



RESOLUTION NO. 2019-09

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POINT ARENA PROVIDING CONDITIONAL CONSENT TO INCLUSION IN THE MENDOCINO COUNTY BUSINESS IMPROVEMENT DISTRICT THAT INCLUDES LODGING BUSINESSES LOCATED IN THE CITY OF POINT ARENA

WHEREAS, the Point Arena City Council desires to become part of the Mendocino County Lodging and Business Improvement District ("District") pursuant to the Parking and Business Improvement Area Law of 1989 of the California Streets and Highways Code, sections 36500-36551; and

WHEREAS, many lodging business owners serving visitors to Point Arena have requested that the City of Point Arena be included in the District; and

WHEREAS, in the opinion of the City Council, the City of Point Arena will be benefited by the improvements and activities of the District, and the purpose sought to be accomplished by the work can best be accomplished by a single, comprehensive scheme of work; and

WHEREAS, California Streets & Highways Code §36521.5 requires the consent of the City Council for becoming part of the District described above within the city limits of the City;

NOW, THEREFORE, BE IT RESOLVED AND PROCLAIMED that the City Council does hereby approve including the City of Point Arena in the Business & Improvement District subject to the following conditions:

1. Subject to the conditions set forth in paragraph 2 below and to the Board of Supervisors agreeing in writing to abide by said conditions, the City Council:
 - a. consents to joining the District as described above that includes the territorial jurisdiction of the City of Point Arena; and
 - b. grants the Board of Supervisors jurisdiction for all the purposes in connection with the creation and operation of the District within the boundaries of the City as provided in the BID law.
2. The City Council's consent as set forth in paragraph 1 above is subject to the following conditions:
 - a. For the purposes of complying with H&S Code Section 36525, regarding a majority protest, the Board shall separately determine whether written protests were received from the owners of affected lodging businesses in the City that will pay more than 50 percent of the assessments proposed to be levied on lodging businesses located in the City. If so,


the Board will not include the territory within the City limits from the boundaries of the District.

b. The Board shall not establish at any time an assessment on affected lodging businesses located within the City that exceeds 1% of the gross room revenue received by a lodging business for transient occupancy without the prior written consent of the City Council.

c. If so requested in a petition signed by the owners of affected lodging businesses in the City that pay more than 50 percent of the assessments levied on such businesses located in the City, not more than one year from the receipt of such petition, the Board shall remove the territory located within the City limits from the District's boundaries under such procedures as are required by law, including California Highways & Streets Code Section 36550, unless prior to the completion of such procedures a petition signed by the same proportion of owners withdraws the request.

PASSED AND ADOPTED The foregoing Resolution No. 2019-09 was passed and adopted at a Special meeting of the Point Arena City Council on the 26th day of March, 2019, by the following vote. Motion by Councilmember Wasserman, Seconded by Vice Mayor Burkey.

Ayes: Ignacio, Burkey, Wasserman, Torrez, Dobbins



SCOTT IGNACIO
Mayor

ATTEST:



Richard Shoemaker, City Clerk