

## **RESOLUTION NO. 12-**

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DECLARING ITS INTENTION TO LEVY AND COLLECT AN ANNUAL ASSESSMENT FROM BUSINESSES IN THE MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT WITHIN THE BOUNDARIES OF THE UNINCORPORATED PORTION OF THE COUNTY OF MENDOCINO AND THE INCORPORATED AREA OF THE CITY OF FORT BRAGG, THE CITY OF POINT ARENA, THE CITY OF UKIAH, AND THE CITY OF WILLITS FROM SPECIFIED HOTEL BUSINESSES AND FIXING THE DATE, TIME AND PLACE OF A PUBLIC HEARING TO BE HELD BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO TO LEVY THE PROPOSED ASSESSMENT FOR FISCAL YEAR 2012-2013.**

WHEREAS, the Board of Supervisors of the County of Mendocino (the "Board of Supervisors") adopted Ordinance No. 4170 adding Chapter 5.140 to Title 5 of the Mendocino County Lodging Business Improvement District (the "District Ordinance") pursuant to the "Parking and Business Improvement Area Law of 1989" being Section 36500 to 36551 of the California Streets and Highways Code; and

WHEREAS, the Board of Supervisors appointed an Advisory Board for the District; and

WHEREAS, the Advisory Board approved and submitted an Annual Report to the Board of Supervisors pursuant to the District Ordinance for Fiscal Year 2012-2013; and

WHEREAS, the Board of Supervisors approved the Annual Report on March 13, 2012, as approved and submitted by the Advisory Board.

**NOW, THEREFORE, BE IT RESOLVED the Mendocino County Board Of Supervisors:**

### **SECTION 1 – AUTHORITY AND INTENTION TO LEVY AND COLLECT**

The County of Mendocino hereby declares its authority and intention to levy and collect an annual assessment for Fiscal Year 2012-2013 pursuant to the Annual Report and Ordinance No. 4170 adding Chapter 5.140 to Title 5 of the Mendocino County Lodging Business Improvement District (the "District Ordinance") pursuant to the "Parking and Business Improvement Area Law of 1989" being Section 36500 to 36551 of the California Streets and Highways Code.

### **SECTION 2 – NAME AND LOCATION**

The name of business improvement area is the "Mendocino County Lodging Business Improvement District" (the "District") and the location of the District includes all that area within the unincorporated area of the County of Mendocino, and the incorporated areas of the City of Fort Bragg, City of Point Arena, City of Ukiah, and the City of Willits, California.

### **SECTION 3 – CLASSIFICATION OF BUSINESSES**

The classification of businesses remains unchanged and shall include all "Hotel" or "Lodging" establishments, as defined by Section 5.140.030 of the Mendocino County Code.

#### **SECTION 4 – GENERAL DESCRIPTIONS OF AUTHORIZED USES**

As authorized by the Ordinance and described by the Annual Report, the services, activities and programs to be provided for the 2012-2013 Fiscal Year by the District, as defined by Section 5.140.050 of the Mendocino County Code, are generally as follows:

- A. The general promotion of all lodging operating within the District;
- B. The marketing of products and events that have a connection with the lodging industry operating in the District;
- C. The marketing of the District to the media and travel industry in order to benefit local tourism and the lodging establishments in the District; and
- D. Any activities permitted under the Parking and Business Improvement Law of 1989, being Section 36500 to 36551 of the California Streets and Highways Code that are included as costs as specified in this annual report and adopted by the Mendocino County Board of Supervisors.

#### **SECTION 5 – ANNUAL REPORT**

The Annual Report is available for review in the Executive Office, 501 Low Gap Road, Room 1010, Ukiah, CA, 95482. The Annual Report contains a description of the improvement and activities to be provided for Fiscal Year 2012-2013, the boundaries of the District, the proposed assessment to be levied upon the businesses within the District area, and other information.

#### **SECTION 6 – DATE, TIME, AND PLACE OF PUBLIC HEARING**

**Public Hearing:** Notice is hereby given that the Board of Supervisors of Mendocino County will hold a public hearing on April 10, 2012. The public hearing will occur at a regular meeting of the Board of Supervisors to commence at or about 10:00 A.M. or as soon thereafter as the matter may be heard, in the Board of Supervisors Chambers at 501 Low Gap Road, Room 1070, Ukiah, California. The public hearing is to adopt a resolution confirming the Mendocino County Lodging Business Improvement District Annual Report as submitted, or adoption of a resolution continuing the program and assessments as levied in the current year, being Fiscal Year 2011-2012, without change.

As an alternative the Board of Supervisors may modify the report and adopt a resolution confirming the report as modified after providing notice of the proposed change(s) as specified in Parking and Business Improvement Area Law of 1989.

At the public hearing, the Board of Supervisors shall hear and consider all protests against the establishment of the District area, the extent of the area, or the furnishing of specified types of improvements or activities within the area directed at increasing tourism. Protests may be made orally or in writing by any interested person and must be filed with the County Clerk of the Board of Supervisors at 501 Low Gap Road, Room 1010, Ukiah, California at or before the time fixed for public hearing. Protests to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. Written protests may be withdrawn at any time before the conclusion of the public hearing. Each written protest shall be sufficient to identify the business and, if the person submitting the written protest is not shown on the official records of the County as owner of the business, the protest shall

contain or be accompanied by written evidence that the person submitting the written protest is the owner of the business. Written protests that do not comply with this provision shall not be counted in determining a majority protest.

If written protests are received from the owners of businesses in the unincorporated District area which will pay 50% or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50%, no further proceedings to create the specified business improvement area or to levy the proposed assessment, shall be taken for a period of one year from the date of the finding of a majority protests by the Board of Supervisors.

In considering written protests submitted by owners of lodging businesses in the incorporated cities (City of Fort Bragg, City of Point Arena, City of Ukiah, or the City of Willits) to the formation of the District, the Board shall separately determine the number of written protests submitted by lodging business owners within the boundaries of each city. If written protests are received from lodging businesses operators which will pay more than fifty percent (50%) of the assessments proposed to be levied within the boundaries of the city where the business conducts businesses, then the Board of Supervisors shall declare lodging businesses in the incorporated city excluded from the District and ineligible to benefit from the activities of the District.

Within one year from receipt of a signed petition protesting the assessment and requesting the removal from the District boundaries by owners of lodging businesses in an incorporated city who will pay more than fifty percent (50%) of the assessments proposed to be levied in that incorporated city boundary, the Board shall remove the incorporated city and all lodging businesses contained therein from the District pursuant to such procedures prescribed by law, including Streets & Highways Code Section 36550.

The foregoing Resolution introduced by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and carried this 13<sup>th</sup> day of March, 2012, by the following vote:

AYES:  
NOES:  
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
JOHN MCCOWEN, Chair  
Mendocino County Board of Supervisors

\_\_\_\_\_  
Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:  
JEANINE B. NADEL, County Counsel

BY: CARMEL J. ANGELO  
Clerk of the Board

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Deputy

