

ORDINANCE NO. 3551
ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS
AMENDING ORDINANCE NO. 3401 ESTABLISHING THE MARIN
COUNTY TOURISM BUSINESS IMPROVEMENT DISTRICT (MCTBID)
IN THE COUNTY OF MARIN

WHEREAS on January 6, 2004, the Board of Supervisors of the County of Marin, on behalf of the County (the "County") adopted Resolution No. 3401 establishing the Marin County Tourism Business Improvement District (MCTBID) and levying a benefit assessment on lodging establishments within the MCTBID, pursuant to the Parking and Business Improvements Area Law of 1989 Section 36500 et seq. of Division 18 of the California Streets and Highways Code (the "Act"); and

WHEREAS the advisory board of the MCTBID, the Marin Convention and Visitors Bureau, has recommended increasing the benefit assessment from the current 1% of gross room rental revenue to 2%; and,

WHEREAS as specified in Resolution No. 2010-96 a hearing concerning the modification of the district will be held on November 30, 2010, before this Board in the Board Chambers at the Marin County Civic Center, Room 330, 3501 Civic Center Drive, San Rafael, California; and

WHEREAS at the conclusion of the hearing on November 30, 2010, all notice procedures required by the Act will have been complied with, and all protests, both written and oral, are overruled and denied and the Board of Supervisors finds that there is not a majority protest within the meaning of Section 36523 of the Act.

NOW, THEREFORE LET IT BE ORDAINED that the Board of Supervisors of the County of Marin hereby adopts the following amendments to Chapter 3.70 of the Marin County Code, amending sections 3.70.040 and 3.70.070 to read as follows:

3.70.040 Assessment. The assessment, 2% of the gross room rental revenues, is to be levied on all lodging establishments, existing and future, within the MCTBID in the County of Marin (excluding the unincorporated area of Supervisorial District 4) and within the participating cities of Larkspur, Novato, San Rafael, and Mill Valley, and the Towns of Corte Madera and San Anselmo as indicated and described on Exhibit A. The MCTBID projected annual assessment revenues in year one total approximately \$350,000. An assessment based on percentage will result in revenues that rise and fall in reflection of greater and lesser business in an overall up or down tourism market and world economy.

3.70.070 – Use of Assessments. No portion of the revenues from the assessments within the district shall be used to provide improvements outside of the district for any purpose other than for the purposes of the expenses, services, activities and programs specified in the resolution of intention to form the district, or as modified by the board of supervisors pursuant to compliance with Sections 36534 and 36535 of the California Streets and Highways Code. Expenses, services, activities and programs paid for with the 1% increase in assessment approved in December 2010 shall provide a specific and direct benefit to the payors that is not provided to those not charged. The specific and direct benefit to payors will be increased sales of room nights provided through programs designed to directly benefit payors. To generate additional room night sales, payors will be featured on TBID-funded websites and mobile applications,

provided sales leads generated by TBID-funded FAM tours and sales missions, featured in TBID-funded collateral materials including brochures, and featured in other TBID-funded programs specifically designed to increase room night sales. Those not charged shall not be included in any of these activities nor shall they receive the benefit of additional room nights.

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same, in the *Marin Independent Journal*, a newspaper of general circulation published in the County of Marin.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 7th day of December 2010 by the following vote:

AYES: SUPERVISORS Susan L. Adams, Harold C. Brown, Jr., Charles McGlashan,
Steve Kinsey, Judy Arnold

NOES: NONE

ABSENT: NONE

ATTEST:



PRESIDENT, BOARD OF SUPERVISORS



CLERK