

**CITY COUNCIL OF AMADOR CITY
DRAFT, REGULAR MEETING AGENDA
THURSDAY, 21 November 2024
7:00 PM**

The agenda for this regular meeting is distributed to the City Council and posted in public locations in Amador City no less than 72 hours prior to the meeting. Any pertinent documents related to Regular Agenda Items will be distributed to Council Members no less than 72 hours prior to the meeting and available at City Hall during City Hall hours.

In-person participation by the public is welcomed. City Council Meetings will also be broadcast on the City's YouTube channel at: <https://www.youtube.com/@amadorcitycouncil>

Members of the public not attending in-person may submit written comments prior to the meeting by emailing their comment to the City Clerk at cityclerk@amador-city.com before 11:00 AM on the day of the meeting. Emailed public comments will be distributed to City Council and made part of the official record.

In compliance with the Americans with Disabilities Act, individuals may request disability-related accommodations by contacting the City Clerk before 11:00 AM on the Monday before the Council meeting. City Hall is wheelchair accessible.

1. MEETING CALLED TO ORDER

2. FLAG SALUTE/PLEDGE OF ALLEGIANCE *Petra Henry*

3. ROLL CALL/ESTABLISH A QUORUM

Council Members Ambroselli, Bragstad, Sherrill, Kel-Artinian, Staples

4. APPROVAL OF CITY COUNCIL REGULAR MEETING AGENDA 21 Nov 2024

5. PUBLIC COMMENT

Under provisions of the California Code, citizens wishing to address the Council for any matter not on the agenda may do so at this time. Comments are limited to five minutes or less. Under provisions of the California Government Code, the City Council cannot take action unless an urgent need arose after the posting of the agenda.

6. PRESENTATIONS/PROCLAMATIONS/APPOINTMENTS/CORRESPONDENCE

6A. Presentation, Tom DuBois, City Manager, Sutter Creek

Dissolution of ARSA, the transfer of responsibilities of waste water management to the City of Sutter Creek, and implications for Amador City

Attachment: Informational Staff Report, City Manager, Sutter Creek

7. CONSENT CALENDAR ITEMS

All matters listed under the Consent Calendar are to be considered routine by the City Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the City Council votes on the motion to adopt,

members of the Council, staff or the public request specific items to be removed from the Consent Calendar for separate discussion and action.

7A. Regular Meeting Agenda Minutes of 17 October 24

7B. Financial Report

8. ORDINANCES AND PUBLIC HEARINGS

8A. Proposition 218 Public Hearing: Republic Services (ACES)

Discussion and possible action regarding rate adjustment and proposed multi-year Proposition 218 notice to Amador City residents

Attachment: Notice of Public Hearing: Proposed Adjustments to Rates for Solid Waste Service Fees

9. REGULAR AGENDA ITEMS

9A. Amador Council of Tourism, Kathleen Mahan: Discussion and possible action regarding an endorsement from Amador City of a proposed plan for Amador County Tourism Marketing District (ACTMD).

Attachments: Tourism Marketing District Flyer
Amador County Tourism: Marketing District Plan
ACTMD petition to businesses
Petition to the County Of Amador

9B. Sierra Trails Stewardship (STS), Bradley Booker: Discussion and possible action regarding a request for support for STS's endeavors regarding multimodal travel and recreation in Amador County

Attachments: email from Bradley Booker on behalf of STS

9C. Ledger Dispatch and Mountain Merchant newspaper dispensers: Discussion of the move of dispensers to City property.

Attachment: Background Report

10. ADMINISTRATIVE REPORTS AND COMMENTS

10A. CITY COUNCIL MEMBERS' REPORTS AND COMMENTS

10B. CITY MANAGER'S REPORT AND COMMENTS

10C. CITY ATTORNEY'S REPORT AND COMMENTS

10D. PERMIT LOG

11. REQUESTS FOR FUTURE AGENDA ITEMS

12. CLOSED SESSION may be called for labor negotiations (pursuant to Government Code §54957.6), personnel matters (pursuant to Government Code §54957), real estate negotiations/acquisitions (pursuant to Government Code §54956.8), and/or pending or potential litigation (pursuant to Government Code §54956.9). Following Closed Session City Council will announce any action taken in Open Session.

12A. Conference with Legal Counsel: Regarding potential litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9.

Presenter: Pat Keene, City Attorney

12B. Conference regarding personnel matters (pursuant to Government Code §54957).

Position: City Administrator

13. RETURN TO OPEN SESSION

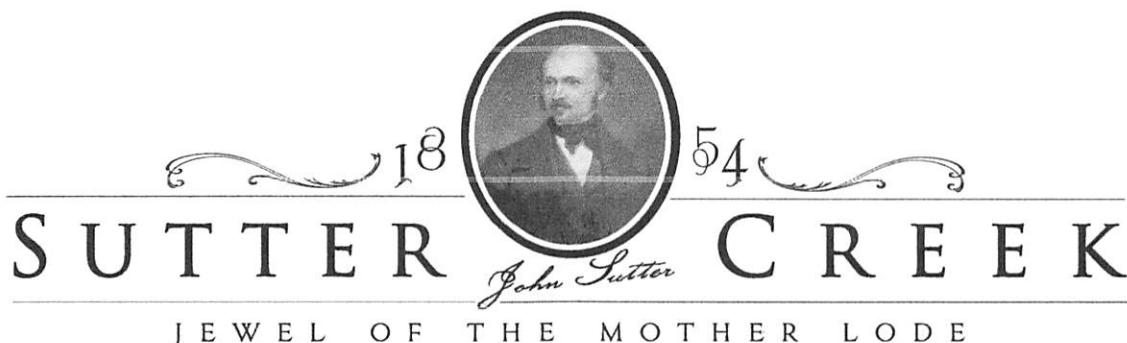
13A. Report of Closed Session

13B. Employment Agreement: City Administrator: Discussion and possible action regarding approval of employment agreement for city administrator.

13. ADJOURNMENT

The next regular scheduled City Council meeting is Thursday, 19 December 2024 at 7:00 PM

6A



INFORMATIONAL STAFF REPORT

TO: THE HONORABLE MAYOR AND MEMBERS OF THE AMADOR CITY COUNCIL

MEETING DATE: NOV 21, 2024

FROM: TOM DUBOIS, CITY MANAGER, SUTTER CREEK

SUBJECT: NEW WWTP PLANNING STATUS UPDATE

WWTP PLANNING UPDATE: Staff have held a series of discussions with various experts to start to refine the preferred alternative for a new Sutter Creek Wastewater plant. In addition to aging infrastructure, we are facing decision on disposal and growth. As Council knows, staff are engaged in the dissolution of the ARSA JPA. As part of this dissolution, new contracts are being created with AWA and Amador City.

CAPACITY

The City currently has capacity for about 180 additional residential units of treatment. This includes some old "will serves" as well as past commitments to Amador City and AWA. The plant has not been running at capacity with several components broken. With fixes and expiration of old will serves, Staff believes we can reclaim enough capacity to continue without running out of capacity until a new plant comes online. However, this depends on the amount of development. Any development will need to pay impact fees to help fund future improvements.

REGIONAL WATER BOARD

The City has been in discussions with the Water board to discuss the limitations of creek discharge (year-round vs seasonal). Early feedback is, there is no difference in requirements whether year around or seasonal. The process is both technical and political. Sutter Creek must demonstrate to the Water Board that it can safely operate a tertiary plant.

Discussions have also centered around the capabilities of the new WWTP to meet future regulatory effluent discharge limitations (phosphates, nutrient levels, nitrogen levels and possible PFAS (Forever chemicals)). We are currently operating under an old permit, which lets us operate with few constraints. Whether we build a new plant or not, the water board will want to update our operation permit to improve the quality of that effluent.

As we plan and design a tertiary treatment WWTP the level of monitoring and sampling will be increased (vs secondary treatment). The new WWTP will also contain more automation which will aid in these new requirements.

The water board has requested a water balance from ARSA and all parties involved in the ARSA system (Ione and CDCR, Castle Oaks). Currently the City has partnered with Hydro sciences to update our internal water balance. A group effort is underway to share each individual water balances with the other

members of ARSA (City of Lone, Castle Oaks, and CDCR). ARSA's response on the individual water balance is due by the end of the year

DESIGN AND CONSTRUCTION

Staff have met with multiple engineering design and construction firms as well as firms that do both to get insights into cost effectively planning for the new WWTP.

Two main methods of procurement are design-build and the traditional design-bid-build method. The design-build procurement and delivery method provide a public agency with a single point of contact for both the design and construction phases of the project. Unlike the traditional design-bid-build process, the team members collaborate throughout the process to make scope, technology and equipment decisions. Done well, design-build saves time and money, ensuring that the design is buildable with minimal hand-off between companies. Design Build contracts can help ensure that we can complete a project on time and on budget.

The downside of Design-build is that you are selecting your construction partner at the start of the process. You lose independence of the designer from the construction firm. And some forms of financing may be unavailable.

However, as we've talked to government agencies, Design-Build is gaining favor and more and more funding sources are allowing Design-Build. The state revolving fund (SRF) is the largest one that does not currently allow design-build. However, the success rate with SRF is low and it takes 3-5 years to get funded, so this may not be an issue for us.

Once the method of procurement has been established, Staff will prepare a Request for Proposal (RFP) in the coming months to pick a firm to represent the City in the implementation of a new WWTP.

We have talked to two large, well-known firms:

Burns and McDonald - <https://www.burnsmcd.com/>

Large firm (\$7B in annual revenue) that does traditional design-build., Have done a lot projects throughout the US. Interested in getting into wastewater construction in California. Traditional firm, minimal help on financing side.

Schneider Electric - <https://www.se.com/us/en/>

Global firm (\$39B in annual revenue), has done several wastewater projects in California already. They appear to be fuller service, helping with lining up financing as well as engineering and construction.

We have also talked to Hydrosiences and Jos West as design only firms.

Staff is leaning towards the design-build approach if we are confident, we can assemble the funding. The design-build firms have reviewed our master plans and the recent Carollo reports. They are recommending a modular approach and have made ballpark estimates of a new plant cost of less than \$50M.

FUNDING DISCUSSIONS:

Funding will come from user rates, possible development fees, and a mix of loans and grants. Before any firm moves forward with us, it is in both of interests to ensure that we can complete the project financially. Some firms are used to working with larger cities that have the staff to manage the financing independently. Given our small staff, we are seeking a firm that can help us assemble all the pieces.

A primary source of funding will be bonding the rate payers' monthly payments. The recent wastewater rates study increases are bondable. The approved increases let a lender know that those funds are certain in the future.

The City has spoken to iBank (a California government agency that acts like a commercial lending bank) about providing low interest loans for water and wastewater infrastructure projects. They are a promising source – our next step with them is to determine what Sutter Creek's purchasing power is given our current rate study and customers. City staff are currently gathering financial documents to submit to iBank. Their lending criteria will determine how much debt they are willing to fund, and identify the funding gap remaining. Funding could be secured in as little as 6 months. A borrower's resolution will be needed from council prior to the application.

The City has taken steps to strengthen its financial position significantly. As part of the ARSA Dissolution, \$650,000 in principal and interest that was disputed was removed from the books, improving our debt capacity. The City has about \$578,000 outstanding debt though a USDA loan that was used to improve the collection system.

The CWSRF planning grant that was allocated to the City has expired and the unused funds are no longer available to us. Staff finished up the final report with Carollo but because of the starts and stops over time, and Carollo's interpretation of the I&I flow data, a definitive conclusion was not reached. CWSRF staff have indicated that the City should reapply but only after the planning has been further defined. The City will reapply but given the current State funding levels it should not be counted on as a funding source in the near future. City staff are currently monitoring other grants (USDA and energy efficiency and resiliency) and will apply for any of these that the criteria is met along with the CWSRF.

We have talked to three alternative grant monitoring and writing companies. Each had their pros and cons. The City just signed an agreement with California Consulting to help with grant writing..

Finally, we are evaluating how to handle Sutter Creek Ranch, a new development in the Gold Rush specific plan area. We need a modular approach that will allow growth that can help fund the new wastewater plant, but is not solely dependent on this projects success in order to fund anything. Firms are recommending modular technology to add capacity, but the core design and construction may require development within Sutter Creek to be viable. Development in the Gold Rush area could include a combination of construction and cash investment.

City staff also submitted a request to be the preferred wastewater provider to future development in the Wicklow Way area, providing more ratepayers that could fund future development.

NEXT STEPS: In the coming months, the City submitted financial documents to iBank on Nov 14, 2024 to determine our purchasing power. If there assessment is that we can afford the project, early in 2025, we will develop an RFQ to solicit a design-build partner. The selected design firm and the City will determine options for the new WWTP with and without new development. We will continue to update Council as progress is made. The process is quite lengthy. A draft schedule is attached.

Preliminary Schedule***Sutter Creek Wastewater Treatment Plant Improvement Project******DRAFT ONLY***

The following is a preliminary schedule for a Design & Construction Project. Once the design/builder has discussed development requirements and timing with the public agency, a firm development schedule will be developed and presented for acceptance. The schedule below is preliminary and subject to change.

Item	Target Schedule
The Public Agency issue a Request For Qualifications to select an Energy Services Company (ESCO) Design-Build	March 2025
The Public Agency perform interviews with short listed ESCO Design-Build	April 2025
The Public Agency selects ESCO Design-Build	April 2025
The Public Agency issue Notice of Recommended ESCO Design-Build	April 2025
The Public Agency approve to proceed with ESCO Design-Build Contract at a City Council Meeting	May 2025
Public Agency signs Agreement for Turnkey Design and Construction Energy Services authorizing Design/Builder to proceed with design services	May 2025
The Public Agency provides the Designer/Builder with complete utility information, as-built drawings, plant operating data, etc.	June 2025
Design/Builder and Public Agency conduct Investment Grade Audit (IGA) Design Phase 1 Kick-Off Meeting	July 2025
Design/Builder and Public Agency conduct a meeting for <u>Phase 1</u> Design results meeting (Preliminary Design report)	January 2026
Design/Builder and Public Agency proceeds with <u>Phase 2</u> Design (30% Design)	February 2026
Design/Builder and Public Agency conduct a meeting for <u>Phase 2</u> Design results meeting (30% Design)	July 2026
Design/Builder and Public Agency proceeds with <u>Phase 3</u> Design (60% Design)	August 2026
Design/Builder and Public Agency conduct a meeting for <u>Phase 3</u> Design results final meeting (60% Design)	January 2027
Public Agency and Design/Builder complete negotiations of the construction services scope and pricing for the Construction Amendment and iron out all details for the Council package.	February 2027
The Public Agency posts public notice 2 weeks prior to Council Meeting of approval going forward with the Construction Phase.	March 2027
The Public Agency approves a resolution authorizing the construction amendment at the regularly scheduled board meeting.	March 2027
Construction Amendment is executed and serves as NTP, allowing the Design/Builder to proceed with the Construction Work.	April 2027
The final Design and Construction kick-off meeting is held to prepare for the Construction Phase.	May 2027
Beginning of Construction	June 2027

End of Construction	July 2029
Commissioning & Testing	October 2029

7A

**CITY COUNCIL OF AMADOR CITY
MINUTES, REGULAR MEETING AGENDA
THURSDAY, 17 OCTOBER 2024
7:00 PM**

1. MEETING CALLED TO ORDER

2. FLAG SALUTE/PLEDGE OF ALLEGIANCE - *Lizzie Groth*

3. ROLL CALL/ESTABLISH A QUORUM

Council Members Present: Ambroselli, Bragstad, Sherrill, Staples
Council Members Absent: Kel-Artinian

4. APPROVAL OF CITY COUNCIL REGULAR MEETING AGENDA 17 OCT 2024

no closed session -- strike-through placed on items 12 and 13
Motion to approve with stated changes made by Sherrill, 2nd by Bragstad.
Approved unanimously.

5. PUBLIC COMMENT

Kat Leon: - questioned why the Ledger Dispatch newspaper dispenser, a trashcan, and the MountainMerchant news dispenser were moved to the north side of The Old City Hall building. Requested this item to be included on the next month's agenda.
- requested that the windows on the east side of The Old City Hall building be repaired and the building be painted. City administrator will follow through on windows. Painting of City buildings takes place according to City schedules.
Corinne Moore: requested that the Ledger Dispatch box be moved back to its former location.

6. PRESENTATIONS/PROCLAMATIONS/APPOINTMENTS/CORRESPONDENCE

7. CONSENT CALENDAR ITEMS

7A. Regular Meeting Agenda Minutes of 19 September 2024
7B. Financial Report

Motion to approve Consent Agenda made by Bragstad, 2nd by Sherrill.

Yays: Ambroselli, Bragstad, Sherrill, Staples
Nays: 0
Absent : Kel-Artinian

8. ORDINANCES AND PUBLIC HEARINGS None

9. REGULAR AGENDA ITEMS.

9A. Sewer Pond Motion made to approve request for improvement to the sewer pond filter system, not to exceed \$16,500 estimate, made by Bragstad, 2nd by Ambroselli.
Yays: Ambroselli, Bragstad, Sherrill, Staples
Nays: 0
Absent: Kel-Artinian

9B. Sutter Creek Elementary Motion by Bragstad, 2nd by Sherrill. made that Amador City become a sponsor at the Gold Level or higher for the 2024 Sutter Creek Elementary School Walk-a-Thon.
Yays: Ambroselli, Bragstad, Sherrill, Staples
Nays: 0
Absent: Kel-Artinian

- 9C. Local Early Action Planning (LEAP) Grant Award Discussion only that Amador City has been awarded \$65,000 for the projects listed in the original grant application in 2023, some of which have been completed and can now be reimbursed.
- 9D. Donation to Amador City Motion made by Bragstad, 2nd by Ambroselli, that Amador City establish a Historical Preservation Oversight Committee to make determinations on the acceptance, distribution, and accounting of a \$3,500.00 donation for historical preservation/promotion causes from Claudine Burnett.
- Ayes: Ambroselli, Bragstad, Sherrill, Staples
Nays: 0
Absent: Kel-Artinian
- 9E. Motion made by Ambroselli, 2nd by Bragstad to approve Resolution No. 633 regarding priority project for transportation improvement and verification of eligibility for California Transportation Commission's Local Partnership Program.
- Ayes: Ambroselli, Bragstad, Sherrill, Staples
Nays: 0
Absent: Kel-Artinian

10. ADMINISTRATIVE REPORTS AND COMMENTS

- 10A. CITY MANAGER'S REPORT AND COMMENTS:
Groth met with WGA engineers, Frank Whitmore and Larry White, to discuss process of submitting transportation improvement project for Amador City. Discussion included improving Main St/Old Hwy 49 in segments with the initial segment being from the Bridge south toward the City limit since there are fewer considerations for hillside stability or pending infrastructure work.
- 10B. CITY ATTORNEY'S REPORT AND COMMENTS: Closed Session needed at the next City Council Meeting regarding pending litigation.
- 10C. CITY COUNCIL MEMBERS' REPORTS AND COMMENTS
- Ambroselli: 1. .gov domain has been established. Next steps include integrating email and updating City Government website. 2. Account has been established with Small Community Clean Water/Wastewater (SCWW). Next steps include investigating grant opportunities and requirements. Discussion: mtg with Dave and Sandy 3. There has been an abandoned car at the south edge of the Culburt Park. Groth will follow-through. 4. Fallen trees weighing on abandoned phone lines (PacBell? ATT?). Groth will ck whether there is an easement.
- Bragstad: Street signs in the City are missing and need to be replaced. Staples will survey missing signs.
- Sherrill: 1. Safety concern regarding planking at the Pocket Park. Status of supports beneath planking is not known and needs to be determined. 2. Storm drains in the City need cleaning and debris removal before winter rains begin. Options discussed included the County, hiring a someone or a work crew, holding a community cleanup.
- Staples: reported on 1. Sutter Creek Fire Protection District and their operations report on the fire in downtown Sutter Creek; 2. Amador County Recreation Agency (ACRA) board meeting; 3. Bicycle and Pedestrian Advisory Committee holding "field trip" to consider signage for future bike/ped route between Amador City and Sutter Creek; 4. "Women in Government" event presented by American Association of University Women (AAUW) this Saturday at Amador High School

10D. PERMIT LOG

11. REQUESTS FOR FUTURE AGENDA ITEMS

Tom DuBois, City Manager of Sutter Creek: Presentation of plans for dissolution of Amador Regional Sanitation Agency; Proposition 218 regarding fee adjustment for ACES; Ledger Dispatch newspaper dispenser;

14. ADJOURNMENT

The next regular scheduled City Council meeting is Thursday, 21 November 2024 at 7:00 PM

7B

8A



CITY OF AMADOR CITY
INCORPORATED JUNE 2, 1915
California

CITY OF AMADOR CITY

NOTICE OF PUBLIC HEARING

PROPOSED ADJUSTMENTS TO RATES FOR SOLID WASTE SERVICE FEES

NOTICE IS HERBY GIVEN that the City of Amador City ("City") will hold a Public Hearing on November 21st, 2024 at 7:00PM in the City Hall, located at 14531 E School Street, Amador City, CA, to consider the adoption of adjustments to the rates for solid waste service fees applicable to the parcel for which you are shown as the record owner or customer of record. The rate adjustment proposed to be imposed on your parcel (or to you as a direct customer) and the basis upon which it was calculated is described in more detail below.

The purpose of the hearing is to consider all written protests against the rate adjustments. As the record owner or customer of record of a parcel identified to be subject to the imposition of the proposed rate adjustment, you may submit a written protest against the proposed rate adjustments. However, if the identified parcel has more than one record owner and/or customer of record, only one written protest will be counted. Each protest must (1) be in writing; (2) state that you are opposed to the specific rate adjustments (for solid waste services); (3) provide the location of the identified parcel (by assessor's parcel number or street address); and (4) include the original signature of the record owner or customer of record submitting the protest. Protests submitted by e-mail, or other electronic means will not be accepted. Oral comments at the public hearing will not qualify as formal protests unless accompanied by a written protest. Written protests may be submitted by mail or hand-delivered to the **City Clerk, City of Amador City, P.O. Box 200, Amador City, CA 95601**, or in person at the public hearing, so long as they are received prior to the conclusion of the public hearing on November 21, 2024. Please identify on the front of the envelope for any protest, whether mailed or submitted in person to the City Clerk, that the enclosed letter is for the public hearing on the solid waste rate adjustment.

If at the close of the public hearing, written protests against the proposed rate adjustment are not presented by a majority of the record owners or customers of record of the identified parcels upon which they are proposed to be imposed, the City Council may adopt the 2024 proposed rate adjustment to the solid waste service fee, to be effective December 1, 2024. If the Council approves the rate adjustments cap not to exceed 8% for the next three years, the rates will be adjusted annually thereafter each October 1, 2025 up to and through October 1, 2027.

PROPOSED RATE ADJUSTMENTS

The City has awarded a franchise to ACES Waste Services that allows ACES to collect solid waste generated in Amador City from those customers who choose to receive solid waste service. The franchise agreement entitles ACES to receive periodic rate adjustments, calculated based primarily on annual percentage change for the prior calendar year, in the Consumer Price Index (CPI), All Urban Consumers for the San Francisco-Oakland-Hayward, CA Metropolitan Area, as determined by the United States Department of Labor Statistics and fees to dispose of the waste, such as tipping fees, pass-through county and landfill fees.

ACES has requested an adjustment to the solid waste fees for calendar year 2024, and proposed a three-year adjustment approval for rates not to exceed 8% for October 1, 2025 up to and through October 1, 2027. Adjustments for 2025 – 2027 will depend on changes in the disposal and CPI fees during the most recent 12 month period for which they are available. While the City currently maintains a rural exemption waiver from CalRecycle that exempts it from certain statewide organic waste collection requirements, the changes in CPI and increased disposal charged at landfills to meet State mandates are the driving forces for ACES rate changes. The multi-year adjustments are set forth as follows:

City of Amador City
ACES Solid Waste Services
Proposed Rate Adjustments

	Current Monthly Rate (thru 11/30/2024)	Proposed Rate 12/1/2024 - 9/30/2025	Rate Year 1* 10/1/2025 - 9/30/2026	New Rate Year 2* 10/1/2026 - 9/30/2027	New Rate Year 3* 10/1/2027 - 9/30/2028
Residential Services					
32-Gallon Weekly Pick-up	\$ 28.41	\$ 34.14	\$ 36.87	\$ 39.82	\$ 43.01
64-Gallon Weekly Pick-up	\$ 36.75	\$ 44.16	\$ 47.70	\$ 51.51	\$ 55.63
96-Gallon Weekly Pick-up	\$ 50.53	\$ 60.72	\$ 65.58	\$ 70.83	\$ 76.49
Commercial Service					
2-Yard Bin Weekly	\$ 249.99	\$ 300.42	\$ 324.45	\$ 350.41	\$ 378.44
3-Yard Bin Weekly	\$ 376.47	\$ 452.40	\$ 488.59	\$ 527.68	\$ 569.89
4-Yard Bin Weekly	\$ 502.30	\$ 603.61	\$ 651.90	\$ 704.05	\$ 760.37
6-Yard Bin Weekly	\$ 753.34	\$ 905.28	\$ 977.71	\$ 1,055.92	\$ 1,140.40
7-Yard Bin Weekly	\$ 794.19	\$ 954.38	\$ 1,030.73	\$ 1,113.19	\$ 1,202.24
			* Not to Exceed 8%	* Not to Exceed 8%	* Not to Exceed 8%

9A

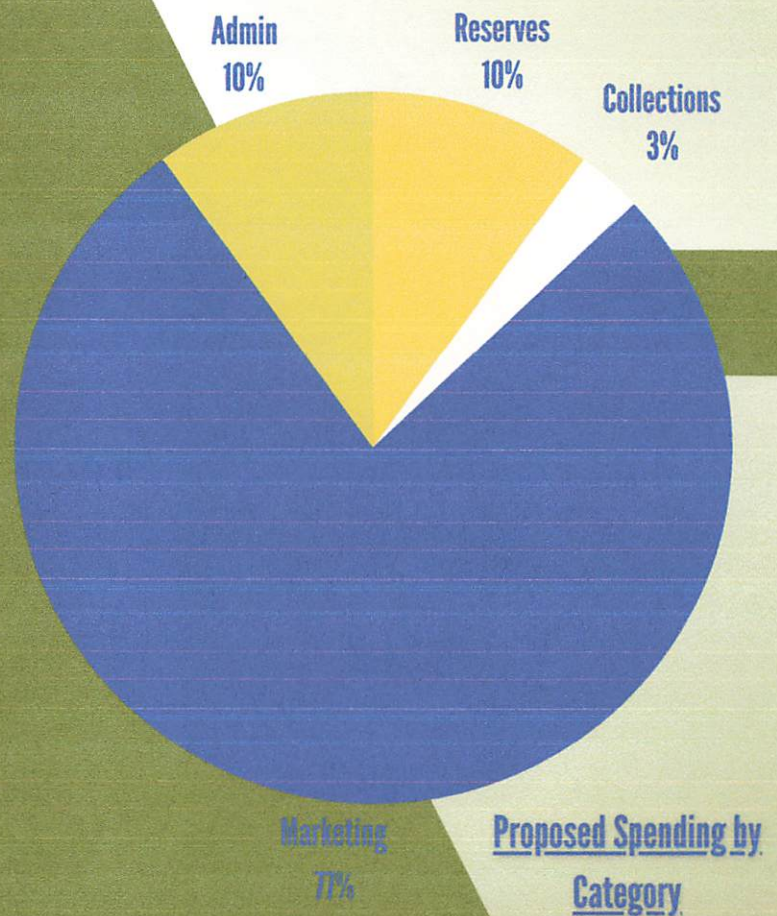
9A

Attachment 1

Tourism Marketing District

- ACT will manage the marketing as the DMO for the region, with its current purpose unchanged.
- TMD will direct ACT's marketing campaigns.
- TMD funding will be kept in a separate account and then pooled with county TOT funds.
- TMD will focus on promoting lodging, short-term stays, and mid-week overnights.
- County TOT funds will be used to promote all tourism in Amador, boosting tourist spending and county revenue.
- ACT will continue to secure additional funding from the incorporated Cities TOT following the election, as many seats will change.

Total TMD Budget WITH TOT Funding is expected to be \$300,000 annually



ACT

- ACT will be administrator of the TMD
- TMD & county TOT combined will allow marketing to make a substantial impact in market awareness

TOT FUNDING

- County TOT funds are crucial to level the playing field with other DMOs in the region

TMD

- TMD generated funds will bring ACT to 2/3 of the minimum funding of other California DMOs

9A

Attachment 2

2025-2030



AMADOR COUNTY TOURISM MARKETING DISTRICT MANAGEMENT DISTRICT PLAN

*Prepared pursuant to the Property and Business Improvement District Law of
1994, Streets and Highways Code section 36600 et seq.*

June 6 2024

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Prepared by
Civitas



I. OVERVIEW

Developed by Amador County businesses and the Amador Council of Tourism (ACT), the Amador County Tourism Marketing District (ACTMD) is an assessment district proposed to provide specific benefits to payors, by funding marketing and sales promotion efforts for assessed businesses. This approach has been used successfully in other destination areas throughout the country to provide the benefits of additional room night sales directly to payors.

- Location:* The proposed ACTMD includes all lodging businesses and all short-term rentals, existing and in the future, available for public occupancy located within the boundaries of the County of Amador (County) including the cities of Amador City, Ione, Jackson, Plymouth, and Sutter Creek and the unincorporated areas of the County as shown on the map in Section III.
- Services:* The ACTMD is designed to provide specific benefits directly to payors by increasing awareness and demand for room night sales. Marketing and sales promotions will increase demand for overnight tourism and market payors as tourist, meeting and event destinations, thereby increasing demand for room night sales.
- Budget:* The total ACTMD annual assessment budget for the initial year of its five (5) year operation is anticipated to be approximately \$200,000. A similar budget is expected to apply to subsequent years, but this budget is expected to fluctuate as room sales do and as businesses open and close.
- Cost:* The annual assessment rate is two percent (2%) of gross short-term sleeping room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; stays by government employees on government business; and stays pursuant to contracts executed prior to the formation of the ACTMD.
- Collection:* A third-party collection agency will be responsible for collecting the assessment on a quarterly basis (including any delinquencies, interest, and overdue charges) from each assessed business located in the boundaries of the ACTMD.
- Duration:* The proposed ACTMD will have a five (5) year life, beginning January 1, 2025, or as soon as possible thereafter, and ending five (5) years from its start date. After five (5) years, the ACTMD may be renewed pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq. (94 Law) if business owners support continuing the ACTMD programs.
- Management:* The ACT shall serve as the ACTMD's Owner's Association. The Owners' Association is charged with managing funds and implementing programs in accordance with this Plan and must provide annual reports to the County Board of Supervisors.

II. BACKGROUND

TMDs are an evolution of the traditional Business Improvement District. The first TMD was formed in West Hollywood, California in 1989. Since then, over 100 California destinations have followed suit. In recent years, other states have begun adopting the California model – Massachusetts, Montana, South Dakota, Washington, Colorado, Texas and Louisiana have adopted TID laws. Several other states are in the process of adopting their own legislation. The cities of Wichita, Kansas and Newark, New Jersey used an existing business improvement district law to form a TMD. Additionally, some cities, like Portland, Oregon and Memphis, Tennessee have utilized their home rule powers to create TMDs without a state law.



California's TMDs collectively raise over \$300 million annually for local destination marketing. With competitors raising their budgets, and increasing rivalry for visitor dollars, it is important that Amador County lodging businesses and short-term rentals continue to invest in stable, commerce-specific marketing programs.

TMDs utilize the efficiencies of private sector operation in the market-based promotion of tourism districts. TMDs allow tourism business owners to organize their efforts to increase commerce. Business owners within the TMD pay an assessment and those funds are used to provide services that increase commerce.

In California, most TMDs are formed pursuant to the 94 Law. This law allows for the creation of a benefit assessment district to raise funds within a specific geographic area. *The key difference between TMDs and other benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the district.*

There are many benefits to TMDs:

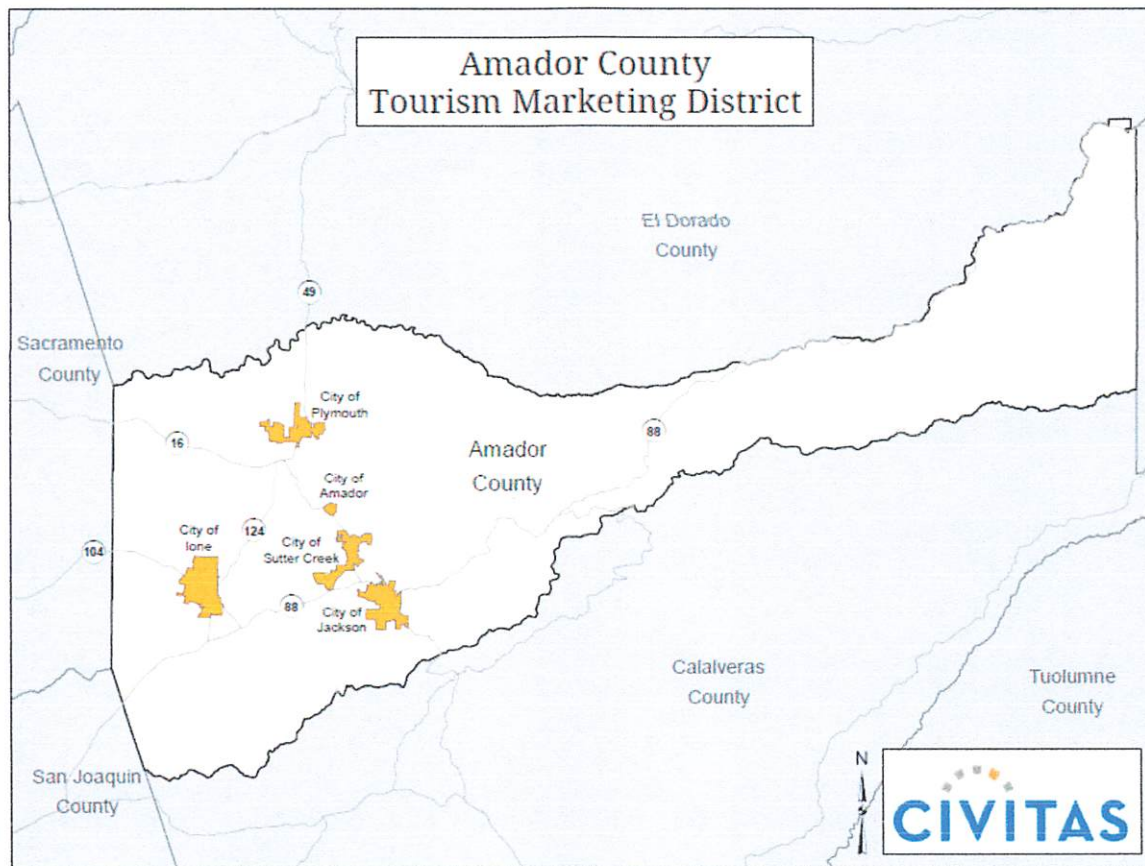
- Funds must be spent on services and improvements that provide a specific benefit only to those who pay;
- Funds cannot be diverted to general government programs;
- They are customized to fit the needs of payors in each destination;
- They allow for a wide range of services;
- They are ***designed, created and governed by those who will pay*** the assessment; and
- They provide a stable, long-term funding source for tourism promotion.

III. BOUNDARY

The ACTMD will include all lodging businesses and short-term rentals, existing and in the future, available for public occupancy within the boundaries of Amador County (County), including the cities of Amador City, Ione, Jackson, Plymouth, and Sutter Creek and ,the unincorporated areas of the County.

Lodging business means: any structure, or any portion of any structure, which is occupied or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, bed-and-breakfast house, motel, studio, hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.

Short-term rental means: any residential property or portion of a residential property that is rented to an individual or group for 30 consecutive days or less, as defined in California Government Code section 25132.



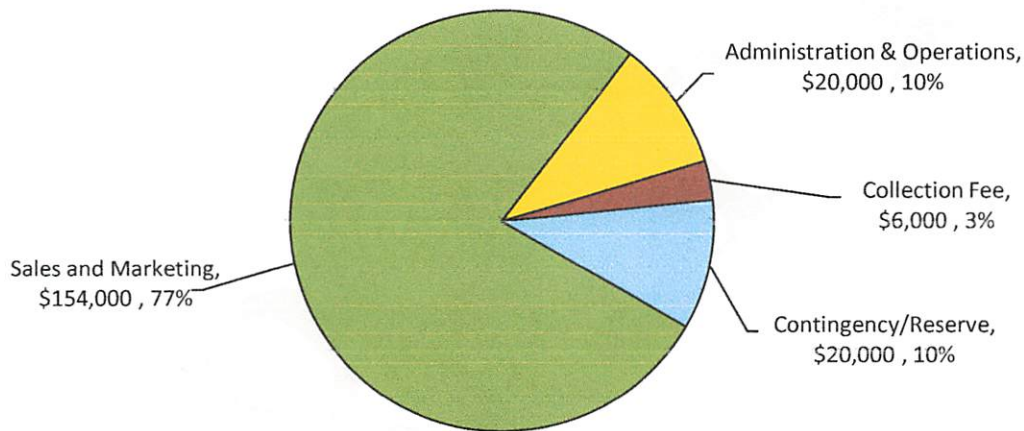
IV. ASSESSMENT BUDGET AND SERVICES

A. Annual Service Plan

Assessment funds will be spent to provide specific benefits conferred or privileges granted directly to the payors that are not provided to those not charged, and which do not exceed the reasonable cost to the County of conferring the benefits or granting the privileges. The privileges and services provided with the ACTMD funds are sales and marketing programs available only to assessed businesses.

A service plan assessment budget has been developed to deliver services that benefit the assessed businesses. A detailed annual assessment budget will be developed and approved by the ACT. The chart below illustrates the initial annual assessment budget allocations. These activities and allocations will also apply in subsequent years. The total initial assessment budget is \$200,000.

Initial Annual Assessment Budget - \$200,000



Although actual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain the same. However, the County and the ACT Board shall have the authority to adjust budget allocations between the categories by no more than fifteen percent (15%) of the total budget per year. A description of the proposed improvements and activities for the initial year of operation is below. The same activities are proposed for subsequent years. In the event of a legal challenge against the ACTMD, any and all assessment funds may be used for the costs of defending the ACTMD. In the first year of operation, the costs of creating the ACTMD may be repaid by deducting repayment funds proportionally from budget categories. Repayment costs shall not exceed \$_____.

Each budget category includes all costs related to providing that service. For example, the sales and marketing budget includes the cost of staff time dedicated to overseeing and implementing the sales and marketing program. Staff time dedicated purely to administrative tasks is allocated to the administrative portion of the budget. The costs of an individual staff member may be allocated to multiple budget categories. The staffing levels necessary to provide the services below will be determined by the ACT on an as- needed basis.

Sales and Marketing

A sales and marketing program will promote assessed businesses as tourist, meeting, and event destinations. The sales and marketing program will have a central theme of promoting Amador County as a desirable place for overnight visits. The program will have the goal of increasing overnight visitation and room night sales at assessed businesses, and may include the following activities:

- Internet marketing efforts to increase awareness and optimize internet presences to drive overnight visitation and room sales to assessed businesses;
- Print ads in magazines and newspapers targeted at potential visitors to drive overnight visitation and room sales to assessed businesses;
- Television ads targeted at potential visitors to drive overnight visitation and room sales to assessed businesses;
- Radio ads targeted at potential visitors to drive overnight visitation and room sales to assessed businesses;
- Attendance at trade shows to promote assessed businesses;
- Sales blitzes for assessed businesses;
- Familiarization tours of assessed businesses;
- Preparation and production of collateral promotional materials such as brochures, flyers, and maps featuring assessed businesses;
- Attendance of professional industry conferences and affiliation events to promote assessed businesses;
- Lead generation activities designed to attract tourists and group events to assessed businesses;
- Director of Sales and General Manager meetings to plan and coordinate tourism promotion efforts for assessed businesses;
- Education of hospitality staff on service and safety designed to create a visitor experience that will bring repeat visits to assessed businesses;
- Education of lodging business management and the ACT on marketing strategies best suited to meet assessed business' needs; and
- Community organization grants to promote events and activities that target potential visitors to drive overnight visitation and room sales to assessed businesses.

Administration and Operations

The administration and operations portion of the budget shall be utilized for administrative staffing costs, office costs, and other general administrative costs such as insurance, legal, and accounting fees.

Collection Fee

A third party collection agency shall be paid a fee equal to three (3%) percent of the amount of assessment collected, to cover its costs of collection and administration.

Contingency/Reserve

The budget includes a contingency line item to account for uncollected assessments, if any. If there are contingency funds collected, they may be held in a reserve fund or utilized for other program, administration or renewal costs at the discretion of the ACT Board. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the ACT Board. Contingency/reserve funds may be spent on ACTMD programs or administrative and renewal costs in such proportions as determined by the ACT Board. The reserve fund may be used for the costs of renewing the ACTMD.

B. Annual Budget

The total five (5) year improvement and service plan budget is projected at approximately \$200,000 annually, or approximately \$1,500,000 through 2030. A similar budget is expected to apply to subsequent years, but this budget is expected to fluctuate as room sales do and as businesses open and close.

C. California Constitutional Compliance

The ACTMD assessment is not a property-based assessment subject to the requirements of Proposition 218. Courts have found Proposition 218 limited the term ‘assessments’ to levies on real property.¹ Rather, the ACTMD assessment is a business-based assessment, and is subject to Proposition 26. Pursuant to Proposition 26 all levies are a tax unless they fit one of seven exceptions. Two of these exceptions apply to the ACTMD, a “specific benefit” and a “specific government service.” Both require that the costs of benefits or services do not exceed the reasonable costs to the County of conferring the benefits or providing the services.

1. Specific Benefit

Proposition 26 requires that assessment funds be expended on, “a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.”² The services in this Plan are designed to provide targeted benefits directly to assessed businesses, and are intended only to provide benefits and services directly to those businesses paying the assessment. These services are tailored not to serve the general public, businesses in general, or parcels of land, but rather to serve the specific businesses within the ACTMD. The activities described in this Plan are specifically targeted to increase demand for room night sales for assessed businesses within the boundaries of the ACTMD, and are narrowly tailored. ACTMD funds will be used exclusively to provide the specific benefit of increased demand for room night sales directly to the assessees. Assessment funds shall not be used to feature non-assessed businesses in ACTMD programs, or to directly generate sales for non-assessed businesses. The activities paid for from assessment revenues are business services constituting and providing specific benefits to the assessed businesses.

The assessment imposed by this ACTMD is for a specific benefit conferred directly to the payors that is not provided to those not charged. The specific benefit conferred directly to the payors is an increase in demand for room night sales. The specific benefit of an increase in demand for room night sales for assessed businesses will be provided only to businesses paying the district assessment, with marketing and sales programs promoting businesses paying the ACTMD assessment. The marketing and sales programs will be designed to increase room night sales at each assessed businesses. Because they are necessary to provide the marketing and sales programs that specifically benefit the assessed businesses, the administration and contingency services also provide the specific benefit of increased demand for room night sales to the assessed businesses.

Although the ACTMD, in providing specific benefits to payors, may produce incidental benefits to non-paying businesses, the incidental benefit does not preclude the services from being considered a specific benefit. The legislature has found that, “A specific benefit is not excluded from classification

¹ *Jarvis v. the City of San Diego* 72 Cal App. 4th 230

² Cal. Const. art XIII C § 1(e)(1)

as a 'specific benefit' merely because an indirect benefit to a nonpayer occurs incidentally and without cost to the payor as a consequence of providing the specific benefit to the payor.”³

2. Specific Government Service

The assessment may also be utilized to provide, “a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.”⁴ The legislature has recognized that marketing and promotions services like those to be provided by the ACTMD are government services within the meaning of Proposition 26⁵. Further, the legislature has determined that “a specific government service is not excluded from classification as a 'specific government service' merely because an indirect benefit to a nonpayer occurs incidentally and without cost to the payor as a consequence of providing the specific government service to the payor.”⁶

3. Reasonable Cost

ACTMD services will be implemented carefully to ensure they do not exceed the reasonable cost of such services. The full amount assessed will be used to provide the services described herein. Funds will be managed by the ACT, and reports submitted on an annual basis to the County. Only assessed businesses will be featured in marketing materials, receive sales leads generated from ACTMD-funded activities, be featured in advertising campaigns, and benefit from other ACTMD-funded services. Non-assessed businesses will not receive these, nor any other, ACTMD-funded services and benefits.

The ACTMD-funded programs are all targeted directly at and feature only assessed businesses. It is, however, possible that there will be a spill over benefit to non-assessed businesses. If non-assessed businesses receive incremental room nights, that portion of the promotion or program generating those room nights shall be paid with non-ACTMD funds. ACTMD funds shall only be spent to benefit the assessed businesses, and shall not be spent on that portion of any program which directly generates incidental room nights for non-assessed businesses.

D. Assessment

The annual assessment rate is two percent (2%) of gross short-term sleeping room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; stays by government employees on government business; and stays pursuant to contracts executed prior to the formation of the ACTMD.

The assessment was calculated based on the total cost of the activities to be provided for the benefit of the businesses within the ACTMD with costs allocated based on the proportional benefit conferred to each business. Activities funded by the ACTMD, are specifically targeted to increase room nights at assessed businesses. All room night sales do not represent the same benefit to the payors. For example, a higher priced room night is of greater benefit than a lower priced room night because the assessee derives greater revenue. To account for this benefit differential and to make sure the benefits are proportional, an assessment formula based on a percentage of revenue has been selected. The proposed formula accurately reflects greater benefit to assessed businesses with higher priced room nights.

³ Government Code § 53758(a)

⁴ Cal. Const. art XIII C § 1(e)(2)

⁵ Government Code § 53758(b)

⁶ Government Code § 53758(b)

The term “gross short-term sleeping room rental revenue” as used herein means: the consideration charged, whether or not received, for the occupancy of space in a hotel or short term rental, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, and property and services of any kind or nature, without any deduction therefrom whatsoever. Gross short-term sleeping room rental revenue shall not include any federal, state or local taxes collected, including but not limited to transient occupancy taxes.

The assessment is levied upon and a direct obligation of the assessed lodging business or short-term rental. However, the assessed lodging business or short-term rental may, at its discretion, pass the assessment on to transients. The amount of assessment, if passed on to each transient, shall be disclosed in advance and separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business. If the ACTMD assessment is identified separately it shall be disclosed as the “ACTMD Assessment.” As an alternative, the disclosure may include the amount of the ACTMD assessment and the amount of the assessment imposed pursuant to the California Tourism Marketing Act, Government Code §13995 et seq. and shall be disclosed as the “Tourism Assessment.” The assessment is imposed solely upon, and is the sole obligation of the assessed business even if it is passed on to transients. The assessment shall not be considered revenue for the calculation of transient occupancy taxes.

Bonds shall not be issued.

E. Overdue Charges and Interest

The ACTMD shall reimburse the third-party collection agency for any costs associated with collecting unpaid assessments. If sums in excess of the delinquent ACTMD assessment are sought to be recovered in the same collection action by the third-party collection agency, the ACTMD shall bear its pro rata share of such collection costs. Assessed businesses which are delinquent in paying the assessment shall be responsible for paying:

1. *Original Delinquency*
2. *Continued Delinquency*
3. *Fraud*
4. *Interest*

F. Time and Manner for Collecting Assessments

The ACTMD assessment will be implemented beginning January 1, 2025, or as soon as possible thereafter, and shall continue for five (5) years. A third-party collection agency will be responsible for collecting the assessment on a quarterly basis (including any delinquencies, interest, and overdue charges) from each assessed business. The third-party agency may take all reasonable efforts to collect the assessments from each assessed business. The third-party agency may forward the assessments collected to the Owners’ Association.

OVERNANCE

A. Owners' Association

The County through adoption of this Plan, has the right, pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the ACTMD as defined in Streets and Highways Code §36612. The County has determined that the ACT will serve as the Owners' Association for the ACTMD.

B. Brown Act and California Public Records Act Compliance

An Owners' Association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. The Owners' Association is, however, subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act. These regulations are designed to promote public accountability. The Owners' Association acts as a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the ACT Board and certain committees must be held in compliance with the public notice and other requirements of the Brown Act. Accordingly, the Owners' Association shall publicly report any action taken and the vote or abstention on that action of each member present for the action. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records Act.

C. Annual Report

The ACT shall present an annual report at the end of each year of operation to the County pursuant to Streets and Highways Code §36650 (see Appendix 1). The annual report shall include:

- Any proposed changes in the boundaries of the improvement district or in any benefit zones or classification of businesses within the district.
- The improvements and activities to be provided for that fiscal year.
- An estimate of the cost of providing the improvements and the activities for that fiscal year.
- The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for that fiscal year.
- The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

APPENDIX 1 – LAW

*** THIS DOCUMENT IS CURRENT THROUGH THE 2023 EXTRA SESSION CH 1, 2023 REGULAR
SESSION CH. 890***
(ALL 2023 LEGISLATION)

STREETS AND HIGHWAYS CODE DIVISION 18. PARKING PART 7. PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994

CHAPTER 1. General Provisions

ARTICLE 1. Declarations

36600. Citation of part

This part shall be known and may be cited as the “Property and Business Improvement District Law of 1994.”

36601. Legislative findings and declarations; Legislative guidance

The Legislature finds and declares all of the following:

- (a) Businesses located and operating within business districts in some of this state’s communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.
- (b) It is in the public interest to promote the economic revitalization and physical maintenance of business districts in order to create jobs, attract new businesses, and prevent the erosion of the business districts.
- (c) It is of particular local benefit to allow business districts to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that receive benefits from those improvements.
- (d) Assessments levied for the purpose of conferring special benefit upon the real property or a specific benefit upon the businesses in a business district are not taxes for the general benefit of a city, even if property, businesses, or persons not assessed receive incidental or collateral effects that benefit them.
- (e) Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits:
 - (1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied.
 - (2) Job creation.
 - (3) Business attraction.
 - (4) Business retention.
 - (5) Economic growth.
 - (6) New investments.
- (f) With the dissolution of redevelopment agencies throughout the state, property and business improvement districts have become even more important tools with which communities can combat blight, promote economic opportunities, and create a clean and safe environment.
- (g) Since the enactment of this act, the people of California have adopted Proposition 218, which added Article XIII D to the Constitution in order to place certain requirements and restrictions on the formation of, and activities, expenditures, and assessments by property-based districts. Article XIII D of the Constitution provides that property-based districts may only levy assessments for special benefits.
- (h) The act amending this section is intended to provide the Legislature’s guidance with regard to this act, its interaction with the provisions of Article XIII D of the Constitution, and the determination of special benefits in property-based districts.
 - (1) The lack of legislative guidance has resulted in uncertainty and inconsistent application of this act, which discourages the use of assessments to fund needed improvements, maintenance, and activities in property-based districts, contributing to blight and other underutilization of property.

- (2) Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed. Therefore, for special benefits to exist as a separate and distinct category from general benefits, the incidental or collateral effects of those special benefits are inherently part of those special benefits. The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.
- (3) It is of the utmost importance that property-based districts created under this act have clarity regarding restrictions on assessments they may levy and the proper determination of special benefits. Legislative clarity with regard to this act will provide districts with clear instructions and courts with legislative intent regarding restrictions on property-based assessments, and the manner in which special benefits should be determined.

36602. Purpose of part

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within property and business improvement districts, to ensure that those assessments conform to all constitutional requirements and are determined and assessed in accordance with the guidance set forth in this act. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

36603. Preemption of authority or charter city to adopt ordinances levying assessments

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

36603.5 Part prevails over conflicting provisions

Any provision of this part that conflicts with any other provision of law shall prevail over the other provision of law, as to districts created under this part.

36604. Severability

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

ARTICLE 2. Definitions

36606. “Activities”

“Activities” means, but is not limited to, all of the following that benefit businesses or real property in the district:

- (a) Promotion of public events.
- (b) Furnishing of music in any public place.
- (c) Promotion of tourism within the district.
- (d) Marketing and economic development, including retail retention and recruitment.
- (e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.
- (f) Other services provided for the purpose of conferring special benefit upon assessed real property or specific benefits upon assessed businesses located in the district.

36606.5. “Assessment”

“Assessment” means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and providing activities that will provide certain benefits to properties or businesses located within a property and business improvement district.

36607. “Business”

“Business” means all types of businesses and includes financial institutions and professions.

36608. “City”

“City” means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

36609. “City council”

“City council” means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

36609.4. “Clerk”

“Clerk” means the clerk of the legislative body.

36609.5. “General benefit”

“General benefit” means, for purposes of a property-based district, any benefit that is not a “special benefit” as defined in Section 36615.5.

36610. “Improvement”

“Improvement” means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

- (a) Parking facilities.
- (b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
- (c) Trash receptacles and public restrooms.
- (d) Lighting and heating facilities.
- (e) Decorations.
- (f) Parks.
- (g) Fountains.
- (h) Planting areas.
- (i) Closing, opening, widening, or narrowing of existing streets.
- (j) Facilities or equipment, or both, to enhance security of persons and property within the district.
- (k) Ramps, sidewalks, plazas, and pedestrian malls.
- (l) Rehabilitation or removal of existing structures.

36611. “Management district plan”; “Plan”

“Management district plan” or “plan” means a proposal as defined in Section 36622.

36612. “Owners’ association”

“Owners’ association” means a private nonprofit entity that is under contract with a city to administer or implement improvements, maintenance, and activities specified in the management district plan. An owners’ association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners’ association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners’ association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), for all records relating to activities of the district.

36614. “Property”

“Property” means real property situated within a district.

36614.5. “Property and business improvement district”; “District”

“Property and business improvement district,” or “district,” means a property and business improvement district established pursuant to this part.

36614.6. “Property-based assessment”

“Property-based assessment” means any assessment made pursuant to this part upon real property.

36614.7. “Property-based district”

“Property-based district” means any district in which a city levies a property-based assessment.

36615. “Property owner”; “Business owner”; “Owner”

“Property owner” means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. “Business owner” means any person recognized by the city as the owner of the business. “Owner” means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

36615.5. “Special benefit” [Effective January 1, 2023]

(a) “Special benefit” means, for purposes of a property-based district, a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large. Special benefit includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed. Special benefit excludes general enhancement of property value.

(b) “Special benefit” also includes, for purposes of a property-based district, a particular and distinct benefit provided directly to each assessed parcel within the district. Merely because parcels throughout an assessment district share the same special benefits does not make the benefits general.

36616. “Tenant”

“Tenant” means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

ARTICLE 3 Prior Law

36617. Alternate method of financing certain improvements and activities; Effect on other provisions

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

CHAPTER 2. Establishment

36620. Establishment of property and business improvement district

A property and business improvement district may be established as provided in this chapter.

36620.5. Requirement of consent of city council

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

36621. Initiation of proceedings; Petition of property or business owners in proposed district

- (a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.
- (b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:
 - (1) A map showing the boundaries of the district.
 - (2) Information specifying where the complete management district plan can be obtained.
 - (3) Information specifying that the complete management district plan shall be furnished upon request.
- (c) The resolution of intention described in subdivision (a) shall contain all of the following:
 - (1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities, and the location and extent of the proposed district.
 - (2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

36622. Contents of management district plan

The management district plan shall include, but is not limited to, all of the following:

- (a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.
- (b) The name of the proposed district.
- (c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected property and businesses included, which may be made by reference to any plan or map that is on file with the clerk. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.
- (d) The improvements, maintenance, and activities proposed for each year of operation of the district and the estimated cost thereof. If the improvements, maintenance, and activities proposed for each year of operation are the same, a description of the first year's proposed improvements, maintenance, and activities

and a statement that the same improvements, maintenance, and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.

(e) The total annual amount proposed to be expended for improvements, maintenance, or activities, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.

(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against their property or business. The plan also shall state whether bonds will be issued to finance improvements.

(g) The time and manner of collecting the assessments.

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years.

Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.

(i) The proposed time for implementation and completion of the management district plan.

(j) Any proposed rules and regulations to be applicable to the district.

(k)

(1) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof.

(2) In a property-based district, the proportionate special benefit derived by each identified parcel shall be determined exclusively in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the activities. An assessment shall not be imposed on any parcel that exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and a property-based district shall separate the general benefits, if any, from the special benefits conferred on a parcel. Parcels within a property-based district that are owned or used by any city, public agency, the State of California, or the United States shall not be exempt from assessment unless the governmental entity can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit. The value of any incidental, secondary, or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.

(3) In a property-based district, properties throughout the district may share the same special benefits. In a district with boundaries that define which parcels are to receive improvements, maintenance, or activities over and above those services provided by the city, the improvements, maintenance, or activities themselves may constitute a special benefit. The city may impose assessments that are less than the proportional special benefit conferred, but shall not impose assessments that exceed the reasonable costs of the proportional special benefit conferred. Because one or more parcels pay less than the special benefit conferred does not necessarily mean that other parcels are assessed more than the reasonable cost of their special benefit.

(l) In a property-based district, a detailed engineer's report prepared by a registered professional engineer certified by the State of California supporting all assessments contemplated by the management district plan.

(m) Any other item or matter required to be incorporated therein by the city council.

36623. Procedure to levy assessment

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with Section 53753 of the Government Code.

(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with Section 54954.6 of the Government Code, except that notice shall be

mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

(c) If a city council proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, the notice and protest and hearing procedure for the property assessment shall comply with subdivision (a), and the notice and protest and hearing procedure for the business assessment shall comply with subdivision (b). If a majority protest is received from either the property or business owners, that respective portion of the assessment shall not be levied. The remaining portion of the assessment may be levied unless the improvement or other special benefit was proposed to be funded by assessing both property and business owners.

36624. Changes to proposed assessments

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements, maintenance, and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements, maintenance, and activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

36625. Resolution of formation

(a) If the city council, following the public hearing, decides to establish a proposed property and business improvement district, the city council shall adopt a resolution of formation that shall include, but is not limited to, all of the following:

- (1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement on whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements need not be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities and the location and extent of the proposed district.
- (2) The number, date of adoption, and title of the resolution of intention.
- (3) The time and place where the public hearing was held concerning the establishment of the district.
- (4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.
- (5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.
- (6) A statement that the improvements, maintenance, and activities to be conferred on businesses and properties in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements, maintenance, or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district. Notwithstanding the foregoing, improvements and activities that must be provided outside the

district boundaries to create a special or specific benefit to the assessed parcels or businesses may be provided, but shall be limited to marketing or signage pointing to the district.

(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements, maintenance, and activities funded by the proposed assessments, and, for a property-based district, that property within the district will receive a special benefit.

(8) In a property-based district, the total amount of all special benefits to be conferred on the properties within the property-based district.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

36627. Notice and assessment diagram

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625, the clerk shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

36628. Establishment of separate benefit zones within district; Categories of businesses

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

36628.5. Assessments on businesses or property owners

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements, maintenance, and activities, provided that any property-based assessment conforms with the requirements set forth in paragraph (2) of subdivision (k) of Section 36622.

36629. Provisions and procedures applicable to benefit zones and business categories

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a property and business improvement district.

36630. Expiration of district; Creation of new district

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and the district may be renewed pursuant to this part.

CHAPTER 3: Assessments

36631. Time and manner of collection of assessments; Delinquent payments

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part may be charged interest and penalties.

36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property

- (a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.
- (b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.
- (c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

36633. Time for contesting validity of assessment

The validity of an assessment levied under this part shall not be contested in an action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36625. An appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

36634. Service contracts authorized to establish levels of city services

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

36635. Request to modify management district plan

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

36636. Modification of plan by resolution after public hearing; Adoption of the resolution of intention

- (a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public hearings pursuant to this section shall comply with both of the following:
 - (1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public hearing.
 - (2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public hearing, to each business owner or property owner affected by the proposed modification.
- (b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

36637. Reflection of modification in notices recorded and maps

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

36638. Assessment as government improvised fee on Civ C § 1770 transaction [Operative July 1, 2024]

- (a) A business assessment pursuant to this part is a fee imposed by a government on the transaction for purposes of paragraph (29) of subdivision (a) of Section 1770 of the Civil Code.
- (b) This section shall become operative on July 1, 2024.

CHAPTER 3.5 Financing

36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments

- (a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks–Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.
- (b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.
- (c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

CHAPTER 4. Governance

36650. Report by owners' association; Approval or modification by city council

- (a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements, maintenance, and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.
- (b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:
 - (1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.
 - (2) The improvements, maintenance, and activities to be provided for that fiscal year.
 - (3) An estimate of the cost of providing the improvements, maintenance, and activities for that fiscal year.
 - (4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.
 - (5) The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
 - (6) The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.
- (c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.

The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

36651. Designation of owners' association to provide improvements, maintenance, and activities

The management district plan may, but is not required to, state that an owners' association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

CHAPTER 5. Renewal

36660. Renewal of district; Transfer or refund of remaining revenues; District term limit

- (a) Any district previously established whose term has expired, or will expire, may be renewed by following the procedures for establishment as provided in this chapter.
- (b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.
- (c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

CHAPTER 6. Disestablishment

36670. Circumstances permitting disestablishment of district; Procedure

- (a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:
 - (1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.
 - (2) During the operation of the district, there shall be a 30-day period each year in which assesses may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the district who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.
- (b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

36671. Refund of remaining revenues upon disestablishment or expiration without renewal of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district

- (a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by

applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

APPENDIX 2 – ASSESSED BUSINESSES

9A

Attachment 3

**PETITION TO THE COUNTY OF AMADOR
TO FORM THE AMADOR COUNTY TOURISM MARKETING DISTRICT**

We petition you to initiate proceedings to form the Amador County Tourism Marketing District (ACTMD) in accordance with the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq., for the purpose of providing services as described in the summary of the Management District Plan attached hereto as Exhibit A.

Business Establishment & Address

Business Owner

_____	_____
_____	_____
_____	_____
_____	_____

The undersigned is the business owner or the authorized representative of the business owner and is the person legally authorized and entitled to sign this petition.

Owner /Owner Representative Name (printed)

Title

Owner/Owner Representative Signature

Date

A complete copy of the Management District Plan will be furnished upon request. Requests for a complete copy of the Management District Plan should be made to:

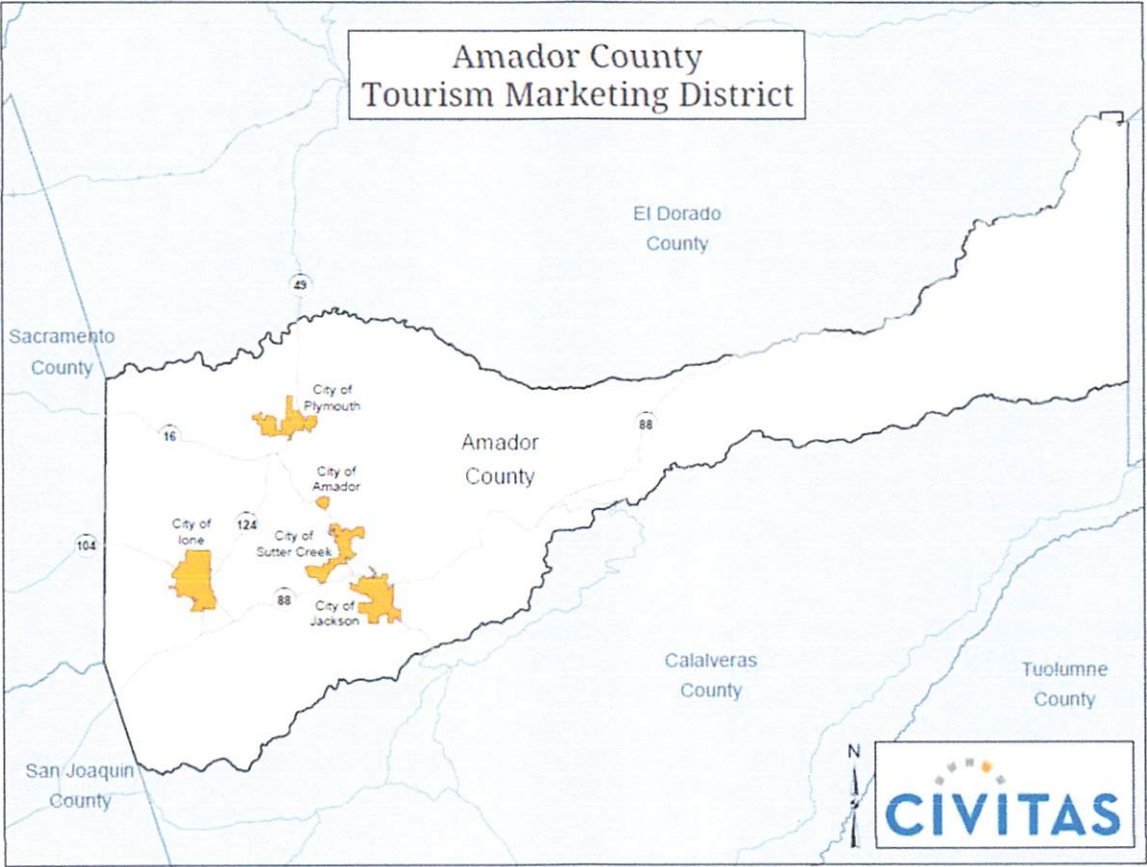
Amador Council of Tourism
Laura Waltz
PO Box 40
Sutter Creek, CA 95685
(831) 431-0505

EXHIBIT A
MANAGEMENT DISTRICT PLAN SUMMARY

- Location:*** The proposed ACTMD includes all lodging businesses and all short-term rentals, existing and in the future, available for public occupancy located within the boundaries of the County of Amador (County) including the cities of Amador City, Lone, Jackson, Plymouth, and Sutter Creek and the unincorporated areas of the County as shown on the map included herein.
- Services:*** The ACTMD is designed to provide specific benefits directly to payors by increasing awareness and demand for room night sales. Marketing and sales promotions will increase demand for overnight tourism and market payors as tourist, meeting and event destinations, thereby increasing demand for room night sales.
- Budget:*** The total ACTMD annual assessment budget for the initial year of its five (5) year operation is anticipated to be approximately \$200,000. A similar budget is expected to apply to subsequent years, but this budget is expected to fluctuate as room sales do and as businesses open and close.
- Cost:*** The annual assessment rate is two percent (2%) of gross short-term sleeping room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; stays by government employees on government business; and stays pursuant to contracts executed prior to the formation of the ACTMD.
- Collection:*** A third-party collection agency will be responsible for collecting the assessment on a quarterly basis (including any delinquencies, interest, and overdue charges) from each assessed business located in the boundaries of the ACTMD.
- Duration:*** The proposed ACTMD will have a five (5) year life, beginning January 1, 2025, or as soon as possible thereafter, and ending five (5) years from its start date. After five (5) years, the ACTMD may be renewed pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq. if business owners support continuing the ACTMD programs.
- Management:*** The Amador Council of Tourism shall serve as the ACTMD's Owner's Association. The Owners' Association is charged with managing funds and implementing programs in accordance with the Management District Plan and must provide annual reports to the County Board of Supervisors.

EXHIBIT A
MANAGEMENT DISTRICT PLAN SUMMARY

Boundary Map



9A

Attachment 4

**PETITION TO THE COUNTY OF AMADOR
TO FORM THE AMADOR COUNTY TOURISM MARKETING DISTRICT**

Amador City approves for Amador Council of Tourism to initiate proceedings to form the Amador County Tourism Marketing District (ACTMD) in accordance with the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq., for the purpose of providing services as described in the summary of the Management District Plan attached hereto as Exhibit A.

Approved on this day, Thursday November 21, 2024

Representative Signature

Print Name

9B

From: Amador Trail Stewardship bradleybooker@amadortrailstewardship.com
Subject: RE: Letter of Support
Date: October 30, 2024 at 1:16 PM
To: Sandra Staples sastaples@icloud.com



The grant is for planning and determining feasibility of bike/walking improvements and programming to safely improve connections between towns and recreational trail systems development throughout the county as an economic stimulus. You can mention our efforts with BPAC for planning and public interest experience, helping AC businesses with our events, and engaging the community.

Let me know if that was helpful or if I can provide more information.

Bradley

From: Sandra Staples <sastaples@icloud.com>
Sent: Wednesday, October 30, 2024 10:45 AM
To: bradleybooker@amadortrailstewardship.com
Subject: Re: Letter of Support

Absolutely— do you have specific talking points you'd like embedded in the letter, or a specific grant project in mind?
Sandy

On Oct 30, 2024, at 9:56 AM,
bradleybooker@amadortrailstewardship.com wrote:

Sandy,
Amador Trail Stewardship is applying for a grant plan for some improvements to the county regarding multimodal travel and recreational improvements to stimulate economic and community growth. Its asking for letters of support from community leaders, and I wondered if you would be willing to draft something to communicate the support towards ATS from Amador City.

Please let me know if this is possible,
Thank You,
Bradley Booker
ATS

9C

DATE: November 21,2024

SUBJECT: Ledger Dispatch and Mountain Merchant Newspaper Dispensers

At the October 17th City Council meeting, Public Comment included the following:

- questioning why Ledger Dispatch and Mountain Merchant dispensers were moved
- two requests that the Ledger Dispatch dispenser be returned to its former location

BACKGROUND:

- During the night of October 11th, the Mountain Merchant placed a newspaper dispenser on the sidewalk in front of the Bellflower building on Water Street. There was no notice given ahead of time.
- In that location, the dispenser was an obstacle for pedestrians. Property owners asked that the dispenser be removed or moved to City property before Dancin' in the Street the next evening.
- Mountain Merchant was contacted. The editor permitted the dispenser to be moved to City property.
- The dispenser for the Ledger Dispatch was on private property in a garden paralleling the sidewalk. Property owners asked if it could be moved to City property as well.
- The Ledger Dispatch was contacted. The editor permitted the dispenser to be moved to City property.
- The City Manager was informed of the situation and exchanges.
- The dispensers were moved from private property to City property.

CONSIDERATIONS:

- that dispensers were on City property
- that there was enough space to ensure that dispensers would not be obstacles
- that City residents and visitors could easily get to the dispensers
- that each paper's drivers could get to and refill the dispensers

CITY PROPERTIES CONSIDERED:

- the Old Grammar School on School Street
- the Pocket Park between Amador Whitney Museum and the Tavern on the east side of Hwy 49/Main Street
- against the north facing wall of the Old City Hall/The Firehouse on Hwy 49/Main Street

