



# MARIPOSA COUNTY

Administration · 966-3222



## RESOLUTION - ACTION REQUESTED 2018-95

MEETING: March 6, 2018

TO: The Board of Supervisors

**MINUTE ORDER ATTACHED**

FROM: Dallin Kimble, County Administrative Officer

RE: Adopt a Resolution of Intention to Adopt the TBID Management Plan

### RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution of Intention to Renew the Mariposa County Tourism Business Improvement District (TBID) and Schedule a Public Hearing.

A staff report prepared by Yosemite / Mariposa County Tourism Bureau (YMCTB) Consultant Nicole Farley is attached. The TBID is the primary revenue source for YMCTB. Petitions in favor of the renewal were submitted by 59 hotels, which represent 77.77% of the total district assessment. Staff recommends approval of the resolution as proposed.

### BACKGROUND AND HISTORY OF BOARD ACTIONS:

The TBID was renewed on March 5, 2013 by Resolution 2013-67 for a five-year term expiring April 30, 2018.

### ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt the resolution. The TBID renewal process can be modified. Delays may lead to lost revenues for YMCTB and, to a lesser extent, the County.

### FINANCIAL IMPACT:

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### ATTACHMENTS:

**Staff Report (DOCX)**

**Proposed Management Plan (PDF)**

**Resolution of Intention (DOCX)**

**Tax Collector Memo (PDF)**

**RESULT: ADOPTED AS AMENDED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Marshall Long, District III Supervisor

**AYES:** Rosemarie Smallcombe, Merlin Jones, Marshall Long, Miles Menetrey

**EXCUSED:** Kevin Cann

**NOTICE OF PUBLIC MEETING AND PUBLIC HEARING CONCERNING THE RENEWAL OF THE MARIPOSA COUNTY TOURISM BUSINESS IMPROVEMENT DISTRICT AND LEVY OF AN ASSESSMENT ON CERTAIN LODGING BUSINESSES WITHIN THE DISTRICT**

**NOTICE IS HEREBY GIVEN** that on March 6, 2018, the Board of Supervisors (the "Board") of the County of Mariposa (the "County") adopted a Resolution of Intention to renew the Mariposa County Tourism Business Improvement District (the "MCTBID") and to levy an assessment on certain lodging businesses within the MCTBID as set forth in the attached Resolution of Intention.

**NOTICE IS HEREBY FURTHER GIVEN** that at 9:00 a.m. on April 10, 2018, at the County of Mariposa Board Chambers, 5100 Bullion Street, Mariposa, CA 95338, a public meeting shall be held pursuant to Government Code section 54954.6 to allow public testimony regarding the renewal 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 at 9:00 a.m. on April 24, 2018, at the County of Mariposa Board Chambers, 5100 Bullion Street, Mariposa, CA 95338, has been set as the time and place for a public hearing at which time the Board proposes to renew the MCTBID and to levy the proposed assessment as set forth in the Resolution of Intention.

**Boundaries:** The renewed MCTBID includes all lodging businesses located within the boundaries of the unincorporated area of the County of Mariposa.

**Assessment:** The annual assessment rate is one percent (1%) of gross short-term room rental revenue. During the ten (10) year term, the assessment rate may be increased by the Bureau to a maximum of three percent (3%) of gross short-term room rental revenue. The maximum increase in any year shall be one percent (1%) of gross short-term room rental revenue. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days.

**Budget:** The total MCTBID annual budget for the initial year of its ten (10) year operation is anticipated to be approximately \$1,300,000. This budget is expect to fluctuate as room sales and the assessment rate do, over the MCTBID's term.

**Purpose:** The MCTBID is designed to provide specific benefits directly to payors by increasing room night sales. Marketing and sales promotions will increase overnight tourism and market payors as tourist, meeting and event destinations, thereby increasing room night sales.

**Duration:** The renewed MCTBID will have a ten (10) year life, beginning May 1, 2018, through April 30, 2028. Once per year, beginning on the anniversary of the MCTBID renewal, there is a thirty (30) day period in which owners paying more than fifty percent (50%)

of the assessment may protest and initiate a Board of Supervisors hearing on the MCTBID termination.

**Collection:** The County will be responsible for collecting the assessment on a monthly basis (including any delinquencies, penalties and interest) from each lodging business located in the boundaries of the MCTBID. The County shall take all reasonable efforts to collect the assessments from each lodging business.

**Management:** The Bureau will continue to serve as the MCTBID's Owners' Association. The Owners' Association is charged with managing funds and implementing programs in accordance with this Plan, and must provide annual reports to the Board of Supervisors.

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

You may mail a written protest to:

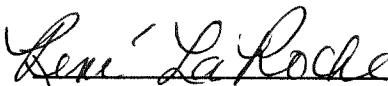
Office of the Clerk of the Board  
County of Mariposa  
PO Box 784  
Mariposa, CA 95338

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

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

Terry Selk, Executive Director  
Yosemite Mariposa County Tourism Bureau  
5320 California 49, #4  
Mariposa, CA 95338  
(209)742-4567

Dated: March 7, 2018

  
Clerk of the Board

**RESOLUTION NO. 2018 - 95**

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

**WHEREAS**, the County of Mariposa renewed the MCTBID on March 5, 2013 by Resolution No. 2013-67; and

**WHEREAS**, the MCTBID was renewed for a five (5) year term which ends on April 30, 2018; and

**WHEREAS**, the Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes the County to renew business improvement districts for the purposes of promoting tourism; and

**WHEREAS**, the Yosemite Mariposa County Tourism Bureau (Bureau), lodging business owners, and representatives from the County of Mariposa have met to consider the renewal of the MCTBID; and

**WHEREAS**, the Bureau has drafted a Management District Plan (Plan) which sets forth the proposed boundary of the MCTBID, a service plan and budget, and a proposed means of governance; and

**WHEREAS**, lodging businesses who will pay more than fifty percent (50%) of the assessment under the MCTBID have petitioned the Board of Supervisors to renew 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 lodging businesses that will pay more than fifty percent (50%) of the assessment proposed in the Plan have signed and submitted petitions in support of the renewal of the MCTBID. The Board of Supervisors accepts the petitions and adopts this Resolution of Intention to renew 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 Plan satisfies all requirements of Streets and Highways Code § 36622.
4. The Board of Supervisors declares its intention to renew the 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.
5. The MCTBID shall include all lodging businesses located within the boundaries of the unincorporated area of the County of Mariposa, as shown in the map attached as Exhibit A.
6. The name of the district shall be the Mariposa County Tourism Business Improvement District (MCTBID).
7. The annual assessment rate is one percent (1%) of gross short-term room rental revenue. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days. During the ten (10) year term, the assessment rate may be increased by the

Bureau to a maximum of three percent (3%) of gross short-term room rental revenue. The maximum increase in any year shall be one percent (1%) of gross short-term room rental revenue.

8. The assessments levied for the MCTBID shall be applied toward sales promotion and marketing programs to market assessed Mariposa County lodging businesses as tourist, meeting, and event destinations, as set forth in the Plan. 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 and the Plan.
9. The renewed MCTBID will have a ten (10) year term, beginning May 1, 2018 through April 30, 2028, unless renewed pursuant to Streets and Highways Code § 36660.
10. Bonds shall not be issued.
11. The time and place for the public meeting to hear testimony on establishing the MCTBID and levying assessments are set for April 10, 2018, at 9:00 a.m., or as soon thereafter as the matter may be heard, at the Board Chambers located at 5100 Bullion Street, Mariposa, CA 95338.
12. The time and place for the public hearing to establish the MCTBID and the levy of assessments are set for April 24, 2018, at 9:00 a.m., or as soon thereafter as the matter may be heard, at the Board Chambers located at 5100 Bullion Street, Mariposa, CA 95338. 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 meeting and hearing, and to provide that notice as required by Streets and Highways Code § 36623.
13. At the public meeting and hearing the testimony of all interested persons for or against the renewal 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 more than fifty percent (50%) of the estimated total assessment of the entire MCTBID, no further proceedings to renew the MCTBID shall occur for a period of one year.
14. The complete Plan is on file with the Clerk of the Board and may be reviewed upon request.
15. This resolution shall take effect immediately upon its adoption by the Board of Supervisors.

**I HEREBY CERTIFY** that the foregoing Resolution of Intention was introduced and adopted at a regular meeting of the Board of Supervisors on the 6<sup>th</sup> day of March 2018 by the following vote:

**AYES:** SMALLCOMBE, JONES, LONG, MENETREY  
**NOES:** NONE  
**ABSENT:** CANN  
**ABSTAIN:** NONE

  
**Rosemarie Smallcombe, Chair**  
**Board of Supervisors**

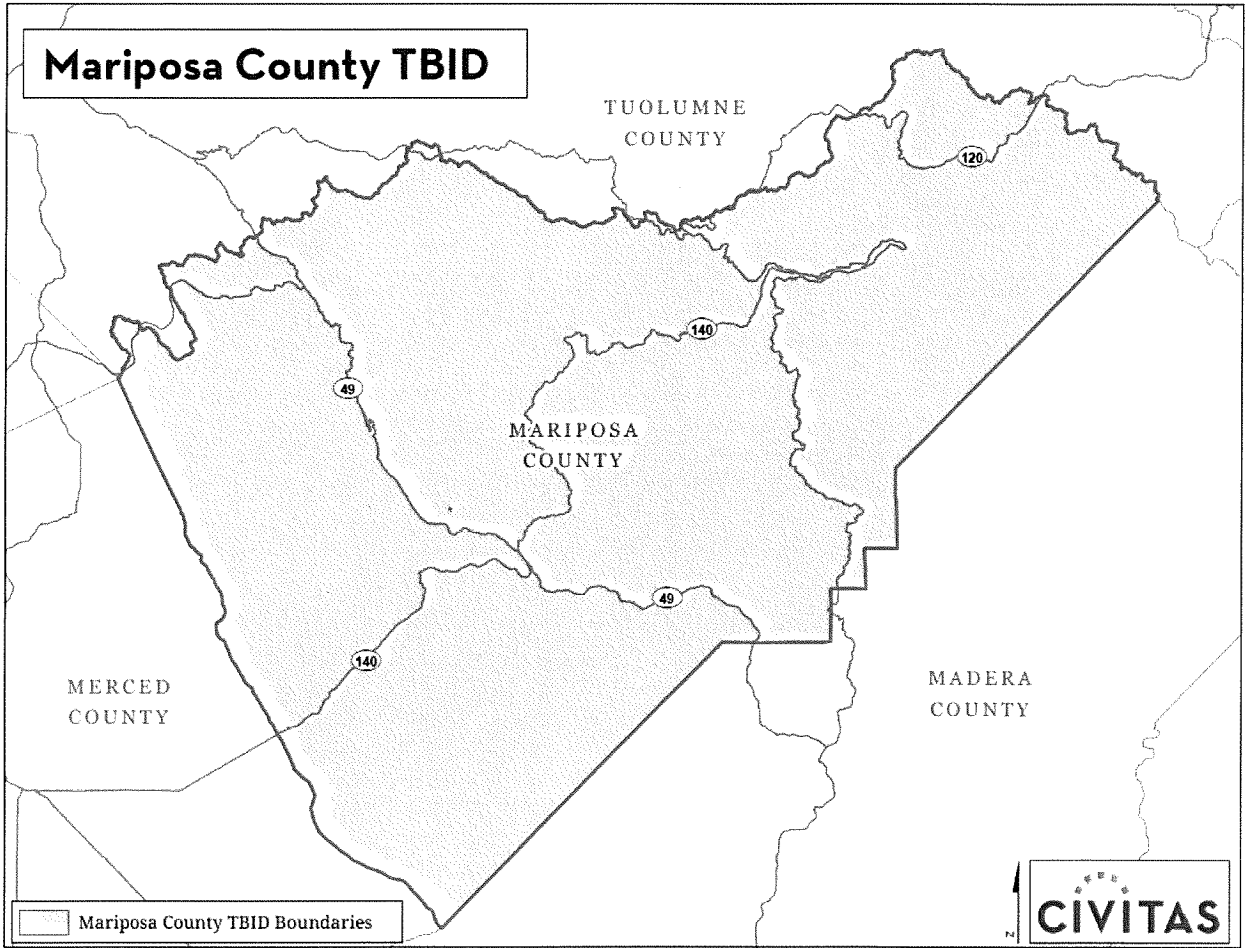
**ATTEST:**

**APPROVE AS TO FORM:**

  
**Rene LaRoche, Clerk of the Board**

  
**Steven W. Dahlem, County Counsel**

**EXHIBIT A**  
**District Boundaries**





# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222



**ROSEMARIE SMALLCOMBE, CHAIR**  
**MILES MENETREY, VICE-CHAIR**  
**MERLIN JONES**  
**MARSHALL LONG**  
**KEVIN CANN**

**DISTRICT I**  
**DISTRICT V**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT IV**

## MARIPOSA COUNTY BOARD OF SUPERVISORS MINUTE ORDER

TO: DALLIN KIMBLE/County Administrative Officer  
FROM: RENÉ LaROCHE, Clerk of the Board *RL*  
SUBJECT: Adopt a Resolution of Intention to Renew the Mariposa County Tourism Business Improvement District (TBID) and Schedule a Public Hearing  
Resolution: 18-095

The following action was taken by the Mariposa County Board of Supervisors on **March 6, 2018:**

### 5. Administration RES-2018-95

#### **Adopt a Resolution of Intention to Renew the Mariposa County Tourism Business Improvement District (TBID) and Schedule a Public Hearing**

Dallin Kimble introduced Kevin Shelton/Yosemite-Mariposa County Tourism Bureau (YMCTB) Board President, Julie Hadzega/YMCTB Operations, and Nicole Farley/Civitas who gave the presentation. Board clarification and discussion ensued regarding the process and weighted balloting. Dallin Kimble advised of a correction to the Resolution of Intention. No public input.

**CORRECTION:** *The third sentence in Paragraph 7 of the Resolution of Intention should read: "During the ten (10) year term, the assessment rate may be increased by the Bureau to a maximum of three percent (3%) of gross short-term room rental revenue."*

**RESULT:** ADOPTED AS AMENDED [4-0]

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Marshall Long, District III Supervisor

**AYES:** Rosemarie Smallcombe, Merlin Jones, Marshall Long, Miles Menetrey

**EXCUSED:** Kevin Cann