RECOMMENDED ACTION AND JUSTIFICATION:
Public Hearing – Mariposa County Tourism Business Improvement District; Adopt a resolution establishing the Mariposa County Tourism Business Improvement District. The Yosemite-Mariposa County Tourism Bureau is in the process of establishing a Business Improvement District in order to levy an assessment on lodging businesses within the County. Today’s hearing will allow for comments and then act on the request to adopt a resolution establishing the Business Improvement District which will assess a 1-percent charge on short-term room rentals. The Public Hearing is required by Section 36623 of the Streets and Highways Code.

Attached is the proposed Business Improvement District Management Plan prepared by the Yosemite-Mariposa County Tourism Bureau.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On March 11, 2008, the Board conducted a public hearing and received comments regarding establishing the Mariposa County Business Improvement District.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not adopt the resolution establishing the Mariposa County Business Improvement District. The Business Improvement District will not be established and the Yosemite-Mariposa County Tourism Bureau will need to seek additional funding for marketing purposes from other sources.

Financial Impact? ( ) Yes (X) No Current FY Cost: $  
Budgeted in Current FY? ( ) Yes ( ) No ( ) Partially Funded 
Amount in Budget: $  
Additional Funding Needed: $  
Source: 
Internal Transfer 
Unanticipated Revenue  
Transfer Between Funds 
Contingency  
( ) General ( ) Other 

List Attachments, number pages consecutively
Resolution 
Mariposa County Tourism Business Improvement District Management Plan

CLERK’S USE ONLY: 
Vote – Ayes: ☒  Noes:   
Absent:   
() Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Attest:  MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

By:  
Deputy

Revised Dec. 2002
MARIPOSA COUNTY RESOLUTION NO. 08-129

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA DECLARING THE RESULTS OF THE MAJORITY PROTEST PROCEEDINGS AND ESTABLISHING 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 counties to establish property and business improvement districts upon petition by a weighted majority of the business owners located within the boundaries of the District.

WHEREAS, a majority of the lodging business owners subject to assessment, as weighted according to the amount of the assessment to be paid by the petitioner, within the Mariposa County Tourism Business Improvement District (MCTBID) have petitioned the Board of Supervisors to establish the MCTBID.

WHEREAS, the lodging business owners who signed the petitions will pay more than fifty (50) percent of the proposed assessment.

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 activities, and those other improvements set forth in Streets and Highways Code § 36610.

WHEREAS, the lodging businesses within the MCTBID will be benefited by the activities and improvements set forth in the Management District Plan.

WHEREAS, on January 22, 2008, the Board of Supervisors adopted a Resolution which provides that a public meeting on the establishment of the MCTBID will be held on March 11, 2008, at 11 a.m., and a public hearing on the establishment of the MCTBID will be held on April 1, 2008, at 2:00 p.m. at the Government Center located at 5100 Bullion Street, Mariposa, California.

WHEREAS, the public meeting and public hearing to consider the formation of the
MCTBID has been properly noticed in accordance with Streets and Highways Code § 36623.

WHEREAS, at 11:00 a.m. on March 11, 2008, at the Government Center, 5100 Bullion Street, Mariposa, California, the Board of Supervisors held a public meeting regarding the establishment of the MCTBID, and the Board of Supervisors heard and received objections and protests to the establishment of the MCTBID and the levy of the proposed assessment.

WHEREAS, at 2:00 p.m. on April 1, 2008, at the Government Center, 5100 Bullion Street, Mariposa, California, the Board of Supervisors held a public hearing regarding the establishment of the MCTBID, and the Board of Supervisors heard and received all objections and protests to the establishment of the MCTBID and the levy of the proposed assessment.

WHEREAS, the County Clerk has determined that there was no majority protest. A majority protest is defined as written protests received from owners of businesses in the proposed area which would pay fifty percent (50%) or more of the assessments proposed to be levied. Protests are weighted based on the assessment proposed to be levied on each hotel 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 MCTBID is established for a five (5) year term that will expire on April 1, 2013.

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

4. The MCTBID assessment will be levied on all lodging businesses as defined in the Management District Plan, 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 per night and “gross revenue” shall be defined as total revenue less any local, state or federal sales taxes or transient occupancy taxes. Assessments pursuant to the MCTBID shall not
include gross room rental revenue resulting from stays pursuant to contracts executed prior to May 1, 2008. Stays by persons who are federal government employees and/or Foreign diplomats on government business shall be exempt from the assessment.

5. The assessments shall be used for the purposes set forth in the above recitals and any 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 set forth herein.

6. The revenue from the levy of the assessments on lodging businesses within the MCTBID may not be used to provide for activities or improvements outside the MCTBID or for any purpose other than those specified herein.

7. The assessments to fund the activities and improvements for the MCTBID will be collected at the same time and in the same manner as are transient occupancy taxes, and, in accordance with Streets and Highways Code § 36631, all delinquent payments for assessments levied herein shall be charged interest and penalties in the same manner as are transient occupancy taxes.

8. The Yosemite-Mariposa County Tourism Bureau shall provide the improvements or activities described in the Management District Plan, and the County is hereby authorized to contract with the Yosemite-Mariposa County Tourism Bureau to provide services.

9. When formed, the Yosemite-Mariposa County Tourism Bureau shall, pursuant to Streets and Highways Code § 36650, 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 improvements and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district.

10. No bonds shall issue to fund the MCTBID.

11. The exterior boundaries of the MCTBID are depicted on the map attached and incorporated herein as Exhibit A.
12. The County Clerk, or his designee, is directed to take all necessary actions to complete the establishment of the MCTBID and to levy the assessments.

13. The County Clerk is directed to record in the Mariposa County Recorder’s Office a notice and assessment diagram, as required by Streets and Highways Code § 36627. The text of the recorded notice shall state that the assessment is levied only against lodging businesses within the area of the MCTBID.

14. This resolution shall take effect immediately upon its adoption by the Board of Supervisors.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors on this 1st day of April 2008 by the following vote:

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

LYLE TURPIN
Chair of the Board

Attest:

MARGIE WILLIAMS, Clerk of the Board

Approved to Form:

THOMAS P. GUARINO,
County Counsel
TO: RICHARD J. BENSON, CAO
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: PUBLIC HEARING to Adopt a Resolution Declaring the Results of the Majority Protest Proceedings and Establishing the Mariposa County Tourism Business Improvement District.

RESOLUTION 8-129

THE BOARD OF SUPERVISORS OF MARIPosa COUNTY, CALIFORNIA

ADOPTED THIS Order on April 1, 2008

ACTION AND VOTE:

2:50 p.m. Leroy Radanovich, Tourism Director, Yosemite/Mariposa County Tourism Bureau; 
PUBLIC HEARING to Adopt a Resolution Declaring the Results of the Majority Protest Proceedings and Establishing the Mariposa County Tourism Business Improvement District.

BOARD ACTION: Leroy Radanovich presented the staff report; and he advised that Kevin Shelton/Chair of the Tourism Bureau, and Emily Summers/Downtown Resources, were present to respond to questions. He recommended that, based on input he has received from the industry, the Bureau will not include gross room rental revenue resulting from stays pursuant to contracts executed prior to April 15, 2008 versus April 1, 2008. He responded to questions from the Board relative to considering May 1st versus April 15th as the end of the grace period for the signed contracts, and relative to the notification process of the assessment. Kevin Shelton clarified that the assessment does not begin until May 1st. Emily Summers responded to questions from the Board relative to their recommendation for the grace period; relative to what would happen if there are changes in the contracts made for bookings after the grace period expires; correction to reflect one percent in the resolution; relative to use of the revenues if the marketing takes a different approach; relative to defining reasonable efforts of the County to collect the assessment and covering the administrative costs for collections; and clarification that the five percent transient occupancy revenue contribution to the Bureau will be an annual request and that the County is not obligated. County Counsel provided input and advised that the County's regular collection process will be followed. Kevin Shelton responded to a question from the Board as to whether there is an appeal process for the industry; and he advised that their meetings are open and they would encourage input and they are trying to make sure that the whole County is represented in the advertising. Supervisor Aborn advised of a small facility that has a room to accommodate handicapped persons. Kevin Shelton advised that they are looking for this type of information to use in their advertising; and he responded to questions relative to their promotional efforts for the small business operators and advised that a representative of the Bed and Breakfast Association is a member of the Bureau. Emily Summers noted that the small business operations benefit from the marketing efforts.
The public portion of the hearing was opened and input was provided by the following:

Paul Chapman stated he feels the small operators’ vote should count as much as Delaware North, he doesn’t feel that two operators should be controlling. He also feels that this should go through a bid process and that the requested funding is too much.

Diana Wilcoxen, President of the Bed and Breakfast Association, expressed support for the Business Improvement District (BID) and noted that the two large operators only comprise of two members of the Bureau and the entire Board voted for the BID. She provided input on the marketing efforts to promote the whole County.

Herb Gloor, Mariposa Lodge, stated he supports the BID and commended Leroy Radanovich for his work.

Dorothy Kuhnle, Chamber of Commerce and Visitors Center, commented on the increase in vacation planners and relocation packages that are being requested and stated she feels the marketing efforts are working.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Fritz, (S)Pickard, Res. 08-129 was adopted with the correction to reflect one percent. Following further discussion and concurrence of Leroy Radanovich, Kevin Shelton, and Emily Summers, the motion was amended, agreeable with the maker and second, to direct that the Bureau will not include gross room rental revenue resulting from stays pursuant to contracts executed prior to May 1, 2008. Staff responded to questions from the Board as to whether the date change would affect the systems installed for collections; whether there are any other notices required for the date change; and whether there is any end to the contract timeframes. Ayes: Unanimous. The hearing was closed.

Cc: Leroy Radanovich, Tourism Director, Yosemite/Mariposa County Tourism Bureau
File
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: iradanovic@homeofyosemite.com

[Signature]
MARGIE WILLIAMS
Clerk of the Board

**Publication Date:**