



NOTICE OF PROPOSED CONTINUATION OF THE TIBURON TOURISM BUSINESS IMPROVEMENT DISTRICT ASSESSMENTS AND MODIFICATION OF ACTIVITIES AND IMPROVEMENTS

NOTICE IS HEREBY GIVEN that on June 1, 2022, the Town Council (the “Council”) of the Town of Tiburon (the “Town”) adopted a Resolution of Intention to continue the assessments imposed within the Tiburon Tourism Business Improvement District (“TTBID”) and modify the TTBID’s activities and improvements as set forth in said Resolution of Intention. The resolution is attached hereto and hereby incorporated into the notice.

NOTICE IS HEREBY FURTHER GIVEN that at 5:00 p.m. on Wednesday, June 15, 2022, a public meeting shall be held pursuant to Government Code section 54954.6 to allow public testimony regarding the assessments and modification of the TTBID as set forth in the enclosed Resolution of Intention and pursuant to California Streets and Highways Code Sections 36524, 36525 and 36533.

Consistent with Government Code section 54953(e), the Town Council meeting will not be physically open to the public and all Council members will be teleconferencing into the meeting. To maximize public safety while still maintaining transparency and public access, members of the public can access the meeting by following live at a video link or conference call number that will be provided on the agenda in advance of the meeting.

NOTICE IS FURTHER GIVEN that 5:00 p.m., on Wednesday, June 15, 2022 has been set as the time and place for a public hearing at which time the Council will hear public testimony and protests and at which the Council proposes to enact the assessments and modifications set forth in the enclosed Resolution of Intention, all pursuant to California Streets and Highways Code Sections 36524, 36525 and 36533.

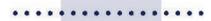
Assessment: The amount of the assessments will not change.

Estimate: The estimated amount of revenue to be raised by the assessment during fiscal year 2022-2023 is approximately \$187,500.

Collection: The Town of Tiburon shall collect the assessments from the lodging businesses within its jurisdiction. The Town may deduct from the assessment totals its administrative costs of up to 1% of total assessments.

Purpose: The TTBID proposes to fund projects, programs and activities that benefit the lodging establishments within the boundaries of the TTBID as an overnight tourism destination, plus the provision of tourism management and visitor services.

Jon Welner
Mayor



Jack Ryan
Vice Mayor



Alice Fredericks
Councilmember



Noah Griffin
Councilmember



Holli Thier
Councilmember

Greg Chanis
Town Manager



Protest: Upon receipt by the Council of written petitions of the owners of lodging businesses in the area who would pay 50 percent or more of the annual assessments levied, the assessment shall be abandoned.

Should you desire to mail a protest against this assessment, the address is:

Tiburon Town Council
c/o Tiburon Town Clerk
1505 Tiburon Boulevard
Tiburon, CA 94920
Email: lstefani@townoftiburon.org

Information: Should you desire additional information about this assessment, contact:

Greg Chanis, Town Manager
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920
Email: gchanis@townoftiburon.org

Jon Welner
Mayor

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Jack Ryan
Vice Mayor

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Alice Fredericks
Councilmember

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Noah Griffin
Councilmember

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Holli Thier
Councilmember

Greg Chanis
Town Manager

RESOLUTION NO. 18-2022

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
TIBURON APPROVING THE TTBID 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 August 12, 2020, 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 2022-2023 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 TT BID, 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 **5:00 p.m. on June 15, 2022**. The public hearing will be conducted via Zoom.

Section 8. At the public hearing, the oral and written testimony of all interested persons for or against the levy of the TT BID or the extent of the TT BID 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 TT BID or any aspect of thereof. However, in determining whether there is a majority protest against the TT BID, 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 **June 15, 2022**, 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 **June 1, 2022**, by the following vote:

AYES:	COUNCILMEMBERS:	Fredericks, Griffin, Ryan, Thier
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Welner