Exhibit A.

5. The name of the district shall be the Mariposa County Tourism Business Improvement District (MCTBID).

6. The assessments levied for the MCTBID shall be applied toward marketing activities and those other improvements set forth in Streets and Highways Code § 36610. Funds remaining at the end of any year may be used in subsequent years in which MCTBID assessments are levied as long as they are used consistent with the requirements of this resolution. 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, gross room rental revenue is the best measure of benefit.

7. The MCTBID assessment is proposed to be levied on all lodging businesses within the MCTBID boundaries and shall be based upon one (1.0) percent of gross short-term (stays less than thirty (30) days) room rental revenue. Because of reduced benefit, stays by government employees on government business shall not be assessed. Gross room revenue is defined as total room revenue less any local, state or federal sales taxes or transient occupancy taxes.

8. The MCTBID will have a five (5) year term unless renewed pursuant to Streets and Highways Code § 36660. No bonds will be issued.

9. The time and place for the public hearing to establish the MCTBID and the levy of assessments are set for April 1, 2008, at 2:00 p.m., or as soon thereafter as the matter may be heard, at the Government Center located at 5100 Bullion Street, Mariposa, California. The Clerk of the Board is directed to provide written notice to the lodging businesses subject to assessment of the date and time of the hearing and to provide that notice required by Streets and Highways Code § 36623.

10. At the public hearing the testimony of all interested persons for or against the establishment of the MCTBID may be received. If at the conclusion of the public hearing, there are of record written protests by the owners of the lodging businesses within the proposed MCTBID that will pay fifty (50) percent or more of the estimated total assessment of the entire MCTBID, no further proceedings to establish the MCTBID shall occur.

11. The complete Management District Plan is on file with the Clerk of the Board, 5100 Bullion Street, Mariposa, California 95338 and may be reviewed upon request.

12. This resolution shall take effect immediately upon its adoption by the Board of Supervisors.
PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 22nd day of January 2008 by the following vote:

AYES: ABORN, TURPIN, BIBBY, FRITZ, PICKARD
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

LALE TURPIN, Chair

Attest:

MARGIE WILLIAMS,
Clerk of the Board

Approved as to form:

THOMAS P. GUARINO,
County/Counsel
Exhibit A

Summary of the Management District Plan

The Management District Plan provides for the provision of sales and marketing for the Yosemite-Mariposa area in the County of Mariposa. The Mariposa County Tourism Business Improvement District (MCTBID) shall be established for 5 years and will raise approximately $920,000 per year in assessments. With a continued contribution of $510,000 from Mariposa County, the total budget for the Yosemite-Mariposa County Tourism Bureau will be $1,430,000.

Boundaries: The proposed MCTBID includes all lodging businesses located within the County of Mariposa. Any new hotel businesses within Mariposa County that open during the term of the District shall also be assessed. RV parks and campgrounds located within the boundaries will not be assessed. A map of the area is attached.

Services the Mariposa County Tourism BID will provide include Sales and Marketing programs and activities designed to attract overnight groups, and Communications and Public Relations activities and services to build greater awareness of Mariposa County as a tourist, meeting, and event destination.

Annual assessments on lodging businesses located within the boundaries described above are based on the special benefit the business receives from the proposed services. The assessment rates shall not exceed 1.0% of gross short term (stays less than 30 days) room rental revenue (less any local, State or Federal sales taxes or transient occupancy taxes) per night on lodging businesses. Because of reduced benefit, stays by government employees on government business shall not be assessed.

To receive more information regarding the proposed MCTBID or to receive a complete Management District Plan, please contact Leroy Radanovich, Tourism Director Yosemite-Mariposa County Tourism Bureau at the address or phone number below:

Leroy Radanovich, Tourism Director, Yosemite-Mariposa County Tourism Bureau
PO Box 967
Mariposa, CA 95338
Office: (209) 742-4567
Email: lradanovich@homeofyosemite.com
TO: RICHARD J. BENSON, CAO

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: Leroy Radanovich, Yosemite/Mariposa County Tourism Bureau, Tourism Director; Resolution of Intention to Form Mariposa County Tourism Business Improvement District

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on January 22, 2008

ACTION AND VOTE:

Leroy Radanovich, Yosemite/Mariposa County Tourism Bureau, Tourism Director; Resolution of Intention to Form Mariposa County Tourism Business Improvement District

BOARD ACTION: Leroy Radanovich introduced Emily Summers, representing John Lambeth of Downtown Resources, and he advised that they have been assisting with the formation of the district. He advised that Kevin Shelton, Chair of the Tourism Bureau, and Directors of the Tourism Bureau, were present. An item will be scheduled on the Board’s agenda for March 11th at 11:00 a.m. to receive comments on the formation of the district; and an item will be scheduled on the Board’s agenda for April 1st at 2:00 p.m. for the final formation of the district. Leroy presented the staff report. Kevin Shelton thanked the Board for its support and thanked Leroy for his work; and he advised that this is a tremendous opportunity for the County and for the tourism industry. Discussion was held. Emily Summers provided input on the renewal process for the district.

Input from the public was provided by the following:

Paul Chapman provided input on the services being provided and stated he feels that the Board needs to go to bid for this program.

Ruth Catalan asked for clarification of whether the $510,000 request is in addition to the funds already being contributed by the County. Rick Benson advised that the request is to maintain the current contribution of the $510,000 and the final decision will be made by the Board.

Herb Gloor, Mariposa Lodge owner, stated that having a small business, he supports this 100 percent. He realizes that they get their business as an overflow from Yosemite.

Donna Nassar advised that she is the representative for the bed and breakfast businesses on the Tourism Bureau.

Dan Jensen, Chief Operating Officer for Delaware North Corporation Parks and Resorts at Yosemite, provided input on his experience in the tourism industry.

Jan Mennig, former President and Executive Director of the Chamber of Commerce and Chair of the Tourism Advisory Council, stated he feels that this plan is the best effort to attempt to solve funding for tourism promotion.
Dick Hutchinson, representing the Business Association in town, commended Leroy for his efforts and advertising assistance to the merchants.

Jerry Fischer, Yosemite Resorts, etc., commented that about 25 years ago, someone from the Yosemite concessionaire’s office suggested that there be a coordinated plan. He noted that there is no perfect plan, but he feels this is the best for how it might work for the County and he urged the Board’s support.

Cherylann Schimmelfennig, owner of the Historic Hotel Jeffery and director of the Tourism Bureau, noted the trickle down affect for the businesses after the rooms in Yosemite fill; and she advised that they are seeing the impact from the Bureau’s efforts. She also noted that when the rooms are full, it helps all of the businesses.

Candy O’Donel-Browne stated she is present today as someone who loves Mariposa; and she feels it is exciting to see this public-private partnership.

Mary Ann Huff, President of the Chamber of Commerce and citizen of Coulterville, commented on the economic development impact and the collaboration between everyone to put Mariposa County on the map; and she urged support of this plan.

Kris Casto agreed with Candy O’Donel-Browne, and stated she supports the private-public partnership.

Discussion was held. Supervisor Bibby requested that a section be added to the resolution and Summary of the Plan to clarify that a separate annual budget request of County funds for augmentation will be considered by the County. Thomas P. Guarino, County Counsel, suggested that language be added to the resolution to reflect that “any County participation would be subject to the annual appropriation process.”

(M)Fritz, (S)Aborn, Res. 08-37 was adopted - Intention to Form Mariposa County Tourism Business Improvement District, with the change as suggested by County Counsel. Board members commended Leroy Radanovich and the Tourism Bureau for this work on this. Ayes: Unanimous.

Cc: Chris Ebie, Auditor
Leroy Radanovich, Tourism Director
Keith Williams, Tax Collector
Tom Guarino, County Counsel
File
TO: THE MARIPOSA COUNTY BOARD OF SUPERVISORS

FROM: YOSEMITE-MARIPOSA COUNTY TOURISM BUREAU
Leroy Radanovich, Tourism Director

SUBJECT: TRANSMITTAL OF RESOLUTION OF INTENTION TO FORM MARIPOSA COUNTY TOURISM BUSINESS IMPROVEMENT DISTRICT

Submitted for your consideration is the Intention to form the Mariposa County Tourism Business Improvement District. Included are petitions signed by sufficient participants to meet the legal requirements for formation of the district. Also included is the final Management District Plan, copy of Appendix 1 of the Property and Business Improvement District Law of 1994 from the California State Streets and Highway Code Section 56600 et seq., as amended January 1, 2005.

Also included is a summary of the District Management Plan and a map of Mariposa County, which is the extent of the District. This District only applies to lodging businesses not including RV Parks and Camp Grounds. Only those businesses, which collect and pay TOT, will be subject to this section.

Following usual custom; a preliminary budget request will be forwarded to the Board of Supervisors during the June preliminary budget period for that portion of the Management Plan which will be funded by Mariposa County.
January 16, 2008

Mariposa County
Board of Supervisor's
Mariposa California

Dear Board Members;

This letter will certify that I have reviewed the petitions in connection with the Mariposa County Tourism Business Improvement District tabulation and I have found that the petitions have met the requirement of greater than 50% in support of the district.

Sincerely,

[Signature]

Keith M. Williams
Treasurer – Tax Collector
County Clerk
NOTICE OF PUBLIC HEARING
CONCERNING THE ESTABLISHMENT OF
THE MARIPOSA COUNTY TOURISM
BUSINESS IMPROVEMENT DISTRICT
AND TO LEVY AN ASSESSMENT ON CERTAIN
LODGING BUSINESSES WITHIN THE DISTRICT

NOTICE IS HEREBY GIVEN that on January 22, 2008, the Board of Supervisors (the "Board") of the County of Mariposa (the "County") adopted a resolution of intention to establish the Mariposa County Tourism Business Improvement District (the "District") and to levy an assessment on certain lodging businesses within the District as set forth in the attached resolution of intention.

NOTICE IS HEREBY FURTHER GIVEN that at 11:00 a.m. on Tuesday, March 11, 2008, at the County of Mariposa, Government Center, 5100 Bullion Street, Mariposa, California, a public meeting shall be held pursuant to Government code Section 54954.6 to allow public testimony regarding the establishment of the MCTBID and the levy of assessments therein as set forth in the enclosed resolution of intention and pursuant to Government Code section 54954.6.

NOTICE IS HEREBY FURTHER GIVEN that 2:00 p.m. on Tuesday, April 1, 2008, at the County of Mariposa, Government Center, 5100 Bullion Street, Mariposa, California, has been set as the time and place for a public hearing at which time the Board proposes to establish the District and to levy the proposed assessment as set forth in the resolution of intention.

Boundaries: The boundaries of the District shall be within the boundaries of the County.

Assessment: The assessment proposed is based upon 1.0% of gross short term (stays less than 30 days) room rental revenue per night on lodging businesses subject to TOT within the District boundaries. Because of reduced benefit, stays by government employees on government business shall not be assessed.

Purpose: The assessment is proposed to be collected at least monthly from lodging businesses within the boundaries of the District.

Collection: The assessment is proposed to be collected at least monthly from lodging businesses within the boundaries of the District.

Protest: Any owner of a lodging business within the proposed District that will be subject to the assessment may protest the formation of the District. If written protests are...
received from the owners of lodging businesses in the proposed District who represent 50 percent or more of the estimated annual assessments to be levied, the District shall not be formed and the assessment shall not be imposed.

You may mail a written protest to:
Clerk of the Board
County of Mariposa
P. O. Box 784
Mariposa, CA 95338

You may also appear at the public hearing and submit a written protest at that time.

Information: Should you desire additional information about this proposed District or assessment contact:

Leroy Radanovich
Tourism Director
Yosemite-Mariposa County Tourism Bureau
P. O. Box 967
Mariposa, CA 95338

Office: (209) 742-4567
Email: lradanovic@homeofyosemite.com

Tracy Druthler, Deputy
MARGIE WILLIAMS
Clerk of the Board

Publication Date: