

**AMADOR COUNTY BOARD OF SUPERVISORS
COUNTY ADMINISTRATION CENTER
810 Court Street
Jackson, CA 95642**

BOARD MEMBERS

John Plasse, District I
Chairman

Richard M. Forster, District II
Louis D. Boitano, District IV

Lynn A. Morgan, District III
Brian Oneto, District V

Please Note: All Board of Supervisors meetings are tape-recorded.

Anyone who wishes to address the Board must speak from the podium and should print their name on the Board Meeting Speaker list, which is located on the podium. The Clerk will collect the list at the end of the meeting.

Public hearing items will commence no sooner than the times listed on the agenda. Closed Session agenda items may be heard before or after scheduled public hearings, dependent upon progression of the agenda.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the Clerk of the Board staff, at (209) 223-6470 or (209) 257-0619 (fax). Requests must be made as early as possible and at least one-full business day before the start of the meeting. Assisted hearing devices are available in the Board Chambers for public use during all public meetings.

Pursuant to Government Code 54957.5, all materials relating to an agenda item for an open session of a regular meeting of the Board of Supervisors which are provided to a majority or all of the members of the Board by Board members, staff or the public within 72 hours of but prior to the meeting will be available for public inspection, at and after the time of such distribution, in the office of the Clerk of the Board of Supervisors, 810 Court Street, Jackson, California 95642, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for County holidays. Materials distributed to a majority or all of the members of the Board at the meeting will be available for public inspection at the public meeting if prepared by the members of the Board or County staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials that are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

REGULAR MEETING AGENDA

DATE: Tuesday, October 11, 2016
TIME: 8:30 a.m.
LOCATION: County Administration Center, 810 Court Street, Jackson, CA
Board of Supervisors Chambers

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). **At 8:30 a.m., the Board convened into closed session.**

1. **Conference with Labor Negotiators:** Pursuant to Government Code Section 54957.6. County Negotiator: Greg Gillott, County Counsel, Chuck Iley, County Administrative Officer, Judy Dias, Human Resources Director and Darrell P. Murray, IEDA. Employee Organization: All Units
2. **Conference with County Counsel - Existing Litigation** {Government Code 54956.9(d)(1)}:
 - a. County of Amador v. Department of the Interior, et al: In the United States Court of Appeal, District of Columbia Circuit, Case No. 16-5082
 - b. County of Amador v. The United States Department of the Interior; In the United States Court of Appeal, Ninth Circuit, Case No. 15-17253
3. **Conference with County Counsel – Anticipated Litigation** {Government Code 54956.9(d) (2)}
 - a. Buena Vista Rancheria
4. **Confidential Minutes:** Review and approval of the confidential minutes for September 27, 2016.

****9:00 A.M.****

PLEDGE OF ALLEGIANCE

AGENDA: Approval of agenda for this date; any and all off-agenda items must be approved by the Board (pursuant to §54954.2 of the Government Code.)

PUBLIC MATTERS NOT ON THE AGENDA: Discussion items only, no action to be taken. Any person may address the Board at this time upon any subject within the jurisdiction of the Amador County Board of Supervisors; however, any matter that requires action may be referred to staff and/or Committee for a report and recommendation for possible action at a subsequent Board meeting. Please note - there is a **three (3) minute limit per person.**

CONSENT AGENDA: Items listed on the consent agenda (see attached) are considered routine and may be enacted by one motion. Any item may be removed for discussion and possible action, and made a part of the regular agenda at the request of a Board member(s).

REGULAR AGENDA:

5. **Sutter Amador Hospital Auxiliary:** Discussion and possible action relative to adoption and presentation of Resolution No. 16-117 honoring Sutter Amador Hospital Auxiliary on the occasion of their 50th Anniversary.
6. **Kirkwood Meadows Public Utility District and Kirkwood Community:** General Update by Mr. Michael Sharp, KMPUD General Manager.
7. **Amador County Tourism Marketing District:** Discussion and possible action relative to adoption of a Resolution of Intention to establish the Amador County Tourism Marketing District and fixing the time and place of a public meeting and a public hearing

and consideration of a Resolution requesting consent to the local jurisdiction to operate the Tourism Marketing District within their boundaries.

8. **Environmental Health:** Discussion and possible action relative to and Ordinance revising Amador County Code Sections 2.94.030 and 2.94.040. (Waive reading and schedule for adoption on a future **Consent Agenda**)
9. **Human Resources:** Discussion and possible action relative to an uncodified Ordinance amending the contract between the County of Amador and the Board of Administration of the California Public Employees Retirement System to implement a share of cost for Classic Members of the PERS Safety Contract. (Waive reading and schedule for adoption on a future **Regular Board Agenda**).
10. **Minutes:** Review and possible approval of the September 27, 2016 Board of Supervisors Meeting Minutes.

ADJOURNMENT: Until Tuesday, October 25, 2016, at 8:30 a.m.

**Staff Contacts: Chuck Iley, County Administrative Officer
Jennifer Burns, Clerk of the Board
Sharon Murphy, Deputy Board Clerk III
810 Court Street, Jackson, California 95642
Telephone (209) 223-6470
FAX# (209) 257-0619
www.amadorgov.org**

**AMADOR COUNTY
BOARD OF SUPERVISORS**

C O N S E N T A G E N D A

October 11, 2016

NOTE: Items listed on the consent agenda are considered routine and may be enacted by one motion. Any item may be removed for discussion and possible action, and made a part of the regular agenda at the request of a Board member(s).

1. **BUDGET MATTERS**

- A. **Behavioral Health:** Approval of a request for a budget transfer of \$16,000.00 from Revenues to Budget line item #4113-52300 to reflect additional revenue received for the purchase of Narcan Nasal Spray.

2. **TAX MATTERS** **None**

3. **RESOLUTIONS**

- A. **Administrative Agency:** Approval of a resolution authorizing the Chairman of the Board of Supervisors to execute a Funding Agreement to Implement a Tax Neutrality Requirement. (Agreement was approved on September 27, 2016.)
- B. **Auditor:** Approval of a resolution establishing the 2016-2017 Fiscal year Appropriations Limit.
- C. **Board of Supervisors:** Approval of a resolution recognizing September 2016 as Prostate Cancer Awareness Month.
- D. **Board of Supervisors:** Approval of a resolution declaring Local State of Emergency in Amador County due to Pervasive Tree Mortality. (Original resolution was adopted on February 23, 2016 and updated on September 13, 2016)
- E. **Environmental Health:** Approval of a resolution Adopting On-Site Wastewater Treatment Regulations relative to Chapter 14.12 Amador County Code.
- F. **LAFCO:** Approval of a resolution adopting the proposed Homestead Detachment from Ranch House Estates LAFCO Project #293.
- G. **Surveyor:** Approval of a resolution approving a New Road Name of Falcon Ridge Road.
- H. **Treasurer/Tax Collector:** Approval of a resolution authorizing Sale of Tax-defaulted Property at Public Auction.

4. **AGREEMENTS**

- A. **Behavioral Health:** Approval of an agreement with Operation Care for county funding of program to support victims of domestic violence through a portion of marriage license fees.
- B. **Behavioral Health:** Approval of an agreement with Willow Glen Care Center to provide Mental Health Residential Treatment Services to mentally disabled adults and elderly clients in Amador County for the fiscal year 2016-2017.
- C. **Public Health:** Approval of an agreement to approve the Children's Medical Services (CMS) Branch Budgets for fiscal year 2016-2017.
- D. **Sheriff-Coroner's Office:** Approval of an agreement with Daneri's Mortuary for Mortuary Services as required for Coroner Investigations.

5. **ORDINANCES**

- A. **Environmental Health:** Approval of an Ordinance repealing County Code Chapters 14.12 and 14.13 and establishing a New Chapter 14.12 relating to On-Site Sewage Disposal Systems.

6. **MISCELLANEOUS APPOINTMENTS/RESIGNATIONS** **None**

7. **MISCELLANEOUS**

- A. **Public Works:** Approval of a request to assign adopted road sections pursuant to the Amador CARE program based upon the order in which requests are received.
- B. **Social Services:** Approval of a request to waive the standard general commercial liability, auto insurance and professional liability insurance coverage and authorize the Purchasing Agent to execute the Services Agreement with Cari Pascoe-Bickel, with a budget of \$1,145.68 for Quality Assurance Case Reviews.
- C. **Social Services:** Approval of a request for reclassification of one FTE CPS Social worker II to a Social Worker III.

8. **GENERAL CORRESPONDENCE**

- A. Memorandum from the Building Department relative to commercial building permit activity from September 20 through October 3, 2016
- B. Memorandum from the Environmental Health Department relative to a recap of activity in the department during the month of September 2016.
- C. Memorandum from the Planning Department relative to activity in the department from September 20 through October 3, 2016.
- D. Auditor's check register dated September 27, 2016 totaling \$418,219.27.
- E. Auditor's check register dated October 4, 2016 totaling \$1,058,977.92.
- F. Amador Senior Center October 2016 newsletter.
- G. An Agenda from the Central Valley Regional Water Quality Control Board for a quarterly meeting to be held October 13-14, 2016 in Redding, California.

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: 10/05/2016

From: John Plasse, Chairman
(Department Head - please type)

Phone Ext. x470

<input checked="" type="radio"/> Regular Agenda
<input type="radio"/> Consent Agenda
<input type="radio"/> Blue Slip
<input type="radio"/> Closed Session
Meeting Date Requested: <u>10/11/2016</u>

Department Head Signature _____

Agenda Title: Sutter Amador Hospital Auxiliary

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Discussion and possible action relative to adoption and presentation of a Resolution No. 16-117 Honoring Sutter Amador Hospital Auxiliary on the occasion of their 50th Anniversary.

*Ms. Kathy Glunt, Auxiliary President, will accept the Resolution on behalf of the Auxiliary. *

Recommendation/Requested Action:

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
Resolution Attached: Yes No N/A
Ordinance Attached: Yes No N/A

Committee Review? N/A

Name _____

Committee Recommendation: _____

Comments: _____

Request Reviewed by:

Chairman _____ Counsel GG

Auditor _____ GSA Director _____

CAO [Signature] Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date 10/11/16 Time _____ Item # 5

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes: _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____

A new ATF is required from _____
Department _____
For meeting _____
of _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

ATTEST: _____

Clerk or Deputy Board Clerk

Save

Print Form

**BEFORE THE BOARD OF SUPERVISORS OF THE
COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

RESOLUTION IN HONOR OF SUTTER
AMADOR HOSPITAL AUXILIARY'S
50TH ANNIVERSARY

RESOLUTION NO. 16-117

WHEREAS, the Sutter Amador Hospital Auxiliary was incorporated in November 17, 1966 with the original name "Amador Hospital Auxiliary"; and

WHEREAS, the Sutter Amador Hospital Auxiliary boast 40 to nearly 80 volunteers each year; and

WHEREAS, volunteer hours average 15,500 each year, over past four years, and from 1981-87 totaled 63,700 hours; and

WHEREAS, lifetime giving from March of 1998 to April of 2016 reached a total of 35 gifts valued at nearly \$485,000; and

WHEREAS, these gifts were contributed towards the hospital campaign and the Family Birth Center central monitoring system; and

WHEREAS, in addition, many items were purchased including wheel chairs, a newborn cardiac monitor, an X-ray viewer, CPR equipment, a ventilator, a harmonic scalpel, a CD player and videos for ECR, lab centrifuge, a video fluoroscopy chair, an ED sonogram, a patient lift, TVs for patient rooms, a mobile lift in ED, a handheld ultrasound system for ED, a platelet incubator, critical care patient chairs, a transport defibulator/monitor, a car extractor and yogurt machine; and

WHEREAS, over the past 5 years, scholarships, which average \$6,000 - \$7,000 have been provided to local high school students with plans to enter medical field; and

WHEREAS, the Sutter Amador Hospital Auxiliary provides baby hats and toys to newborn children, basic clothing items to ER patients, cash donations to local firefighter's associations, memorial donations, serves the community by selling materials at Thrift Store and Hospital Gift Shop and supports the Sutter Amador Hospital Foundation; and

WHEREAS, the Sutter Amador Hospital Auxiliary has played a critical role in providing support for the hospital and greater Amador community over the last 50 years.

THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of Amador, State of California that said Board does hereby honor the 50th Anniversary of the Sutter Amador Hospital Auxiliary.

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 11th day of October 2016, by the following vote:

AYES: John Plasse, Louis D. Boitano, Richard M. Forster, Lynn A. Morgan and
Brian Oneto

NOES: None

John Plasse, Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County,
California

Deputy

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: 10/04/2016

From: John Plasse, Chairman
(Department Head - please type)

Phone Ext. x470

<input checked="" type="radio"/> Regular Agenda
<input type="radio"/> Consent Agenda
<input type="radio"/> Blue Slip
<input type="radio"/> Closed Session
Meeting Date Requested: <u>10/12/2016</u>

Department Head Signature _____

Agenda Title: Amador County Tourism Marketing District

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Discussion and possible action relative to adoption of a Resolution of Intention to establish the Amador County Tourism Marketing District and fixing the time and place of a public meeting and a public hearing and consideration of a Resolution requesting consent to the local jurisdiction to operate the Tourism Marketing District within their boundaries.

Recommendation/Requested Action:

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
Resolution Attached: Yes No N/A
Ordinance Attached: Yes No N/A

Committee Review? Name _____ N/A

Comments: _____

Committee Recommendation: _____

Request Reviewed by:

Chairman _____ Counsel _____
Auditor _____ GSA Director _____
CAO _____ Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

Auditor, Tax Collector _____

FOR CLERK USE ONLY

Meeting Date _____ Time _____ Item # _____

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____
Completed by _____
A new ATF is required from _____
Department _____
For meeting _____
of _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

ATTEST: _____
Clerk or Deputy Board Clerk

Save

Print Form

MEMORANDUM

DATE:

TO: Honorable Chair and Board of Supervisors

FROM:

SUBJECT: Resolution of Intention to establish the Amador County Tourism Marketing District

RECOMMENDATION

Adopt Resolution No. ____

RESULT OF RECOMMENDED ACTION

Adoption of this Resolution will result in a public meeting on _____ and a public hearing on _____ on the formation of the Amador County Tourism Marketing District and the levy of assessments on lodging businesses.

BACKGROUND

The Amador Tourism Business Improvement District (District) is a benefit assessment district proposed to help fund marketing and sales promotion efforts for Amador County lodging businesses. This approach has been used successfully in other destination areas throughout the state to improve tourism and drive additional room nights. The proposed District includes all lodging businesses located within the boundaries of the County of Amador; including the unincorporated areas of the County and all incorporated cities: Amador City, Lone, Jackson, Plymouth, and Sutter Creek.

The Amador Council of Tourism decided to pursue formation of the District in order to provide a revenue source devoted to marketing Amador County as a tourist, meeting and event destination. If formed, the District would generate approximately \$245,000 on an annual basis for promotion of travel and tourism specific to Amador County.

TOURISM MARKETING DISTRICTS

Tourism Marketing Districts (TMDs) utilize the efficiencies of private sector operation in the market-based promotion of tourism. These special assessment districts allow lodging business owners to organize their efforts to increase tourism. Lodging business owners within the district fund the District, and those funds are used to provide services that the businesses desire and that benefit the lodging businesses within the District.

District benefits:

- Funds cannot be diverted for other government programs
- They are customized to fit the needs of each destination
- They allow for a wide range of services; including: Marketing of the Destination, Tourism Promotion Activities and Sales Lead Generation
- They are designed, created and governed by those who will pay the assessment
- They provide a stable funding source for tourism promotion

In California, Tourism Business Improvement Districts are formed pursuant to the Property and Business Improvement District Law of 1994. This law allows for the creation of a special benefit assessment district to raise funds within a specific geographic area. The key difference between TMDs and other special benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the district.

MANAGEMENT DISTRICT PLAN

The Management District Plan (**Attachment 1**) includes the proposed boundary of the District, a service plan and budget and a proposed means of governance. The District will include all lodging businesses, existing and in the future, available for public occupancy within the boundaries of County of Amador; including the unincorporated areas of the County and all incorporated cities: Amador City, Lone, Jackson, Plymouth, and Sutter Creek.

The proposed ACTMD will have a five (5) year life. The assessment will be implemented beginning January 1, 2017 through December 31, 2021. Once per year beginning on the anniversary of district formation there is a 30-day period in which business owners paying more than 50% of the assessment may protest and begin proceedings to terminate the district.

The County and cities will be responsible for collecting the assessment on a quarterly basis from each lodging business located in the District boundaries, within their respective jurisdiction. The County and cities shall forward the assessments to the Amador Council of Tourism, which will have the responsibility of managing District programs as provided in this Management District Plan.

DISTRICT RENEWAL PROCESS

[DATE], 2016

RESOLUTION OF INTENTION HEARING

Upon the submission of a written petition, signed by the business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the Board of Supervisors may initiate proceedings to establish a district by the adoption of a resolution expressing its intention to form a district.

Petition Status: Petitions in favor of district renewal were submitted by ___ hotels, which represent ___% of the total district assessment. This majority petition allows the Board of Supervisors

to initiate proceedings for district formation at the March 15, 2016 meeting.

To include the cities of Amador City, Lone, Jackson, Plymouth, and Sutter Creek in the proposed district, consent of their City Councils is required. Upon the adoption of the Resolution of Intention to Establish the Amador County Tourism Marketing District, the Board must adopt a resolution requesting the cities' consent to be included in the district's boundary. Each city's Council must provide consent prior to the Final Public Hearing to be included in the district.

[DATE], 2016

NOTICE

The Property and Business Improvement District Act of 1994 requires the County mail written notice to the owners of all businesses proposed to be within the district. Mailing the notice begins a mandatory forty-five (45) day period in which owners may protest district renewal.

[DATE], 2016

PUBLIC MEETING

Allow public testimony on the establishment of the District and levy of assessments. No Board of Supervisors action required.

[DATE], 2016

FINAL PUBLIC HEARING

If written protests are received from the owners of businesses in the proposed district which will pay more than 50 percent 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 shall be taken for a period of one year from the date of the finding of a majority protest by the Board of Supervisors.

At the conclusion of the public hearing to establish the district, the Board of Supervisors may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them.

If the Board of Supervisors, following the public hearing, decides to establish the proposed district, the Board of Supervisors shall adopt a resolution of formation.

ALTERNATIVES

The Board of Supervisors could choose not to adopt the Resolution of Intention. Staff does not recommend this option.

FISCAL IMPACT

None immediately. The County and cities will receive a fee of two percent (2%) of the amount of the assessment collected within their respective jurisdictions to cover the

costs of administration. Because the district programs are intended to increase visitation to the County, there may be an increase in transient occupancy tax and sales tax collections.

RESOLUTION NO. 2016 - ____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF AMADOR DECLARING ITS INTENTION TO ESTABLISH THE AMADOR COUNTY TOURISM MARKETING DISTRICT (ACTMD) AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF

WHEREAS, the Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes the County to establish business improvement districts for the purposes of promoting tourism; and

WHEREAS, the Amador Council of Tourism, lodging business owners, and representatives from the County of Amador have met to consider the formation of the Amador County Tourism Marketing District (ACTMD); and

WHEREAS, the Amador Council of Tourism has drafted a Management District Plan (Plan) which sets forth the proposed boundary of the ACTMD, a service plan and budget, and a proposed means of governance; and

WHEREAS, the proposed district includes lodging businesses in the cities of Amador City, Ione, Jackson, Plymouth, and Sutter Creek; and

WHEREAS, consent to include lodging businesses in their respective jurisdictions will be requested from the cities of Amador City, Ione, Jackson, Plymouth, and Sutter Creek; and

WHEREAS, lodging business who will pay more than fifty percent (50%) of the assessment under the ACTMD have petitioned the Board of Supervisors to establish the ACTMD.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS THAT:

1. The recitals set forth herein are true and correct.
2. The Board of Supervisors finds that lodging businesses that will pay more than fifty percent (50%) of the assessment proposed in the Plan have signed and submitted petitions in support of the formation of the ACTMD. The Board of Supervisors accepts the petitions and adopts this Resolution of Intention to establish the ACTMD and to levy an assessment on certain lodging businesses within the ACTMD boundaries in accordance with the Property and Business Improvement District Law of 1994.
3. The Board of Supervisors finds that the Plan satisfies all requirements of Streets and Highways Code § 36622.
4. The Board of Supervisors declares its intention to establish the ACTMD and to levy and collect assessments on lodging businesses within the ACTMD boundaries pursuant to the Property and Business Improvement District Law of 1994.

5. The ACTMD shall include all lodging businesses located within the boundaries of the County of Amador, including the unincorporated areas of the County and all incorporated cities: Amador City, Ione, Jackson, Plymouth, and Sutter Creek, as shown in the map attached as Exhibit A.
6. The name of the district shall be the Amador County Tourism Marketing District (ACTMD).
7. The annual assessment rate is two percent (2%) of gross short-term room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; stays by any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty; stays by any federal, state, county, or city officer or employee when on official business; and stay pursuant to contracts executed prior to January 1, 2017.
8. The assessments levied for the ACTMD shall be applied toward sales promotion and marketing programs to market assessed lodging businesses in Amador County as tourist, meeting, and event destinations, as described in the Plan. Funds remaining at the end of any year may be used in subsequent years in which ACTMD assessments are levied as long as they are used consistent with the requirements of this resolution and the Plan.
9. The proposed ACTMD will have a five (5) year term, beginning January 1, 2017 through December 31, 2021, unless renewed pursuant to Streets and Highways Code § 36660.
10. Bonds shall not be issued.
11. The time and place for the public meeting to hear testimony on establishing the ACTMD and levying assessments are set for _____, at 9:00 AM, or as soon thereafter as the matter may be heard, at the Board Chambers located at 810 Court Street, Jackson, CA 95642.
12. The time and place for the public hearing to establish the ACTMD and the levy of assessments are set for _____, at 9:00 AM, or as soon thereafter as the matter may be heard, at the Board Chambers located at 810 Court Street, Jackson, CA 95642. The Clerk of the Board is directed to provide written notice to the lodging businesses subject to assessment of the date and time of the meeting and hearing, and to provide that notice as required by Streets and Highways Code § 36623, no later than _____, ____.
13. At the public meeting and hearing the testimony of all interested persons for or against the establishment of the ACTMD may be received. If at the conclusion of the public hearing, there are of record written protests by the owners of the lodging businesses within the proposed ACTMD that will pay more than fifty percent (50%) of the estimated total assessment of the entire ACTMD, no further proceedings to establish the ACTMD shall occur for a period of one year.
14. The complete Plan is on file with the Clerk of the Board and may be reviewed upon request.
15. This resolution shall take effect immediately upon its adoption by the Board of Supervisors.

I HEREBY CERTIFY that the foregoing Resolution of Intention was introduced and adopted at a regular meeting of the Board of Supervisors on the _____ day of _____ 2016 by the following vote:

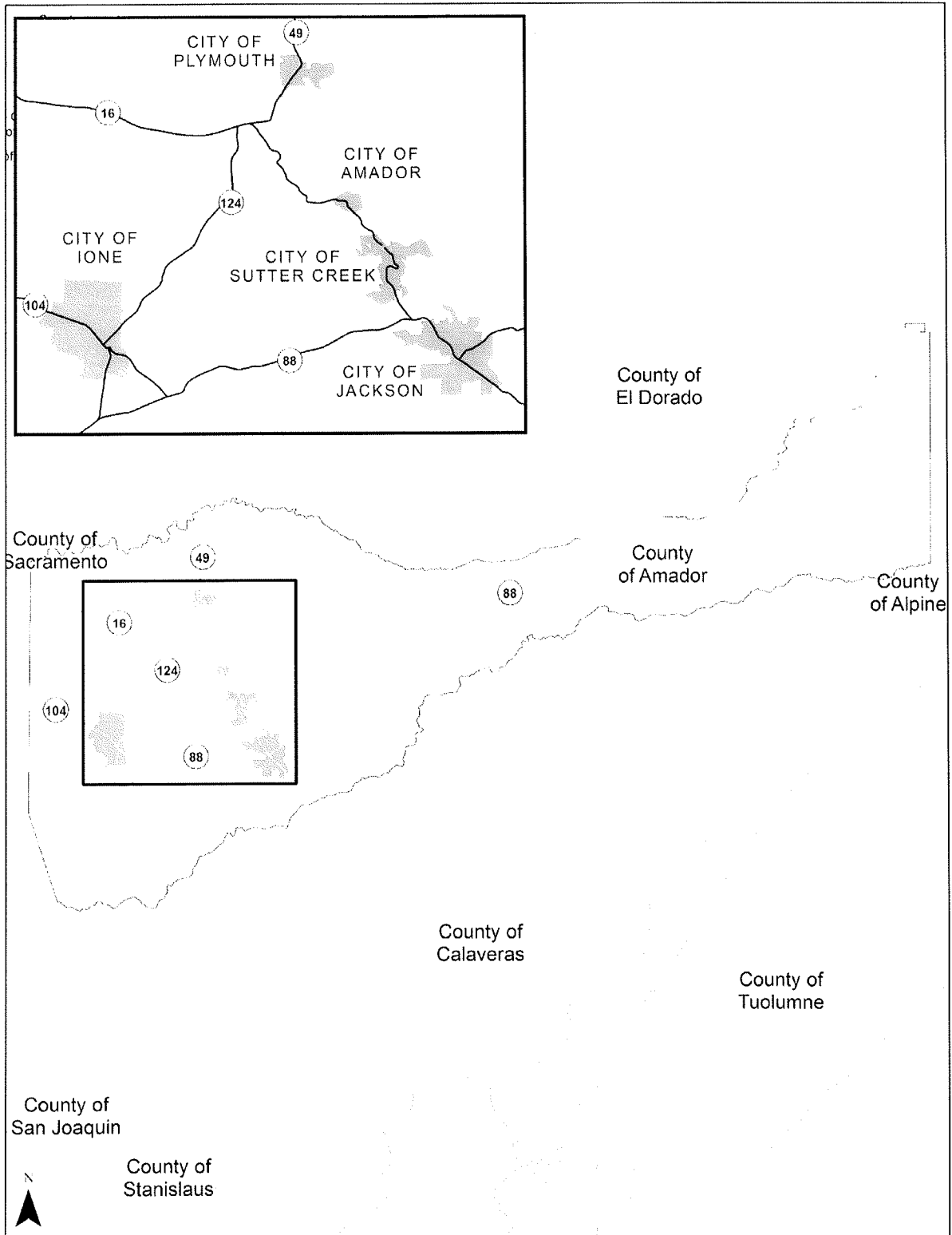
AYES:	Board MEMBERS:
NOES:	Board MEMBERS:
ABSENT:	Board MEMBERS:
ABSTAIN:	Board MEMBERS:

Chairman

ATTEST:

Clerk of the Board

EXHIBIT A
District Boundaries



**NOTICE OF PUBLIC MEETING AND PUBLIC HEARING CONCERNING THE ESTABLISHMENT OF THE
AMADOR COUNTY TOURISM MARKETING DISTRICT AND LEVY OF AN ASSESSMENT ON CERTAIN
LODGING BUSINESSES WITHIN THE DISTRICT**

NOTICE IS HEREBY GIVEN that on _____, the Board of Supervisors (the “Board”) of the County of Amador (the “County”) adopted a Resolution of Intention to establish the Amador County Tourism Marketing District (the “ACTMD”) and to levy an assessment on certain lodging businesses within the ACTMD as set forth in the attached Resolution of Intention.

NOTICE IS HEREBY FURTHER GIVEN that at 9:00 AM on _____, at the County of Amador Board Chambers, 810 Court Street, Jackson, CA 95642, a public meeting shall be held pursuant to Government Code section 54954.6 to allow public testimony regarding the establishment of the ACTMD and the levy of assessments therein as set forth in the enclosed Resolution of Intention and pursuant to Government Code section 54954.6.

NOTICE IS HEREBY FURTHER GIVEN that at 9:00 AM on _____, at the County of Amador Board Chambers, 810 Court Street, Jackson, CA 95642, has been set as the time and place for a public hearing at which time the Board proposes to establish the ACTMD and to levy the proposed assessment as set forth in the Resolution of Intention.

Boundaries: The proposed ACTMD includes all lodging businesses located within the boundaries of the County of Amador; including the unincorporated areas of the County and all incorporated cities: Amador City, Lone, Jackson, Plymouth, and Sutter Creek.

Assessment: The annual assessment rate is two percent (2%) of gross short-term room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; stays by any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty; stays by any federal, state, county, or city officer or employee when on official business; and stays pursuant to contracts executed prior to October 1, 2016.

Budget: The total ACTMD annual budget for the initial year of its five (5) year operation is anticipated to be approximately \$245,000. This budget is expected to fluctuate as room sales do, but is not expected to significantly change over the ACTMD’s term.

Purpose: The ACTMD is designed to provide specific benefits directly to payors by increasing room night sales. Marketing and sales promotions will increase overnight tourism and market payors as tourist, meeting and event destinations, thereby increasing room night sales.

Duration: The proposed ACTMD will have a five (5) year life, beginning January 1, 2017 through December 31, 2021. Once per year, beginning on the anniversary of district formation, there is a 30-day period in which owners paying more than fifty percent (50%) of the assessment may protest and initiate a Board of Supervisors hearing on district

termination. ACTMD funded services will supplement not supplant, pre-existing funding from Amador County and all incorporated cities: Amador City, Lone, Jackson, Plymouth, and Sutter Creek for tourism marketing and promotional services. In the event Amador County, the cities of Amador City, Lone, Jackson, Plymouth, or Sutter Creek reduce tourism marketing funding, it is the intent of lodging businesses to gather petitions to disestablish the ACTMD.

Collection: The County and cities will be responsible for collecting the assessment on a quarterly basis from each lodging business located in the boundaries of the ACTMD, within their respective jurisdictions. A third-party may collect delinquencies on behalf of the county and cities.

Management: The Amador Council of Tourism will serve as the ACTMD's Owners' Association. The Owners' Association is charged with managing funds and implementing programs in accordance with this Plan, and must provide annual reports to the Board of Supervisors.

Protest: Any owner of a lodging business within the proposed ACTMD that will be subject to the assessment may protest the establishment of the ACTMD. If written protests are received from the owners of lodging businesses in the proposed ACTMD who represent 50 percent (50%) or more of the estimated annual assessments to be levied, the ACTMD shall not be established and the assessment shall not be imposed.

You may mail a written protest to:

Office of the Clerk of the Board
County of Amador
810 Court Street
Jackson, CA 95642

You may also appear at the public meeting or hearing and submit a written protest at that time.

///

Information: Should you desire additional information about this proposed ACTMD or assessment contact:

Maureen Funk, Executive Director
Amador Council of Tourism
PO Box 40/460 Sutter Hill Rd., Ste. D
Sutter Creek, CA 95685
(209) 267-9249

Dated: _____

Clerk of the Board

RESOLUTION NO. 2016 - _____

RESOLUTION REQUESTING CONSENT OF THE CITIES OF AMADOR CITY, IONE, JACKSON, PLYMOUTH, AND SUTTER CREEK TO ESTABLISH THE AMADOR COUNTY TOURISM MARKETING DISTRICT

WHEREAS, the Board of Supervisors of the County of Amador desire to begin proceedings to establish the Amador County Tourism Marketing District (“ACTMD”);

WHEREAS, certain tourism business owners have requested that the Board of Supervisors (the “Board”) of the County of Amador (the “County”) establish the ACTMD; and

WHEREAS, a portion of the territory proposed to be included in the ACTMD lies within the boundaries of the cities of Amador City, Ione, Jackson, Plymouth, and Sutter Creek, as shown on the map attached hereto as Exhibit A and incorporated herein by such attachment; and

WHEREAS, the area of the cities of Amador City, Ione, Jackson, Plymouth, and Sutter Creek which lies within the boundaries of the proposed ACTMD will, in the opinion of the Board, be benefited by the improvements and activities, and the purpose sought to be accomplished by the work can best be accomplished by a single comprehensive scheme of work;

NOW, THEREFORE, be it resolved by the Board of Supervisors of the County of Amador that:

Section 1: The above recitals are true and correct.

Section 2: Consent of the cities of Amador City, Ione, Jackson, Plymouth, and Sutter Creek, through their City Councils, is hereby requested to establish the ACTMD, and to grant to the Board jurisdiction for all the purposes in connection with creation, operation and future renewals of the proposed ACTMD.

Section 3: The Clerk of the Board is hereby directed to transmit a certified copy of this Resolution to the City Clerk of the cities of Amador City, Ione, Jackson, Plymouth, and Sutter Creek.

ON MOTION duly made, seconded, and carried the foregoing resolution was passed and adopted by the Board of Supervisors of the County of Amador, State of California, this ____ day of _____, 2016 by the following vote:

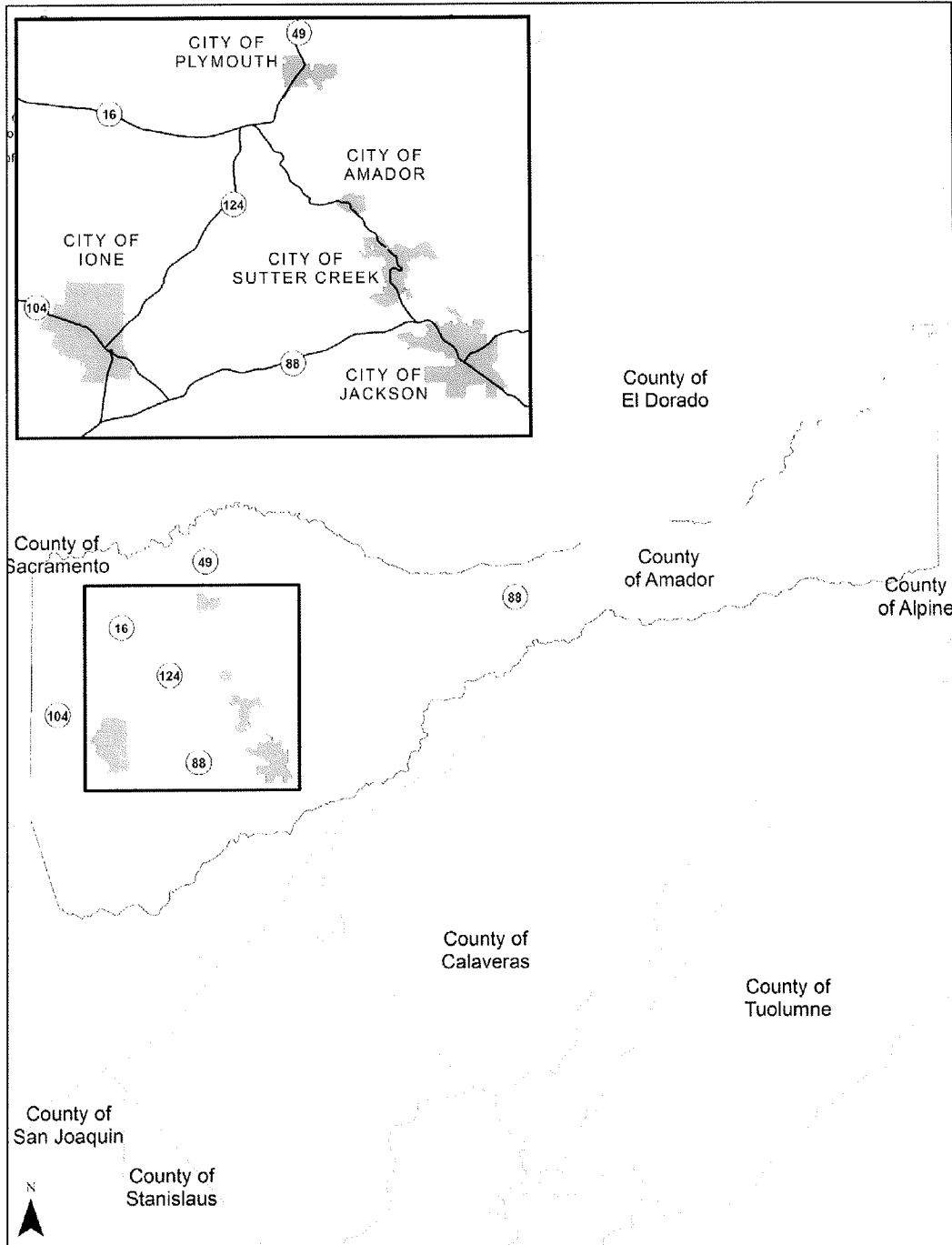
AYES:
NOES:
ABSENT:
ABSTAIN:

Chair

(SEAL)

ATTEST: _____
Clerk of the Board

EXHIBIT A
District Boundaries



RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMADOR CITY,
STATE OF CALIFORNIA, GRANTING CONSENT TO THE COUNTY OF
AMADOR TO ESTABLISH THE AMADOR COUNTY TOURISM MARKETING
DISTRICT (ACTMD)**

WHEREAS, the County of Amador is beginning the process to establish the Amador County Tourism Marketing District (ACTMD) pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq., to promote tourism and the lodging businesses in Amador County; including the unincorporated areas of the County and all incorporated cities: Amador City, Lone, Jackson, Plymouth, and Sutter Creek; and

WHEREAS, the Board of Supervisors of the County of Amador has requested consent to establish the ACTMD in the City of Amador City with adoption of Amador County Board of Supervisors Resolution No. _____, dated _____, 2016;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Amador City, that:

Section 1: The above recitals are true and correct.

Section 2: The City Council consents to the County of Amador establishing the ACTMD, which District shall include the City of Amador City.

Section 3: The City Clerk is hereby directed to transmit a certified copy of this Resolution to the Amador County Clerk of the Board.

Section 4: This Resolution is effective upon its adoption.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Amador City, State of California, held on this ____ day of _____, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

(SEAL)

ATTEST:

City Clerk

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IONE, STATE OF CALIFORNIA, GRANTING CONSENT TO THE COUNTY OF AMADOR TO ESTABLISH THE AMADOR COUNTY TOURISM MARKETING DISTRICT (ACTMD)

WHEREAS, the County of Amador is beginning the process to establish the Amador County Tourism Marketing District (ACTMD) pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq., to promote tourism and the lodging businesses in Amador County; including the unincorporated areas of the County and all incorporated cities: Amador City, Ione, Jackson, Plymouth, and Sutter Creek; and

WHEREAS, the Board of Supervisors of the County of Amador has requested consent to establish the ACTMD in the City of Ione with adoption of Amador County Board of Supervisors Resolution No. _____, dated _____, 2016;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ione, that:

Section 1: The above recitals are true and correct.

Section 2: The City Council consents to the County of Amador establishing the ACTMD, which District shall include the City of Ione.

Section 3: The City Clerk is hereby directed to transmit a certified copy of this Resolution to the Amador County Clerk of the Board.

Section 4: This Resolution is effective upon its adoption.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ione, State of California, held on this ____ day of _____, 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

(SEAL)

ATTEST: _____
City Clerk

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSON, STATE OF CALIFORNIA, GRANTING CONSENT TO THE COUNTY OF AMADOR TO ESTABLISH THE AMADOR COUNTY TOURISM MARKETING DISTRICT (ACTMD)

WHEREAS, the County of Amador is beginning the process to establish the Amador County Tourism Marketing District (ACTMD) pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq., to promote tourism and the lodging businesses in Amador County; including the unincorporated areas of the County and all incorporated cities: Amador City, Ione, Jackson, Plymouth, and Sutter Creek; and

WHEREAS, the Board of Supervisors of the County of Amador has requested consent to establish the ACTMD in the City of Jackson with adoption of Amador County Board of Supervisors Resolution No. _____, dated _____, 2016;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Jackson, that:

Section 1: The above recitals are true and correct.

Section 2: The City Council consents to the County of Amador establishing the ACTMD, which District shall include the City of Jackson.

Section 3: The City Clerk is hereby directed to transmit a certified copy of this Resolution to the Amador County Clerk of the Board.

Section 4: This Resolution is effective upon its adoption.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Jackson, State of California, held on this ____ day of _____, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

(SEAL)

ATTEST:

City Clerk

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLYMOUTH,
STATE OF CALIFORNIA, GRANTING CONSENT TO THE COUNTY OF
AMADOR TO ESTABLISH THE AMADOR COUNTY TOURISM MARKETING
DISTRICT (ACTMD)**

WHEREAS, the County of Amador is beginning the process to establish the Amador County Tourism Marketing District (ACTMD) pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq., to promote tourism and the lodging businesses in Amador County; including the unincorporated areas of the County and all incorporated cities: Amador City, Ione, Jackson, Plymouth, and Sutter Creek; and

WHEREAS, the Board of Supervisors of the County of Amador has requested consent to establish the ACTMD in the City of Plymouth with adoption of Amador County Board of Supervisors Resolution No. _____, dated _____, 2016;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Plymouth, that:

Section 1: The above recitals are true and correct.

Section 2: The City Council consents to the County of Amador establishing the ACTMD, which District shall include the City of Plymouth.

Section 3: The City Clerk is hereby directed to transmit a certified copy of this Resolution to the Amador County Clerk of the Board.

Section 4: This Resolution is effective upon its adoption.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Plymouth, State of California, held on this ____ day of _____, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

(SEAL)

ATTEST:

City Clerk

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUTTER CREEK,
STATE OF CALIFORNIA, GRANTING CONSENT TO THE COUNTY OF
AMADOR TO ESTABLISH THE AMADOR COUNTY TOURISM MARKETING
DISTRICT (ACTMD)**

WHEREAS, the County of Amador is beginning the process to establish the Amador County Tourism Marketing District (ACTMD) pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq., to promote tourism and the lodging businesses in Amador County; including the unincorporated areas of the County and all incorporated cities: Amador City, Ione, Jackson, Plymouth, and Sutter Creek; and

WHEREAS, the Board of Supervisors of the County of Amador has requested consent to establish the ACTMD in the City of Sutter Creek with adoption of Amador County Board of Supervisors Resolution No. _____, dated _____, 2016;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Sutter Creek, that:

Section 1: The above recitals are true and correct.

Section 2: The City Council consents to the County of Amador establishing the ACTMD, which District shall include the City of Sutter Creek.

Section 3: The City Clerk is hereby directed to transmit a certified copy of this Resolution to the Amador County Clerk of the Board.

Section 4: This Resolution is effective upon its adoption.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Sutter Creek, State of California, held on this ____ day of _____, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

(SEAL)

ATTEST:

City Clerk

2016-2021

1854

AMADOR

COUNTY

**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.*

September 13, 2016

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Prepared by
Civitas



(800)999-7781
www.civitasadvisors.com

I. OVERVIEW

Developed by 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 benefit of additional room night sales directly to payors.

Location: The proposed ACTMD includes all lodging businesses located within the boundaries of the County of Amador; including the unincorporated areas of the County and all incorporated cities: Amador City, Ione, Jackson, Plymouth, and Sutter Creek (cities), as shown on the map in section IV.

Services: The ACTMD is designed to provide specific benefits directly to payors by increasing room night sales. Marketing and sales promotions will increase overnight tourism and market payors as tourist, meeting and event destinations, thereby increasing room night sales.

Budget: The total ACTMD annual budget for the initial year of its five (5) year operation is anticipated to be approximately \$245,000. This budget is expected to fluctuate as room sales do, but is not expected to significantly change over the ACTMD's term.

Cost: The annual assessment rate is two percent (2%) of gross short-term room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; stays by any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty; stays by any federal, state, county, or city officer or employee when on official business; and stays pursuant to contracts executed prior to January 1, 2017.

Collection: The County and cities will be responsible for collecting the assessment on a quarterly basis from each lodging business located in the boundaries of the ACTMD, within their respective jurisdictions. A third-party may collect delinquencies on behalf of the county and cities as detailed in Section IV(E).

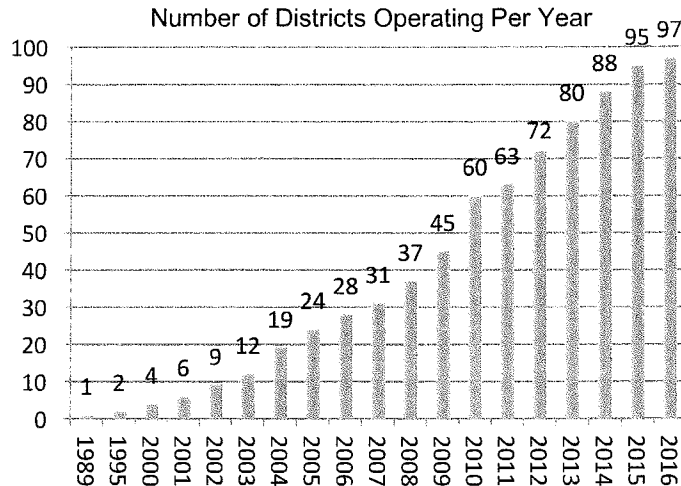
Duration: The proposed ACTMD will have a five (5) year life, beginning January 1, 2017 through December 31, 2021. Once per year, beginning on the anniversary of district formation, there is a 30-day period in which owners paying more than fifty percent (50%) of the assessment may protest and initiate a Board of Supervisors hearing on district termination. ACTMD funded services will supplement not supplant, pre-existing funding from Amador County and all incorporated cities: Amador City, Ione, Jackson, Plymouth, and Sutter Creek for tourism marketing and promotional services. In the event Amador County, the cities of Amador City, Ione, Jackson, Plymouth, or Sutter Creek reduce tourism marketing funding, it is the intent of lodging businesses to gather petitions to disestablish the ACTMD.

Management: The Amador Council of Tourism will serve as the ACTMD's Owners' Association. The Owners' Association is charged with managing funds and implementing programs

in accordance with this Plan, and must provide annual reports to the 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 ninety California destinations have followed suit. In recent years, other states have begun adopting the California model – Montana, South Dakota, Washington, Colorado, Texas and Louisiana have adopted TMD 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. And, 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 \$200 million for local destination marketing. With competitors raising their budgets, and increasing rivalry for visitor dollars, it is important that Amador County lodging businesses invest in stable, lodging-specific marketing programs.

TMDs utilize the efficiencies of private sector operation in the market-based promotion of tourism districts. TMDs allow lodging business owners to organize their efforts to increase room night sales. Lodging business owners

within the TMD pay an assessment and those funds are used to provide services that increase room night sales.

In California, TMDs are formed pursuant to the Property and Business Improvement District Law of 1994. 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:

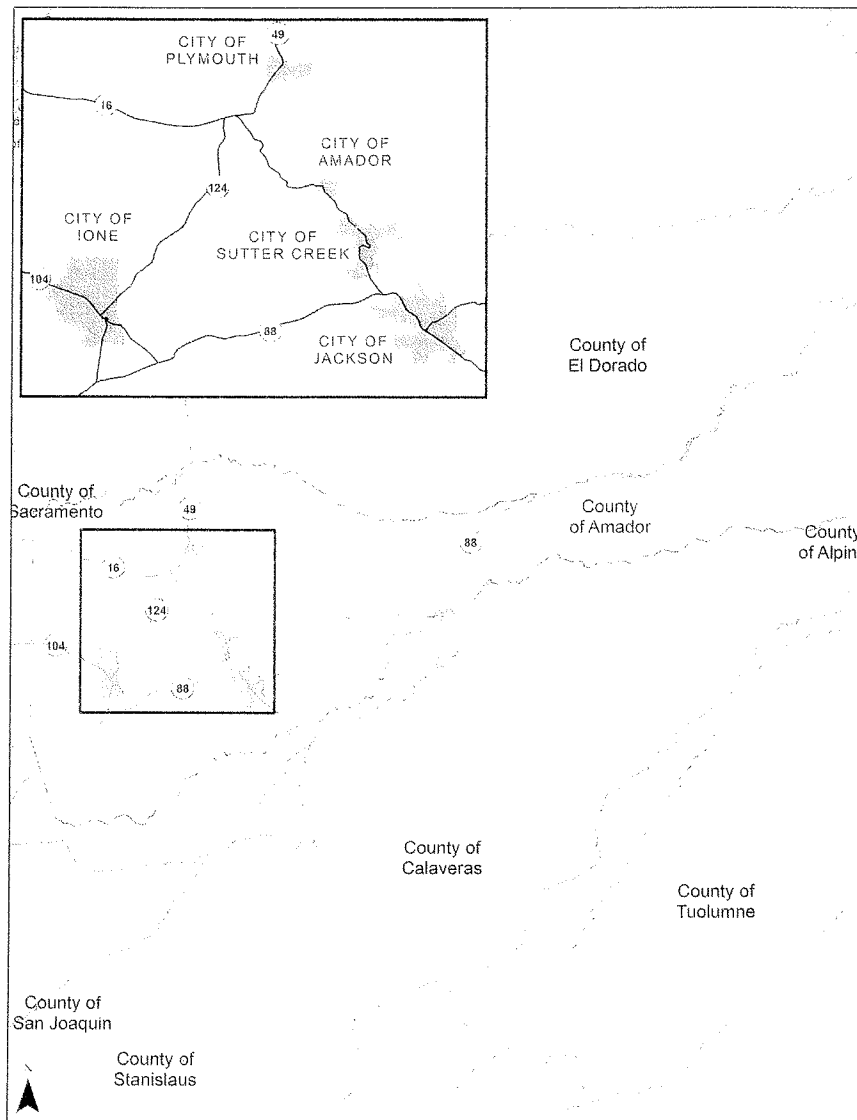
- » Funds must be spent on services and improvements that provide a specific benefit only to those who pay;
- » Funds cannot be diverted to general government programs;
- » They are customized to fit the needs of payors in each destination;
- » They allow for a wide range of services;
- » They are **designed, 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, existing and in the future, available for public occupancy within the boundaries of the County of Amador; including the unincorporated areas of the County and all incorporated cities: Amador City, Ione, Jackson, Plymouth, and Sutter Creek.

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 and hotel, inn, tourist home or house, bed-and-breakfast house, motel, studio, hotel, bachelor hotel, lodginghouse, roominghouse, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.

The boundary, as shown in the map below, currently includes seventy-seven (77) lodging businesses. A complete listing of lodging businesses within the proposed ACTMD can be found in Appendix 2.

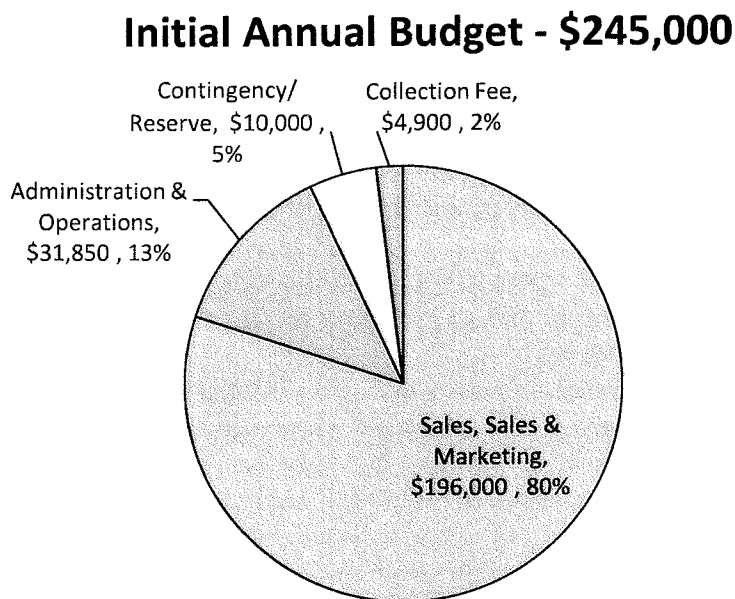


IV. BUDGET AND SERVICES

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 budget has been developed to deliver services that benefit the assessed businesses. A detailed annual budget will be developed and approved by ACT. The table below illustrates the initial annual budget allocations. The total initial budget is \$245,000.



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 \$28,000.

Each budget category includes all costs related to providing that service, in accordance with Generally Accepted Accounting Procedures (GAAP). 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, as appropriate in accordance with GAAP. The staffing levels necessary to provide the services below will be determined by the ACT on an as-needed basis.

County Wide 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 presence 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 of 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 (related to alcohol and food) designed to create a visitor experience that will bring repeat visits to assessed businesses; and
- Education of lodging business management and the owners' association on marketing strategies best suited to meet assessed businesses' 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

The County and cities shall be paid a fee equal to two percent (2%) of the amount of assessment collected, within their respective jurisdictions, to cover their 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 Owners' Association. 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 Board of Directors of the Owners' Association. The reserve fund may be used for the costs of renewing the District.

B. Annual Budget

The total five (5) year improvement and service plan budget is projected at approximately \$245,000 annually, or \$1,225,000 through 2021. This amount may fluctuate as sales and revenue increase at assessed businesses, but is not expected to change significantly over the term.

C. California Constitutional Compliance

The ACTMD assessment is not a property-based assessment subject to the requirements of Proposition 218. The Court has 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 City 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 lodging 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 lodging businesses within the District. The activities described in this Plan are specifically targeted to increase room night sales for assessed lodging businesses within the boundaries of the District, and are narrowly tailored. ACTMD funds will be used exclusively to provide the specific benefit of increased room night sales directly to the assessees. Assessment funds shall not be used to feature non-assessed lodging 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 District 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 room night sales. The specific benefit of an increase in room night sales for assessed lodging businesses will be provided only to lodging businesses paying the district assessment, with marketing and sales programs promoting lodging businesses paying the district assessment. The marketing and sales programs will be designed to increase room night sales at each assessed lodging businesses. Because they are necessary to provide the marketing and sales programs that specifically benefit the assessed lodging businesses, the administration and contingency services also provide the specific benefit of increased room night sales to the assessed lodging businesses.

Although the District, 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 as a ‘specific benefit’ merely because an indirect benefit to a nonpayor occurs incidentally and without cost to the payor as a consequence of providing the specific benefit to the payor.”³

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

² Cal. Const. art XIII C § 1(e)(1)

³ Government Code § 53758(a)

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 nonpayor occurs incidentally and without cost to the payor as a consequence of providing the specific government service to the payor.”⁶

3. Reasonable Cost

District 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 City. Only assessed lodging businesses will be featured in marketing materials, receive sales leads generated from district-funded activities, be featured in advertising campaigns, and benefit from other district-funded services. Non-assessed lodging businesses will not receive these, nor any other, district-funded services and benefits.

The District-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 lodging businesses receive incremental room nights, that portion of the promotion or program generating those room nights shall be paid with non-District 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 room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than thirty (30) consecutive days; stays by any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty; stays by any federal, state, county, or city officer or employee when on official business; and stays pursuant to contracts executed prior to January 1, 2017.

The term “gross room rental revenue” as used herein means: the consideration charged, whether or not received, for the occupancy of space in a lodging business, 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 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. However, the assessed lodging business 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

⁴ Cal. Const. art XIII C § 1(e)(2)

⁵ Government Code § 53758(b)

⁶ Government Code § 53758(b)

payment from the business. The assessment shall be disclosed as the “ACTMD Assessment.” The assessment is imposed solely upon, and is the sole obligation of the assessed lodging business even if it is passed on to transients. The assessment shall not be considered revenue for any purposes, including calculation of transient occupancy taxes.

Bonds shall not be issued.

E. Penalties and Interest

Assessed businesses which are delinquent in paying the assessment shall be responsible for paying:

1. Original Delinquency: Any lodging business which fails to remit any assessment imposed within the time required shall pay a penalty of ten percent (10%) of the amount of the assessment in addition to the amount of the assessment.
2. Continued Delinquency: Any lodging business which fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent (10%) of the amount of the assessment in addition to the amount of the assessment and the ten percent (10%) penalty first imposed.
3. Fraud: If the County or cities determine that the nonpayment of any remittance due is due to fraud, a penalty of twenty-five percent (25%) of the amount of the assessment shall be added thereto in addition to the penalties stated in subsections 1 and 2 of this Section E.
4. Interest: In addition to the penalties imposed, any lodging business which fails to remit any assessment imposed shall pay interest at the rate of one and one-half percent (1.5%) per month or fraction thereof until paid.
5. Penalties Merged With Assessment: Every penalty imposed and such interest as accrues under the provisions of this Section E shall become a part of the assessment required to be paid.

Any delinquent assessments and the penalties and interest thereon shall be collected by the following procedure:

1. If a city or the County is taking action to collect other sums due from the business, the amount owed shall be collected in the same action. The ACTMD will pay its proportional share of the cost of the collections action to the collecting City or County.
2. If a City or the County is not taking action to collect other sums due from the business:
 - a. The city or County shall notify the business that the assessment is past due, within thirty days of the payment becoming due.
 - b. If the payment is not received within thirty days of the notice, the city or County shall notify the ACTMD of the delinquency.
 - c. The ACTMD may collect, or may contract with a third-party to collect, the delinquent amount. Collection efforts may include initiating legal action on behalf of the city or County.

F. Time and Manner for Collecting Assessments

The ACTMD assessment will be implemented beginning January 1, 2017 and will continue for five (5) years through December 31, 2021. The County and cities will be responsible for collecting the assessment on a quarterly basis from each lodging business located in their respective jurisdictions. The County and cities shall forward the assessments within sixty (60) days of receipt to the Owners' Association.

V. GOVERNANCE

A. Owners' Association

The Board of Supervisors, through adoption of this Management District 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 §36614.5. The Board of Supervisors has determined that the Amador Council of Tourism (ACT) will serve as the Owners' Association for the ACTMD. After the formation of the ACTMD, the ACT will form a ACTMD Management Committee which will be responsible for implementing this Plan.

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. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records 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.

C. Annual Report

The ACT shall present an annual report at the end of each year of operation to the Board of Supervisors 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.

D. Local Governing Committees

Each jurisdiction retaining funds for local destination marketing programs shall form a local governing committee in accordance with the provisions below. Each committee:

- Will be subject to the requirements of the Ralph M. Brown Act and the California Public Records Act in accordance with the 1994 Law;
- Shall submit a progress report to the ACT every six (6) months;
- Shall develop and approve an annual work plan and budget; and
- Shall conduct periodic meetings as necessary to provide oversight of the expenditures to ensure consistency and the approved annual work plan and budget consistent with this Plan.

APPENDIX 1 – LAW

*** This document is current through the 2016 Supplement ***
(All 2015 legislation)

STREETS AND HIGHWAYS CODE
Division 18. Parking
Part 7. Property and Business Improvement District Law of 1994

Cal Sts & Hy Code Div. 18, Pt. 7 (2016)

CHAPTER 1. General Provisions [36600 - 36617]

ARTICLE 1. Declarations [36600 - 36604]

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 businesses in a business district are not taxes for the general benefit of a city, even if property 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 - 36616]

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 businesses and real property 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 area.
- (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 (Chapter 3.5 (commencing with Section 6250) of Division 7 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”

“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.

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- 36617.]

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

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 - 36630]

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 proceeding; 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 maximum 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 his or her 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.

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

(m) In a property-based district, the total amount of general benefits, if any.

(n) 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.

(o) 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.

(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.

36626. Resolution establishing district

If the city council, following the public hearing, desires to establish the proposed property and business improvement district, and the city council has not made changes pursuant to Section 36624, or has made changes that do not substantially change the proposed assessment, the city council shall adopt a resolution establishing the district. The resolution shall contain all of the information specified in Section 36625.

36627. Notice and assessment diagram

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625 or Section 36626, 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 - 36637]

36631. Time and manner of collection of assessment; 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 any action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36626. Any 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; Adopting of 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.

CHAPTER 3.5. Financing [36640- 36640.]

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 - 36651]

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- 36660.]

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 - 36671]

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 area 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

Business Name	Business Address	City, State, ZIP
Imperial Hotel	14202 Old Highway 49	Amador City, CA 95601
Amador Harvest Inn	12455 Steiner Road	Plymouth, CA 95669
Avio Vineyards	14250 Ridge Road	Sutter Creek, CA 95685
Bear River Resort	40800 California 88	Pioneer, CA 95666
Black Station Inn	28355 Highway 88	Pioneer, CA 95666
Camanche Recreation	2150 Main St. #5	Red Bluff, CA 96080
Casa De La Pradera	PO Box 66	Fiddletown, CA 95629
Chan, Bill & Michelle	3370 Springhill Rd.	Lafayette, CA 94549
Cozy Cabin	23775 Fiddletown Rd.	Volcano, CA 95689
Cozy Cabin In the Mountains	4106 Amyx Ct.	Hayward, CA 94542
Davancy Chateau & Carriage House	11555 Shenandoah Rd.	Plymouth, CA 95669
Deer Ridge Inn	18400 Inspiration Dr. W.	Pioneer, CA 95666
DiMercurio, Thomas	PO BOX 3192	Antioch, CA 94531
Dirksen, Trevor & Nicole		
Dog & Pony Ranch (Cyndi Harrell)	16184 Camino Del Sol	Los Gatos, CA 95032
E & S Rental Properties		
Gold Country Campground	22880 Savi Ranch Pkwy	Yorba Linda, CA 92887
Gribbel Vacation Rental	11 Smith St.	Wellesley, MA 02482
Hanford House Inn (Rob Gordon)	PO BOX 1450	Sutter Creek, CA 95685
Hillcrest Cabin	4918 Reid Way	Sacramento, CA 95819
Hoffman, Howard	3402 Waverly St.	Palo Alto, CA 94306
Hoover Enterprises	135 Schober Ave.	Jackson, CA 95642
Horvath Jon	2427 23 rd St.	San Francisco, CA 94110
Indrio, Francesco & Rebecca	6143 Cabana Way	Sacramento, CA 95822
Inn Behind the Wall	PO BOX 988	Plymouth, CA 95669
Iron Mountain House	4631 Cabana Way	Sacramento, CA 95822
Jason & Carissa More		
Jones, Hal & Shirley	PO BOX 340	River Pines, CA 95675
Katosh, Paul M		
Kit Carson Lodge	32161 Kit Carson Rd.	Kit Carson, CA 95644
Linda Vista Motel	10708 NO. Highway 49 & 88	Jackson, CA 95642
Lundry, Steve/Katrina		
Messersmith, Richard & Karol	12117 Clay Station Rd.	Herald, CA 95638
Moore Family Cabin	921 Dana Highlands CT.	Lafayette, CA 94549
Nine Gables Winery & B & B	10778 Shenandoah Rd.	Plymouth, CA 95669
Norton Vineyard	6600 Camino De Luna	Rancho Murieta, CA 95683
OK Corral	2918 Pacific Ave.	Stockton, CA 95204
Old Well Motel	PO BOX 187	Drytown, CA 95699

Palisades Lot 29		
Palisades Lot 30	283 Summit Ave	San Rafael, CA 94901
Pioneer Resort	24144 CA-88	Pioneer, CA 95666
Pyramid Peak Properties	1725 Grizzly Mountain Dr.	South Lake Tahoe, CA 96150
Rancho Cicada Retreat	10001 Bell Rd.	Plymouth, CA 95669
Roaring Camp Mining Co	PO BOX 278	Pine Grove, CA 95665
Sacherman, Jim	PO BOX 563	Genoa, NV 89411
Silver Lake Stockton Family Camp	PO BOX 690451	Stockton, CA 95269
St George Hotel	PO BOX 9	Volcano, CA 95689
Strieff, Larry	1084 Bollinger Cyn. Rd.	Moraga, CA 94556
Volcano Union Inn	PO BOX 171	Volcano, CA 95689
Volcano Vacation Rental		
Waters, Ashley	444 King Mountain Rd	Woodside, Ca 94062
West Pine	205 E. Placita Del Iris	Green Valley, AZ 85614
lone Hotel	25 W Main St.	lone, CA 95640
Best Western Amador Inn	200 S. Hwy 49	Jackson, CA 95642
Country Squire Motel	1105 N. Main St	Jackson, CA 95642
Holiday Inn Express Hotels	101 Clinton Rd.	Jackson, CA 95642
Jackson Lodge	850 N. Hwy 88	Jackson, CA 95642
National Hotel	2 Water Street	Jackson, CA 95642
49er Trailer Village	18265 CA-49	Plymouth, CA 95669
Pinotti		
Plymouth House Inn	9525 Main St.	Plymouth, CA 95669
Rest	9372 Main Street	Plymouth, CA 95669
Shenandoah Motel	17674 Village Dr,	Plymouth, CA 95669
Twisted Cork		
Days Inn	271 Handford St. Hwy 49	Sutter Creek, CA 95685
Enola's Cottage		
Eureka Street Inn	PO BOX 395	Sutter Creek, CA 95685
Fournier House	31 Badger	Sutter Creek, CA 95685
Foxes Inn	11555 Shenandoah Rd	Plymouth, CA 95669
Grey Gables	PO BOX 1687-161 Hanford	Sutter Creek, CA 95685
Hanford	61 Hanford St	Sutter Creek, CA 95685
Hotel Sutter	53 Main St.	Sutter Creek, CA 95685
Motto-Ros Creekside Cottage	110 Allen Ranch Rd.	Sutter Creek, CA 95685
Old Hotel Antiques	PO BOX 1270-68 Main	Sutter Creek, CA 95685
Sutter Creek Cottage	14595 Surrey Junction Lane	Sutter Creek, CA 95685
Sutter Creek Inn	PO BOX 385-75 Main	Sutter Creek, CA 95685
Zisman Vac Rental	867 32 nd Ave	San Francisco, CA 94121-3503

**PETITION TO THE COUNTY OF AMADOR
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Lodging Establishment

Business Owner

Suite Lorraine
Vacation Rental

Lorraine & Gordon
Mehterian

Belinda Cappelli
Owner/Owner Representative Name (printed)

Property Manager
Title


Owner/Owner Representative Signature

7/6/16
Date

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Maureen Funk, Executive Director
Amador Council of Tourism
P.O. Box 40
Sutter Creek, CA 95685
(209) 267-9249

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Lodging Establishment

Business Owner

BEAR RIVER RESORT

JOHN & JANETTE FRAZIER

Janette Frazier

Owner/Owner Representative Name (printed)

Sec

Title

Janette Frazier

Owner/Owner Representative Signature

7/10/14

Date

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209-267-0496

ATTN - Stephanie
for Maureen

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Lodging Establishment

Business Owner

Hotel Sutter

Karen Sage

Karen Sage

Co-Owner

Owner/Owner Representative Name (printed)

Title

Karen Sage

5.26.16

Owner/Owner Representative Signature

Date

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Lodging Establishment

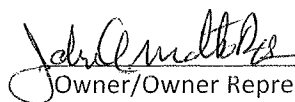

Business Owner

MOTOROS'S CREEKSIDE COTTAGE

JOHN & NADINE MOTOROS

JOHN MOTOROS & NADINE MOTOROS
Owner/Owner Representative Name (printed)

OWNER/MANAGER
Title

 
Owner/Owner Representative Signature

6-8-2016
Date

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Lodging Establishment

Business Owner

Endler's Cottage

Angel & John LeSage

Angel LeSage
Owner/Owner Representative Name (printed)

owner
Title

Angel LeSage
Owner/Owner Representative Signature

10/23/10
Date

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Lodging Establishment


Business Owner

LAKE CAMANCHE NORTH
SHORE

CALIFORNIA
PARKS COMPANY

TERRY WILLARD
Owner/Owner Representative Name (printed)

Marketing/Events
Title


Owner/Owner Representative Signature

6/10/16
Date

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Lodging Establishment

Business Owner

RIVER PINE HAVEN

HAL & SHIRLEY JONES

HAL JONES

OWNER

Owner/Owner Representative Name (printed)

Title

Hal Jones

Owner/Owner Representative Signature

6/10/16

Date

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Lodging Establishment

Business Owner

CARMA AND MICHAEL ZISMAN'S
VACATION RENTALS :
OPAL STREET HOUSE
SERAFINA HOUSE

CARMA M. BERGLUND-ZISMAN

CARMA M. BERGLUND-ZISMAN
Owner/Owner Representative Name (printed)

OWNER
Title


Owner/Owner Representative Signature

June 11, 2014
Date

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Lodging Establishment

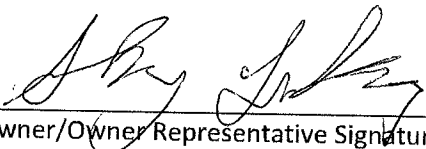
Business Owner

NATIONAL HOTEL

STAN LUKOWICZ, SR

STAN LUKOWICZ, SR
Owner/Owner Representative Name (printed)

OWNER
Title


Owner/Owner Representative Signature

9/28/16
Date

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Lodging Establishment

Business Owner

Old Well Motel

Edwin Kaffer

Edwin J. Kaffer
Owner/Owner Representative Name (printed)

Owner/Manager
Title

Edwin J. Kaffer
Owner/Owner Representative Signature

6-21-16
Date

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Lodging Establishment

Business Owner

Journier House

Sally Knudson

Sally Knudson
Owner/Owner Representative Name (printed)

Proprietor
Title

Sally Knudson
Owner/Owner Representative Signature

June 21, 2016
Date

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Lodging Establishment

Business Owner

Hillcrest Cabin _____

Carissa More _____



Owner/Owner Representative Name (printed)

Co-Owner/Manager

Title

CARISSA MORE

Owner/Owner Representative Signature

7/10

Date

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Lodging Establishment

Business Owner

IONE HOTEL

MAHMOOD GHANI

MAHMOOD GHANI

OWNER

Owner/Owner Representative Name (printed)

Title

Mahmood Ghani

June 29th 2016

Owner/Owner Representative Signature

Date

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Lodging Establishment

Business Owner

Gold Country Vacation Rentals Thomas DiMercurio

Thomas M. DiMercurio

Owner/Owner Representative Name (printed)

Title

Thomas M. DiMercurio

Owner/Owner Representative Signature

6-10-2016

Date

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Lodging Establishment

Business Owner

RANCHO CICADA

DAVID ROBERTS

DAVID ROBERTS

Owner/Owner Representative Name (printed)

OWNER

Title



Owner/Owner Representative Signature

6/17/16

Date

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Lodging Establishment


Business Owner

Foxes Inn

Helwig Tasting Room, LLC

David S. Helwig
Owner/Owner Representative Name (printed)

Manager
Title


Owner/Owner Representative Signature

6/12/16
Date

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Lodging Establishment

Business Owner

Casa de la Pradera

Alice Kaiser

Alice Kaiser
Owner/Owner Representative Name (printed)

owner
Title

Alice Kaiser
Owner/Owner Representative Signature

6/10/2016
Date

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Lodging Establishment

Business Owner

Davancy Chateau

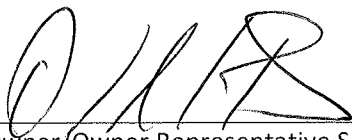
Helwig Tasting Room, LLC

David S. Helwig

Manager

Owner/Owner Representative Name (printed)

Title



6/12/16

Owner/Owner Representative Signature

Date

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Lodging Establishment

Business Owner

SUTTER CREEK INN


SUTTER CREEK INN
(WAY FAMILY TRUST)

LINDSAY WAY

Owner/Owner Representative Name (printed)

OWNER

Title



Owner/Owner Representative Signature

6/10/16

Date

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Lodging Establishment

Business Owner

AMADOR HARVEST INN

JOEY BIGWOOD

JOEY BIGWOOD
Owner/Owner Representative Name (printed)

OWNER
Title

Joey Bigwood
Owner/Owner Representative Signature

6/7/16
Date

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Lodging Establishment

Business Owner

Pyramid Peak Properties

Joan Pitar

Joan Pitar

Pres.

Owner/Owner Representative Name (printed)

Title

Joan Pitar

6-2-12

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:

Maureen Funk, Executive Director
Amador Council of Tourism
P.O. Box 40
Sutter Creek, CA 95685
(209) 267-9249

**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.

Lodging Establishment

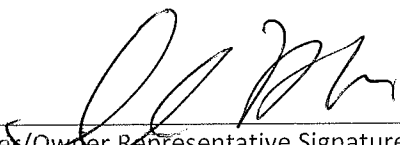
Business Owner

Far Horizons 49^{er} Village
RV Resort Inc

Charles H. Hays Jr.

Charles H. Hays Jr
Owner/Owner Representative Name (printed)

CEO.
Title


Owner/Owner Representative Signature

6-7-16
Date

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(209) 267-9249

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Lodging Establishment

Business Owner

ROARING CAMP MINING COMPANY

RICK & KIM LAGUE

Kim Lague

Owner/Owner Representative Name (printed)

Trustee

Title

KIM LAGUE

Owner/Owner Representative Signature

6/6/16

Date

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(209) 267-9249

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Lodging Establishment

Business Owner

Pine Knob Winery, E.B.B.

Pam Notestine

PAM NOTESTINE
Pam Notestine

Owner/Owner Representative Name (printed)

Owner

Title

Owner/Owner Representative Signature

Date

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Amador Council of Tourism
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Sutter Creek, CA 95685
(209) 267-9249

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Lodging Establishment

Business Owner

EUREKA Street Inn

Sandra Anderson

Sandra Anderson
Owner/Owner Representative Name (printed)

Owner
Title

Sandra Anderson
Owner/Owner Representative Signature

May 31, 2016
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:

Maureen Funk, Executive Director
Amador Council of Tourism
P.O. Box 40
Sutter Creek, CA 95685
(209) 267-9249

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Lodging Establishment

Business Owner

Sutter Creek Cottage


Kathy Allen &
Frank Axe
(in Trust)

Katherine Lynn Allen Axe

Owner/Owner Representative Name (printed)

~~Frank Axe~~ Owner

Title



Owner/Owner Representative Signature

5-24-16

Date

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Maureen Funk, Executive Director
Amador Council of Tourism
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Sutter Creek, CA 95685
(209) 267-9249

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Lodging Establishment

Business Owner

Volcano Union Pub + Inn
Rest, a boutique hotel

Mark & Tracey Berkner
" " " "

Tracey Berkner
Owner/Owner Representative Name (printed)

owner
Title

Tracey Berkner
Owner/Owner Representative Signature

5-27-14
Date

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Maureen Funk, Executive Director
Amador Council of Tourism
P.O. Box 40
Sutter Creek, CA 95685
(209) 267-9249

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Lodging Establishment

Business Owner

Kit Carson Lodge

Michael Riddle

Michael Riddle

Owner/Owner Representative Name (printed)

President

Title

[Signature]

Owner/Owner Representative Signature

6-6-16

Date

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Maureen Funk, Executive Director
Amador Council of Tourism
P.O. Box 40
Sutter Creek, CA 95685
(209) 267-9249

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Lodging Establishment

Business Owner

PIONEER RESORT

OWENS FINANCIAL

Heather Irons _____ Manager
Owner/Owner Representative Name (printed) Title

[Signature] _____ 6/6/16
Owner/Owner Representative Signature Date

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Maureen Funk, Executive Director
Amador Council of Tourism
P.O. Box 40
Sutter Creek, CA 95685
(209) 267-9249

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Lodging Establishment

Business Owner

Hanford House Inn
HANFORD

Athena + Robert Gordon
" " "

Athena Gordon
Owner/Owner Representative Name (printed)

OWNER
Title

[Signature]
Owner/Owner Representative Signature

June 2, 2016
Date

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Maureen Funk, Executive Director
Amador Council of Tourism
P.O. Box 40
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(209) 267-9249

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Lodging Establishment

Business Owner

PLYMOUTH HOUSE INN

Sandra Sanders

SANDRA SANDERS

Owner/Owner Representative Name (printed)

Owner

Title

Sandra Sanders

Owner/Owner Representative Signature

6-3-16

Date

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Amador Council of Tourism
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Sutter Creek, CA 95685
(209) 267-9249

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Lodging Establishment

Business Owner

IMPERIAL HOTEL

MARY ANN McCAMANT

Mary Ann McCamant
Owner/Owner Representative Name (printed)

Owner
Title

Mary Ann McCamant
Owner/Owner Representative Signature

6/2/14
Date

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Amador Council of Tourism
P.O. Box 40
Sutter Creek, CA 95685
(209) 267-9249

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Lodging Establishment

Business Owner

GREY GABLES INN

S. Garlick

SUSAN GARLICK
Owner/Owner Representative Name (printed)

OWNER
Title

Owner/Owner Representative Signature

6/2/16
Date

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Amador Council of Tourism
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Sutter Creek, CA 95685
(209) 267-9249

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Lodging Establishment

Business Owner

INN BEHIND THE WALL
P.O. Box 988
PLYMOUTH, CA 95669

VICTORIA DELPART

VICTORIA DELPART
Owner/Owner Representative Name (printed)

OWNER
Title

Victoria Delpart
Owner/Owner Representative Signature

06/28/16
Date

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Maureen Funk, Executive Director
Amador Council of Tourism
P.O. Box 40
Sutter Creek, CA 95685
(209) 267-9249

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Lodging Establishment

Business Owner

COUNTRY SQUIRE MOTEL

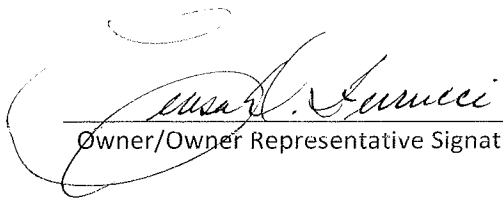
TERESA FERRUCCI

TERESA FERRUCCI

Owner/Owner Representative Name (printed)

OWNER

Title



Owner/Owner Representative Signature

7-5-16

Date

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Lodging Establishment

Business Owner

Gold Country Campground
13026 Taberud Road
Pine Grove Ca 95665

Redwood Mortgage
22880 Sawi Ranch Pkwy
Yorba Linda, Ca 92882

Thomas Paelli
Owner/Owner Representative Name (printed)

Property Manager
Title

T. Paelli
Owner/Owner Representative Signature

6/28/16
Date

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Maureen Funk, Executive Director
Amador Council of Tourism
P.O. Box 40
Sutter Creek, CA 95685
(209) 267-9249

969 5065

AGENDA TRANSMITTAL FORM

To: Board of Supervisors
 Date: 10/05/2016

<input checked="" type="radio"/>	Regular Agenda
<input type="radio"/>	Consent Agenda
<input type="radio"/>	Blue Slip
<input type="radio"/>	Closed Session
Meeting Date Requested:	
<u>10/11/16</u>	

From: Michael Israel Phone Ext. 536
 (Department Head - please type)

Department Head Signature Michael W Israel

Agenda Title: Ordinance revising AMador County Code Sections 2.94.030 and 2.94.040

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
 The ordinance would repeal and replaces existing Sections 2.94.030 and 2.94.040, relative to voting and non-voting members of the Technical Advisory Committee.

Recommendation/Requested Action:
Waive reading and schedule for future adoption

Fiscal Impacts (attach budget transfer form if appropriate) <u>None known</u>	Staffing Impacts <u>Minimal</u>
----------------------------------------------------------------------------------	------------------------------------

Is a 4/5ths vote required? Yes <input type="radio"/> No <input type="radio"/>	Contract Attached: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A Resolution Attached: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A Ordinance Attached: <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Comments: _____
Committee Review? <input type="checkbox"/> N/A <input type="checkbox"/> Name <u>Land Use and Community Development</u> Committee Recommendation: <u>Present to full Board</u>	

Request Reviewed by:

Chairman _____	Counsel _____
Auditor _____	GSA Director _____
CAO <u>AI</u>	Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)
ENV. HEALTH, PLANNING

FOR CLERK USE ONLY

Meeting Date <u>10/11/16</u>	Time _____	Item # <u>8</u>
Board Action: Approved Yes ___ No ___	Unanimous Vote: Yes ___ No ___	
Ayes: _____	Resolution _____	Ordinance _____
Noes: _____	Resolution _____	Ordinance _____
Absent: _____	Comments: _____	Other: _____

Distributed on _____	A new ATF is required from _____ Department _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.
Completed by _____	For meeting of _____	ATTEST: _____ Clerk or Deputy Board Clerk



AMADOR COUNTY COMMUNITY DEVELOPMENT AGENCY
ENVIRONMENTAL HEALTH DEPARTMENT

PHONE: (209) 223-6439

FAX: (209) 223-6228

WEBSITE: www.amadorgov.org

EMAIL: ACEH@amadorgov.org

COUNTY ADMINISTRATION CENTER • 810 COURT STREET • JACKSON, CA 95642-2132

MEMORANDUM

TO: Amador County Board of Supervisors

FROM: Michael W. Israel, Environmental Health Department *(MUI)*

DATE: October 5, 2016

SUBJECT: Technical Advisory Committee Ordinance

As you are aware, the Technical Advisory Committee (TAC) reviews discretionary projects and makes recommendations to the Planning Commission, Board of Supervisors, and sometimes other decision making bodies. Since adopting the existing ordinance in 1988 some organizational changes have been made including elimination of the County Department of Water Resources and USDA Soil Conservation Service. The addition of the Director of Solid Waste is proposed as the fifth voting member, recognizing the input of that entity during CEQA review. In place of the Soil Conservation Service, the Amador County Resource Conservation District (RCD) has expressed interest in participation and are proposed as a non-voting member.

AN ORDINANCE REPEALING SECTIONS 2.94.030 AND 2.94.040 OF THE AMADOR COUNTY CODE AND ADDING NEW SECTIONS 2.94.030 AND 2.94.040 TO THE AMADOR COUNTY CODE RELATING TO VOTING AND NON-VOTING MEMBERSHIP OF THE AMADOR COUNTY TECHNICAL ADVISORY COMMITTEE

The Board of Supervisors of the County of Amador, State of California, ordains as follows:

SECTION 1. Sections 2.94.030 and 2.94.040 of the Amador County Code are hereby repealed in their entirety.

SECTION 2. New Sections 2.94.030 and 2.94.040 are hereby added to the Amador County Code which shall read as follows:

2.94.030 COMPOSITION OF TECHNICAL ADVISORY COMMITTEE

The technical advisory committee shall be composed of the following county officials or those officials' designated alternate:

- A. Public works director;
- B. Planning director;
- C. Building official;
- D. Environmental Health director;
- E. Director of Solid Waste.

2.94.040 NONVOTING MEMBERS OF TECHNICAL ADVISORY COMMITTEE

The following agencies may provide representatives to the technical advisory Committee, which representatives shall be nonvoting members of said committee: Amador Water Agency, Amador Fire Protection District, and Central Sierra Resource Conservation District.

SECTION 3. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on _____, 2016 and on _____, 2016 further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Amador.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Amador, State of California, this _____ day of _____, 2016, by the following vote:

AYES: Supervisors,
NOES: Supervisors,
ABSENT: Supervisors,

Chairperson of the Board of Supervisors
of Amador County California

ATTEST: _____
Clerk of the Board of Supervisors

AGENDA TRANSMITTAL FORM

To: Board of Supervisors
Date: 10/05/2016

From: Judy Dias, Human Resources Director
(Department Head - please type)

Phone Ext. 473

Department Head Signature Judy Dias

<input checked="" type="radio"/> Regular Agenda
<input type="radio"/> Consent Agenda
<input type="radio"/> Blue Slip
<input type="radio"/> Closed Session
Meeting Date Requested: <u>10/11/2016</u>

Agenda Title: Approval of Uncodified Ordinance Amending the CalPERS contract

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Approval of an Uncodified Ordinance Amending the Contract between the County of Amador and the Board of Administration of the California Public Employees' Retirement Systems to implement a share of cost for Classic Members of the PERS Safety Contract.

Recommendation/Requested Action:
Approve Ordinance

Fiscal Impacts (attach budget transfer form if appropriate) _____
Staffing Impacts _____

Is a 4/5ths vote required? Yes No

Committee Review? Name _____ N/A

Committee Recommendation: _____

Contract Attached: Yes No N/A
Resolution Attached: Yes No N/A
Ordinance Attached: Yes No N/A

Comments: _____

Request Reviewed by:
Chairman _____ Counsel GG
Auditor _____ GSA Director _____
CAO [Signature] Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)
Human Resources, Auditor

FOR CLERK USE ONLY

Meeting Date 10-11-16 Time _____ Item # 9

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___
Ayes: _____ Resolution _____ Ordinance _____ Other: _____
Noes _____ Resolution _____ Ordinance _____
Absent: _____ Comments: _____

Distributed on _____
Completed by _____
A new ATF is required from _____ Department _____ For meeting of _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.
ATTEST: _____
Clerk or Deputy Board Clerk



AMADOR COUNTY
HUMAN RESOURCES DEPARTMENT

• **Administration**
(209) 223-6456

• **Benefits**
(209) 223-6361

• **Risk Management**
(209) 223-6392

County Administration Center
810 Court Street
Jackson, California 95642
Facsimile: (209) 223-6426
Website: www.co.amador.ca.us

To: Board of Supervisors
FROM: Judy Dias, Human Resources Director
DATE: October 5, 2016
SUBJECT: Approval of Ordinance authorizing Amendment to CalPERS Contract for PERS Safety Contract

On April 12, 2016 your Board approved the Memoranda of Understanding (MOU's) between Amador County and both the Deputy Sheriffs' Association and Sheriffs' Office Management Association. In these agreements both Associations agreed to pay an increased one percent employee share of pensionable compensation toward the required employer PERS pension compensation (Sections 25.18 D, and 25.19 D, respectively). Once PERS has approved this amendment, all DSA and SOMMA Safety Members will receive a 1% salary offset.

On September 27, your Board approved a Resolution of Intention to Approve an Amendment between the Board of Administration California Public Employees' Retirement System and the Board of Supervisors of County of Amador. This also allowed the County to conduct the required vote of all of those Association's Classic Safety Members, required by CalPERS under Government Code 20474; that election is in process and scheduled to conclude on October 12, 2016.

For information purposes only, the two other Associations with similar provisions in their MOU's opted to not implement similar agreements by PERS Contract Amendment; such a process is allowable with PERS. All organizations were given the choice of how they wished to proceed, and provided written confirmation of their choices.

CalPERS also requires an Ordinance be approved by your Board which authorizes the amendment to the PERS Safety contract. Attached is that Ordinance, and the Exhibit of the Contract Amendment; the final contract will be issued by CalPERS after this process is completed. This agenda item constitutes the required first reading of this Ordinance; the Final reading will be scheduled for your October 25, 2016 meeting.

It is recommended that the Board approve the Uncodified Ordinance amending the safety contract between the County of Amador and the Board of Administration of the California Public Employees' Retirement System; this will implement the provisions of the Memoranda Of Understanding with DSA and SOMMA.

ORDINANCE NO. _____

AN UNCODIFIED ORDINANCE OF THE BOARD OF SUPERVISORS OF AMADOR COUNTY AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF SUPERVISORS OF AMADOR COUNTY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

-oOo-

The Board of Supervisors of the County of Amador ordains as follows:

SECTION 1: That an amendment to the contract between the Board of Supervisors of the County of Amador and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.

SECTION 2: The Chairman of the Board of Supervisors of the County of Amador is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3: This ordinance shall take effect thirty (30) days after the date of its adoption, and prior to the expiration of fifteen (15) days from the passage thereof shall be published at least once in the Amador Ledger-Dispatch, a newspaper of general circulation, published and circulated in the County of Amador and thenceforth and thereafter the same shall be in full force and effect.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the _____ day of October 2016, by the following vote:

AYES:

NOES:

ABSENT:

JOHN PLASSE
Chairman, Board of Supervisors

ATTEST:
JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County
California

APPROVED AS TO FORM:
GREGORY GILLOTT
County Counsel




EXHIBIT

California
Public Employees' Retirement System



AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
Board of Supervisors
County of Amador



The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective October 1, 1947, and witnessed September 2, 1947, and as amended effective June 1, 1954, February 1, 1957, January 1, 1966, December 1, 1980, March 1, 1981, April 1, 1985, July 1, 1988, November 1, 1988, August 1, 1992, October 22, 1992, July 1, 1998, September 1, 2001, March 1, 2006, April 1, 2007, June 1, 2011 and January 1, 2012 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

Pursuant to Government Code sections 20460.1, 20469.1, subdivision (b), and 71624, this contract is hereby amended to add the Trial Court of Amador County, hereinafter referred to as Trial Court, as a contracting party. Trial Court shall participate in the Public Employees' Retirement System from and after the implementation date of the Trial Court Employment Protection and Governance Act pursuant to the terms and conditions of this contract, making its employees members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for in this contract and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency."

A. Paragraphs 1 through 17 are hereby stricken from said contract as executed effective January 1, 2012, and hereby replaced by the following paragraphs numbered 1 through 20 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members entering membership in the miscellaneous classification on or prior to June 1, 2011, age 60 for classic local miscellaneous members entering membership for the first time in the miscellaneous classification after June 1, 2011, age 62 for new local miscellaneous members, age 50 for classic county peace officers entering membership in the county peace officer classification on or prior to June 1, 2011 and for classic local prosecutors entering membership in the local prosecutor classification on or prior to the January 1, 2012, age 55 for classic county peace officers entering membership for the first time in the county peace officer classification after June 1, 2011 and for classic local prosecutors entering membership for the first time in the local prosecutor classification after January 1, 2012 and age 57 for new local safety members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after October 1, 1947 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.

- (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
- 4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. County Peace Officers (included as local safety members);
 - b. Local Prosecutors (included as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).
- 5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. **FIRE FIGHTERS.**
- 6. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members entering membership in the miscellaneous classification on or prior to June 1, 2011 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after November 1, 1960, the effective date of Social Security coverage, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
- 7. The percentage of final compensation to be provided for each year of credited current service as a classic local miscellaneous member entering membership for the first time in the miscellaneous classification after June 1, 2011 shall be determined in accordance with Section 21353 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2% at age 60 Modified).
- 8. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Supplemental to Federal Social Security).

9. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local prosecutor entering membership in the local prosecutor classification on or prior to January 1, 2012 shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).
10. The percentage of final compensation to be provided for each year of credited current service as a classic local prosecutor entering membership for the first time with this agency in the local prosecutor classification after January 1, 2012 shall be determined in accordance with Section 21369 (2% at age 55 Full).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a classic county peace officer entering membership in the county peace officer classification on or prior to June 1, 2011 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
12. The percentage of final compensation to be provided for each year of credited current service as a classic county peace officer entering membership for the first time with this agency in the county peace officer classification after June 1, 2011 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
13. The percentage of final compensation to be provided for each year of credited prior and current service as a new local prosecutor member shall be determined in accordance with Section 7522.25(b) of said Retirement Law (2% at age 57 Full).
14. The percentage of final compensation to be provided for each year of credited prior and current service as a new local county peace officer member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2% at age 57 Full).
15. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 20438 ("County Peace Officer" shall include probation officers, deputy and assistant probation officers, juvenile hall employees, and persons employed as peace officers pursuant to Section 830.5 of the Penal Code as described in Government Code Section 20438).
 - b. Section 20965 (Credit for Unused Sick Leave).
 - c. Section 21427 (Improved Nonindustrial Disability Allowance) for local safety members only.

- d. Section 21573 (Third Level of 1959 Survivor Benefits) for local safety members only.
- e. Section 20439 ("County Peace Officer" shall include county jail, detention or correctional facility employees as described in Government Code Section 20439).
- f. Section 21024 (Military Service Credit as Public Service).
- g. Section 20423.6 ("Local Safety Member" shall include local prosecutors, local public defenders, and local public defender investigators as described in Government Code Section 20423.6).
- h. Section 20938 (Limit Prior Service to Members Employed on Contract Date) for local prosecutors only.
- i. Section 20042 (One-Year Final Compensation) for those classic local miscellaneous members and classic county peace officers entering membership in the miscellaneous classification and county peace officer classification on or prior to June 1, 2011.
- j. Section 21548 (Pre-Retirement Option 2W Death Benefit) for local miscellaneous members only.
- k. Section 20475 (Different Level of Benefits). Section 21353 (2% @ 60 Modified formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local miscellaneous members entering membership for the first time in the miscellaneous classification after June 1, 2011.

Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic county peace officers entering membership for the first time in the county peace officer classification after June 1, 2011.

Section 21369 (2% @ 55 Full formula) is applicable to classic local prosecutors entering membership for the first time in the local prosecutor classification after January 1, 2012.

- l. Section 20516 (Employees Sharing Additional Cost):

From and after the effective date of this amendment to contract, 1% for County Peace Officers in the Amador County Deputy Sheriff's Association and Amador County Sheriff's Office Mid-Management Association.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

16. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on March 1, 1981. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
17. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
18. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21573 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.
 - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
19. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

20. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BOARD OF SUPERVISORS
COUNTY OF AMADOR

BY _____
RENEE OSTRANDER, CHIEF
EMPLOYER ACCOUNT MANAGEMENT DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk