

RESOLUTION NO. 31-2018

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
TIBURON APPROVING THE TT BID ADVISORY BOARD REPORT
AND DECLARING ITS INTENTION TO LEVY AND COLLECT
ASSESSMENTS ON LODGING ESTABLISHMENTS WITHIN THE
TIBURON TOURISM BUSINESS IMPROVEMENT DISTRICT**

WHEREAS, the Parking and Business Improvement Area Law of 1989, Section 36500 et seq., authorizes cities to establish parking and business improvement areas for the purpose of promoting tourism; and

WHEREAS, in 2007, the Town formed the Tiburon Tourism Business Improvement District (“TTBID”), to levy a one percent (1 %) assessment on lodging establishments within the Town’s borders; and

WHEREAS, in 2010, at the request of the Town’s two lodging establishments, the Lodge at Tiburon and the Water’s Edge Hotel (“collectively, “Town Hotels”), the Town increased the TTBID assessment to two percent (2%) and

WHEREAS, the TTBID Advisory Board (“Advisory Board”) approved its annual report on June 13, 2018, which report sets forth the legally required program and budget information (“Annual Report”).

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Tiburon does hereby resolves, determines, and finds as follows:

Section 1. The recitals set forth herein are true and correct.

Section 2. The Town Council hereby approves the Advisory Board Report and declares its intention to continue levying and collecting assessments within the Tiburon Tourism Business Improvement District (“TTBID”), whose boundaries are the Town’s borders, during the 2018-2019 fiscal year;

Section 3. The Town will use the TTBID funds to finance and administer marketing programs to promote mid-week and off-season overnight lodging business, to promote the Town as an overnight tourism destination, and to fund projects, programs, and activities that benefit lodging establishments within the TTBID, including management and visitor services, all as set forth in this Resolution and the Advisory Board Report on file with the Town Clerk

Section 4. The assessment is proposed to be levied on all lodging establishments, existing and future, at a rate of 2% of gross room rental revenue. The assessment is proposed to be this percentage for the following reasons:

- a. An assessment based on percentage is most fair to lodging establishments because it will cost smaller, lower service level and perhaps more inexpensive lodging businesses less money than it will cost larger, perhaps higher service level and higher room rate lodging businesses.
- b. Benefits received by the assessed lodging businesses are likely to be proportional to their assessment, depending upon programs implemented.
- c. An assessment based on percentage will result in revenues that rise and fall in reflection of greater and lesser business in an overall up or down tourism market and world economy.
- d. An assessment based on percentage is direct, and easy to understand and calculate.

Section 5. New hotels within the boundaries will not be exempt from the levy of assessment pursuant to Section 36531.

Section 6. Except where funds are otherwise available, the lodging business assessment will be levied annually to pay for all improvements and activities within the TTBID, specifically lodging-related and visitor services. These include, but are not limited to, web-site construction and maintenance, highlighting the assessed hotels, providing visitor information to promote mid-week and off-season overnight lodging; Management/Alliances/Board of Directors; Research; Sales in Target Markets, and Administration & Personnel.

Section 7. The time and place for the public hearing on the proposed levy of assessments is set for **7:30 p.m. on August 1, 2018, at the Town Council Chambers, 1505 Tiburon Boulevard, Tiburon CA 94920.**

Section 8. At the public hearing, the oral and written testimony of all interested persons for or against the levy of the TTBID or the extent of the TTBID area, the types of businesses to be assessed, or the furnishing of specified types of improvements or activities will be heard.

Section 9. Any interested party may make a written or oral protest against the TTBID or any aspect of thereof. However, in determining whether there is a majority protest against the TTBID, the Council will only count written protests from persons or entities that would be subject to the proposed assessment. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the lodging business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the County of Marin or Town of Tiburon as the owner of the lodging business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or evidence of the proceedings

shall be in writing and clearly state the irregularity or defect to which objection is made. Written protests should be mailed to the Town Clerk, 1505 Tiburon Boulevard, Tiburon CA 94920.

Section 10. If, at the conclusion of the public hearing on **August 1, 2018**, there are of record written protests by the owners of the lodging businesses within the TTBID that will pay fifty percent (50%) or more of the total assessments of the entire TTBID, no further proceedings to levy the TTBID assessments shall occur. New proceedings to levy the TTBID assessments shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protest by the Tiburon Town Council. If the majority written protest is only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the TTBID.

If there are no written protests by owners of the lodging businesses within the TTBID that will pay fifty percent (50%) or more of the total proposed assessments, the Council will consider a resolution confirming the Advisory Board Report and levying the assessments.

Section 11. Further information regarding the proposed Tiburon Tourism Business Improvement District (TTBID) may be obtained from Greg Chanis, Town Manager, 1505 Tiburon Boulevard, Tiburon CA 94920, telephone (415) 435-7373.

Section 12. The Tiburon Town Council supports the establishment of the TTBID within the legal process set forth above.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon held on **July 18, 2018**, by the following vote:

AYES: COUNCILMEMBERS: Fraser, Fredericks, Thier, Welner

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Kulik

/s/

JAMES FRASER, MAYOR
TOWN OF TIBURON

ATTEST:

_____/s/_____
LEA STEFANI, TOWN CLERK