

## RESOLUTION NO. 2922-2006

### RESOLUTION OF THE FORT BRAGG CITY COUNCIL GIVING CONDITIONAL CONSENT TO THE FORMATION BY THE COUNTY OF MENDOCINO BOARD OF SUPERVISORS OF A BUSINESS IMPROVEMENT DISTRICT FOR LODGING BUSINESSES LOCATED IN THE CITY OF FORT BRAGG

**WHEREAS**, the Parking and Business Improvement Area Law of 1989 (Streets & Highways Code §36500 *et seq.*) authorizes counties to establish a business improvement area for the purpose of improving the economic activity within the county; and

**WHEREAS**, counties may fund these improvements through assessments on business for certain purposes; and

**WHEREAS**, the Board of Supervisors ("Board") of the County of Mendocino ("County") desires to begin the process to form the Mendocino County Lodging and Business Improvement District ("District") in order to promote tourism and better market and promote Mendocino County, thereby increasing opportunities for County lodging businesses; and

**WHEREAS**, a portion of the territory proposed to be included in the District is located within the boundaries of the City of Fort Bragg ("City"); and

**WHEREAS**, it is the opinion of the Fort Bragg City Council ("City Council") that the lodging businesses located within the City may benefit from the improvements and activities of a District; and

**WHEREAS**, pursuant to Streets & Highways Code §36521.5, the consent of the City Council for the formation of said District within the boundaries of the City is required.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council does hereby resolve, declare, determine and order as follows:

1. Subject to the conditions set forth in paragraph 2, below, and to the Board agreeing to said conditions, the City Council:
  - a. Consents to the County forming the District and including that portion of the District located within the boundaries of the City; and
  - b. Grants to the Board jurisdiction over the aforementioned territory within the boundaries of the City for the creation, operation, and administration of the proposed District as provided for in Streets & Highways Code §36500 *et seq.*
2. The consent granted by the City Council in paragraph 1, above, is subject to the following conditions:
  - a. The Board shall not establish an assessment greater than 1% of the room rent charged for transient occupancy on any lodging business located within the City without prior written notice to and consent of the City Council.
  - b. In considering written protests submitted by lodging business operators to the formation of the District, the Board shall separately determine the number of written protests submitted by lodging business operators within the boundaries of


the City, in accordance with the methodology described in Streets & Highways Code §36525. If written protests are received from lodging business operators which will pay more than fifty percent (50%) of the assessment proposed to be levied within the boundaries of the City, then the Board will declare lodging businesses within the City excluded from the District.

c. Within one year from receipt of a signed petition by lodging businesses within the City who will pay more than fifty percent (50%) of the assessment proposed to be levied within the boundaries of the City protesting the assessment and requesting removal from the District, the Board shall remove all lodging businesses located within the City from the District's boundaries pursuant to such procedures prescribed by law, including Streets & Highways Code §36550.

3. The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions and shall forward certified copies of this Resolution to the Clerk of the Board.

**The above and foregoing Resolution was introduced by Councilmember Melo, seconded by Councilmember Hammerstrom, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 13<sup>th</sup> day of February, 2006, by the following vote:**


**AYES:** Councilmembers Gjerde, Baltierra, Hammerstrom, Melo, and Mayor Turner.  
**NOES:** None.  
**ABSENT:** None.  
**ABSTAIN:** None.



---

**DAVE TURNER,**  
Mayor

**ATTEST:**



---

**Cynthia M. VanWormer, CMC**  
City Clerk