

RESOLUTION NO. 4014-2017
RESOLUTION OF THE FORT BRAGG CITY COUNCIL
and
RESOLUTION NO. ID 390-2017

**RESOLUTION OF THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT BOARD
APPROVING FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT BETWEEN CITY
OF FORT BRAGG, FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT NO. 1, AND THE
NOYO CENTER FOR MARINE SCIENCE AND AUTHORIZING CITY/DISTRICT MANAGER
TO EXECUTE SAME**

WHEREAS, on December 14, 2015, the City Council, the Fort Bragg Municipal Improvement District No. 1 Board and the Noyo Center for Marine Science Board entered into a Memorandum of Agreement ("Agreement") in order to articulate various agreements and understandings that developed as the Noyo Center transitioned from a City-sponsored economic development initiative into a non-profit entity governed by an independent Board of Directors; and

WHEREAS, on November 8, 2016, the voters of Fort Bragg approved Measure AA increasing the Transient Occupancy Tax from 10% to 12% along with a non-binding advisory measure (Measure AB) which advised the Council that one-eighth of the increased Transient Occupancy Tax revenue should be directed to the Noyo Center for Marine Science; and

WHEREAS, an amendment to the current Memorandum of Agreement between the City of Fort Bragg, Fort Bragg Municipal Improvement District, and the Noyo Center for Marine Science is desired to address the Measure AA funding; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg/District Board of the Fort Bragg Municipal Improvement District No. 1 do hereby approve the First Amendment to the Memorandum of Agreement between the City of Fort Bragg, Fort Bragg Municipal Improvement District No. 1, and the Noyo Center for Marine Science which is attached hereto as Exhibit A and incorporated herein by reference, and authorize the City/District Manager to execute same.

The above and foregoing Resolution was introduced by Council/Board Member Norvell, seconded by Council/Board Member Cimolino, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg/District Board of the Fort Bragg Municipal Improvement District No. 1 held on the 26th day of June, 2017, by the following vote:

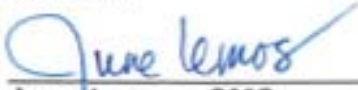
AYES: Council/Board Members Cimolino, Lee, Norvell, Turner, and Mayor/Chair Peters.
NOES: None.
ABSENT: None.
ABSTAIN: None.

RECUSED: None.



Lindy Peters
Mayor/Chair

ATTEST:



June Lemos, CMC
City/District Clerk

EXHIBIT A

FIRST AMENDMENT TO AGREEMENT WITH NOYO CENTER FOR MARINE SCIENCE.

THIS FIRST AMENDMENT is made and entered into this 1st day of July 2017, by and between the CITY OF FORT BRAGG, hereinafter referred to as "City," the Municipal Improvement District No. 1, hereinafter referred to as "District" and the Noyo Center for Marine Science, hereinafter referred to as "Noyo Center."

WHEREAS, the City, District and Noyo Center entered into a Memorandum of Agreement ("MOA") on December 14, 2015; and

WHEREAS, on November 8, 2016, the voters of Fort Bragg approved Measures AA and AB; and

WHEREAS, Measure AA increases the Transient Occupancy Tax from 10% to 12% effective April 1, 2017; and

WHEREAS, Measure AB advises the City Council to use one-eighth of the revenues from Measure AA to support "establishment of the Noyo Center for Marine Science as a premier visitor attraction;" and

WHEREAS, The City budget for Fiscal Year 2017/18 appropriates measure AA funds designated for Noyo Center in the amount of \$54,257; and

WHEREAS, the Noyo Center prefers receiving the appropriated Measure AA funds and accompanying reporting on a quarterly basis; and

WHEREAS, City, District and Noyo Center desire to amend the MOA to establish terms for the disbursement of Measure AA funds from the City to the Noyo Center;

NOW, THEREFORE, for the aforementioned reasons and other valuable consideration, the receipt and sufficiency of which is acknowledged, City, District and Noyo Center hereby agree that the Memorandum of Agreement dated December 14, 2015, is hereby amended as follows:

1. Paragraph 4 (Financial Issues) is hereby amended to add subsection "c" as follows:
"Measure AA Funds received by the City that are Used, as Defined in Measure AB, to Fund the Noyo Center. Measure AB advises one-eighth of the revenues received through Measure AA which increases the Transient Occupancy Tax from 10% to 12% are to support establishment of the Noyo Center as a premier visitor attraction. The City agrees to provide annually appropriated funds with accompanying documentation to the Noyo Center on a quarterly basis as determined by the City.
2. Except as expressly amended herein, the Memorandum of Agreement, between the City, the District and the Noyo Center dated December 14, 2015, is hereby reaffirmed.

IN WITNESS WHEREOF, the parties have executed this Amendment the day and year first above written.

EXHIBIT A

CITY OF FORT BRAGG:

NOYO CENTER FOR MARINE SCIENCE:

By: _____

**Linda Ruffing
City Manager**

By: _____

**Sheila Semans
Executive Director**

ATTEST:

APPROVED AS TO FORM:

**June Lemos, CMC
City Clerk**

**Samantha W. Zutler
City Attorney**