

**SPECIAL & REGULAR MEETINGS OF THE SONOMA CITY COUNCIL
&
CONCURRENT SPECIAL AND REGULAR MEETINGS OF SONOMA CITY COUNCIL
AS THE SUCCESSOR AGENCY TO THE DISSOLVED SONOMA COMMUNITY
DEVELOPMENT AGENCY**

Community Meeting Room, 177 First Street West

Monday, April 2, 2012

5:30 p.m. Closed Session (Special Meeting)

6:00 p.m. Regular Session

AGENDA

City Council

Joanne Sanders, Mayor

Ken Brown, Mayor Pro Tem

Steve Barbose

Laurie Gallian

Tom Rouse



5:30 P.M. – SPECIAL MEETING - CLOSED SESSION AGENDA

1. CALL TO ORDER

The Mayor will open the meeting and take public testimony on closed session items only. The Council will then recess into closed session.

2. CLOSED SESSION

Item 2A: CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: Old Fire Station, 32 Patten Street, Sonoma. Agency Negotiator: Linda Kelly, City Manager & Jeff Walter, City Attorney. Negotiating Parties: Foothill Partners. Under Negotiation: Price and terms of payment. Pursuant to Government Code §54956.8.

6:00 P.M. – REGULAR MEETING AGENDA

RECONVENE, CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL (Barbose, Rouse, Brown, Gallian, Sanders)

REPORT ON CLOSED SESSION

1. COMMENTS FROM THE PUBLIC

At this time, members of the public may comment on any item not appearing on the agenda. It is recommended that you keep your comments to three minutes or less. Under State Law, matters presented under this item cannot be discussed or acted upon by the City Council at this time. For items appearing on the agenda, the public will be invited to make comments at the time the item comes up for Council consideration. Upon being acknowledged by the Mayor, please step to the podium and speak into the microphone. Begin by stating and spelling your name.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

3. CITY MANAGER COMMENTS AND ANNOUNCEMENTS INCLUDING ANNOUNCEMENTS FROM SUCCESSOR AGENCY STAFF

4. PRESENTATIONS

Item 4A: Proclamation declaring April 2012 Autism Awareness Month in the City of Sonoma.

5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

All items listed on the Consent Calendar are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council, staff, or public request specific items to be removed for separate action. At this time Council may decide to change the order of the agenda.

Item 5A: Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only. (Standard procedural action - no backup information provided)

Item 5B: Request by the Congregation Shir Shalom for City-subsidized use of the Sonoma Valley Veterans Memorial Building on October 28, 2012.

Staff Recommendation: Approve the request subject to applicant's compliance with the City's standard insurance requirements.

Item 5C: Approval of the Minutes of the March 5, 2012 Meeting.

Staff Recommendation: Approve the minutes.

6. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL AS SUCCESSOR AGENCY

All items listed on the Consent Calendar are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council, staff, or public request specific items to be removed for separate action. At this time Council may decide to change the order of the agenda.

Item 6A: Approval of the portions of the Minutes of the March 5, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.

Staff Recommendation: Approve the minutes.

7. PUBLIC HEARINGS – None Scheduled

8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

(Matters requiring discussion and/or action by the Council)

Item 8A: Discussion, Consideration and Possible Action on Adoption of Administrative Budget for Administrative Allowance. (City Manager & Assistant City Manager)

Staff Recommendation: Discuss and approve budget for Successor Agency administrative cost allowance.

9. REGULAR CALENDAR – CITY COUNCIL

(Matters requiring discussion and/or action by the Council)

Item 9A: Presentation and discussion regarding the future of the Sonoma Valley War Memorial Veterans Building by County Parks, requested by Mayor Sanders and Mayor Pro Tem Brown. (City Manager)

Staff Recommendation: Council discretion.

9. REGULAR CALENDAR – CITY COUNCIL, Continued

Item 9B: Discussion, consideration and possible direction to staff regarding the formation of a Tourism Improvement District, including discussion, consideration and possible adoption of Resolution declaring the City’s intention to establish the Sonoma Tourism Improvement District (STID) and fixing the time and place of a public meeting and a public hearing thereon and giving notice thereof, and setting the initial term of the STID as two, three, four or five years, requested by Mayor Sanders. (City Manager)

Staff Recommendation: Discuss, consider and possibly direct staff regarding the formation of a Tourism Improvement District, including possible adoption of Resolution declaring the City’s intention to establish the Sonoma Tourism Improvement District (STID) and fixing the time and place of a public meeting and a public hearing thereon and giving notice thereof, and if proceeding, determine whether to form the STID for an initial period of two, three, four or five years.

10. COUNCILMEMBERS’ REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Item 10B: Final Councilmembers’ Remarks.

10. COMMENTS FROM THE PUBLIC

11. ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on March 27, 2012. GAY JOHANN, CITY CLERK

Copies of all staff reports and documents subject to disclosure that relate to any item of business referred to on the agenda are available for public inspection the Monday before each regularly scheduled meeting at City Hall, located at No. 1 The Plaza, Sonoma CA. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the City Council regarding any item on this agenda after the agenda has been distributed will be made available for inspection at the City Clerk’s office, No. 1 The Plaza, Sonoma CA during regular business hours.

If you challenge the action of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described on the agenda, or in written correspondence delivered to the City Clerk, at or prior to the public hearing.

In accordance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (707) 933-2216. Notification 48-hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4A

Meeting Date: 04/02/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Proclamation declaring April 2012 Autism Awareness Month in the City of Sonoma.

Summary

Deirdre Sheerin, CEO/Executive Director of Sweetwater Spectrum, requested a proclamation declaring the month of April 2012 Autism Awareness Month in the City of Sonoma.

In keeping with City practice, representatives of the organization have been asked to keep the total length of their follow-up comments and/or announcements to not more than 10 minutes.

Recommended Council Action

Mayor Sanders to present the proclamation.

Alternative Actions

Council discretion

Financial Impact

n/a

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

1. Proclamation
-

Copy to: Deirdre Sheerin - via email

City of Sonoma



Proclamation

WORLD AUTISM AWARENESS MONTH

WHEREAS, autism is the most common condition in a group of developmental disorders known as autism spectrum disorders (ASDs); and

WHEREAS, autism is the fastest growing developmental disability in the United States; and

WHEREAS, autism now affects one in every 110 children born in the United States and is increasing by more than 14% annually; and

WHEREAS, every concerned citizen, including immediate and extended family members, neighbors, community members and leaders, caregivers and anyone in the community who touches the lives of persons with autism, has a role to play in supporting children and adults with autism in the City of Sonoma, Sonoma County, California and around the world; and

WHEREAS, community members recognize that no matter where a person is on the autism spectrum they will have individual personalities, abilities and interests and should be warmly welcomed and embraced in communities; and

WHEREAS, on December 18, 2001 the United Nations General Assembly adopted a resolution that declared April 2 as World Autism Awareness Day (WAAD), in perpetuity and that WAAD is one of only three official health-specific United Nation Days.

NOW, THEREFORE, I, Joanne Sanders, Mayor of the City of Sonoma, do hereby proclaim the month of April 2012

AUTISM AWARENESS MONTH

in the City of Sonoma and urge the community to celebrate the unique talents and skills of persons with autism and learn more about autism for the benefit of our community.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Sonoma to be affixed this 2nd day of April 2012.

JOANNE SANDERS, MAYOR





City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5B

Meeting Date: 04/02/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Request by the Congregation Shir Shalom for City-subsidized use of the Sonoma Valley Veterans Memorial Building on October 28, 2012.

Summary

In 1991 the City entered into a Development and Use Agreement with Sonoma County to undertake a major renovation of the Sonoma Valley Veterans Memorial Building. The agreement also provided that the City would pay the County \$10,000 annually to offset operational expenses and in return the City would be allowed use of the facility up to twenty times per fiscal year. Through the years, the City developed a program whereby many, if not all, the City's allocated days were assigned to local students and non-profit or charitable organizations. In June 2010, the City Council approved a three-year extension of the agreement.

The Congregation Shir Shalom has requested City-subsidized use of the Veteran's Building on October 28, 2012 for the annual Jewish Winemakers Tasting and Nosh event.

If this request is approved, the City will have eighteen allocated days remaining for the fiscal year ending June 30, 2013.

Recommended Council Action

Approve the request subject to applicant's compliance with the City's standard insurance requirements.

Alternative Actions

- 1) Delay action pending receipt of additional information.
- 2) Deny the request.

Financial Impact

The City pays \$10,000 annually to the County in return for the use of the Veteran's Building for twenty days throughout the year. The value of each City-subsidized day provided to an outside organization is \$500.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Request from Maddy Leader

cc: Maddy Leader via email

Gay Johann

From: Maddy <maddy@maddyleader.com>
Sent: Thursday, March 22, 2012 10:10 AM
To: Gay Johann
Cc: Avram Goldman
Subject: Vets Bldg

Hi Gay,

Our Third Annual Jewish Winemakers Tasting and Nosh will be held October 28, 2012. We have the Veterans Memorial Building booked for that date.

Again, we would be so grateful to the City of Sonoma for help with the "free day".

It is an event that allows all of the community to come together.

Mayor Pro Tem Brown suggested we request the day as soon as possible.

Best regards,

Maddy Leader

maddy@maddyleader.com
707-938-7099

Member Board Congregation Shir Shalom
Co-chair Third Annual Jewish Winemakers Tasting and Nosh



City of Sonoma
City Council/Successor Agency
Agenda Item Summary

City Council Agenda Item: 5C

Meeting Date: 04/02/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Approval of the Minutes of the March 5, 2012 Meeting.

Summary

The minutes have been prepared for Council review and approval.

Recommended Council Action

Approve the minutes.

Alternative Actions

Correct or amend the minutes prior to approval.

Financial Impact

N/A

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Minutes

DRAFT MINUTES

SPECIAL & REGULAR MEETINGS OF THE SONOMA CITY COUNCIL & CONCURRENT SPECIAL AND REGULAR MEETINGS OF SONOMA CITY COUNCIL AS THE SUCCESSOR AGENCY TO THE DISSOLVED SONOMA COMMUNITY DEVELOPMENT AGENCY

Community Meeting Room, 177 First Street West

Monday, March 5, 2012

5:30 p.m. Closed Session (Special Meeting)

6:00 p.m. Regular Session

MINUTES

City Council

Joanne Sanders, Mayor
Ken Brown, Mayor Pro Tem
Steve Barbose
Laurie Gallian
Tom Rouse



5:30 P.M. – SPECIAL MEETING - CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS, pursuant to Government Code §54956.8. Property: Sebastiani Theater, 476 First Street East, Sonoma. Agency Negotiators: Councilmember Barbose, City Attorney Walter & City Manager Kelly. Negotiating Parties: Sebastiani Building Investors, Inc. Under Negotiation: Price and terms of lease.

This Closed Session was cancelled. A notice advising the public of the cancellation was posted on the door to the Community Meeting Room prior to 5:30 p.m.

6:00 P.M. – REGULAR MEETING

The City Council reconvened in open session and Mayor Sanders called the meeting to order at 6:05 p.m. Richard Schreuder led the Pledge of Allegiance.

PRESENT: Mayor Sanders and Councilmembers Barbose, Brown, Gallian, and Rouse
ABSENT: None

ALSO PRESENT: City Manager Kelly, Assistant City Manager Giovanatto, City Clerk Johann, City Attorney Walter, Public Works Director Bates, Planning Director Goodison, Police Chief Sackett, Fire Chief Garcia.

REPORT ON CLOSED SESSION

Mayor Sanders announced that the closed session had been canceled.

1. COMMENTS FROM THE PUBLIC

Herb Golenpaul reminisced about the “good ole’ days”.

American Legion members Richard Schreuder, Terry Leen, and Gary Magnani requested to be on a future agenda to present information regarding the Spirit Box program as a means of honoring war heroes. Councilmembers Brown and Gallian supported the request.

2. COUNCILMEMBERS’ COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers’ Comments and Announcements

CIm. Rouse mentioned that the Design Review Commission Alternate position was vacant and that two Councilmembers would be elected in November and he encouraged citizens to get involved and to volunteer for service to the community.

CIm. Barbose reported that the Alcalde reception, reformatted to an afternoon event, went very well.

CIm. Brown reported the Alcalde reception ended up in the black and he volunteered to organize it again next year. He reported that the Student Representative position on the Community Services and Environment Commission was vacant.

CIm. Gallian reported participation in Restaurant Week promotion and attendance at the Alcalde reception and Green Drinks which honored Supervisor Valerie Brown.

Mayor Sanders mentioned a newspaper article regarding a prospective sister city in Hungary and announced that the matter would come before the City Council for a decision in the near future.

3. CITY MANAGER COMMENTS AND ANNOUNCEMENTS INCLUDING ANNOUNCEMENTS FROM SUCCESSOR AGENCY STAFF

City Manager & Successor Agency Staff Kelly reported the Oversight Board would need to meet prior to April 19 to adopt the payment schedule. At the request of Mayor Sanders, Public Works Director Bates reported that the Water Agency would conduct a feasibility study regarding fluoridation of the water supply.

4. PRESENTATIONS

Item 4A: Proclamation recognizing the 100th Anniversary of Girls Scouts of the USA

Mayor Sanders greeted Girl Scout Leader Jessa Ranks and a number of scouts and then presented them the proclamation. Ms. Ranks announced they would be commemorating the event with a ceremony on the Plaza.

Item 4B: Proclamation Declaring March 2012 Community Center Month

Mayor Sanders commended Executive Director Swett for her dedication to the Center and the community and then presented her the proclamation. Ms. Swett thanked the City Council for their ongoing support.

5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

Item 5A: Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.

Item 5B: Award of Contract to John Benward Company, Inc. for the Broadway Waterline Extension Project No. 1202 in the amount of \$29,579.00.

Item 5C: Approve the Notice of Completion for the Comprehensive Bike Lane and Signing Project No. 0901 constructed by Chrisp Company and Direct the City Clerk to File the Document.

Item 5D: Approval and Ratification of the Appointment of Leslie Tippell to the Design Review Commission for a term ending March 5, 2014.

Mayor Sanders removed Item 5B on behalf of staff and said the item would be carried over.

It was moved by Clm. Rouse, seconded by Clm. Brown, to approve the items remaining on the Consent Calendar. The motion carried unanimously. Councilmembers Brown, Barbose and Gallian acknowledged Leslie Tippell and thanked her for her continued service on the Design Review Commission.

6. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL AS SUCCESSOR AGENCY

7. PUBLIC HEARING

- Item 7A:**
- a) Consider, discuss and possibly adopt a resolution making findings that, because of an existing fiscal emergency, an election on a proposed new sales tax must occur before the next regular municipal election.**
 - b) Consider, discuss and possibly adopt a resolution calling an election on June 5, 2012, to ask the voters to approve a one-half cent [or one-quarter cent] general transactions and use tax.**
 - c) Consider, discuss and possibly adopt a resolution providing for the submittal of arguments and rebuttal arguments pertinent to the said one-half cent [or one-quarter cent] general transactions and use tax measure and identifying the author of said arguments and rebuttal arguments on behalf of the City of Sonoma.**

City Manager Kelly explained that with the dissolution of redevelopment through the December 29, 2011 State Supreme Court decision, the City faced a post-redevelopment budget scenario and needed to consider funding and budget reduction alternatives. She said the City needed to develop a new financial model to continue to serve the community and meet government mandates. The new financial model should be considered as time-critical since continuing the current level of public services [post-redevelopment] required a significant drawdown on General Fund reserves on a monthly basis of approximately \$85,000 per month at a minimum. She explained that amount was derived from the fact that the City has not yet received the \$250,000 minimum Successor Agency payment or the anticipated new property tax share. She said that even when those amounts were received, the City would be in a deficit position, and the City's General Fund reserves could not fill the gap indefinitely.

Assistant City Manager Giovanatto presented a pro-forma budget detailing the line budget items immediately impacted by the loss of Sonoma Community Development Agency (CDA) funding. The minimum estimated annual shortfall in the General Fund (revenues versus expenses) as detailed was \$434,926. She said that amount did not take into account \$800,000 which has been expended annually from prior redevelopment funding on the City's roads, streets and related infrastructure. When added in, the annual projected deficit was \$1,234,926.

City Manager Kelly reported that, per the February 22, 2012 City Council direction, staff had prepared the necessary documentation and findings for the City Council to consider taking

DRAFT MINUTES

action to place a City sales tax measure on the June 5, 2012 election ballot. The first action would be the adoption of a resolution containing findings of a fiscal emergency based, among other things, on the elimination of redevelopment and the resulting General Fund deficit and the service and expenditure reductions which would be required if a new General Fund revenue source were not found. City Manager Kelly added that resolutions calling the election and establishing criteria for ballot arguments were also to be considered. Attorney Walter stated that prior to adoption of the emergency declaration resolution, Council needed to determine the amount and duration of the proposed sales tax.

Mayor Sanders commented that a $\frac{1}{4}$ percent would cover administration and $\frac{1}{2}$ percent would begin to cover some of the capital. Clm. Rouse stated that a $\frac{1}{2}$ percent was needed to keep the City whole. Mayor Sanders stated that they could pass $\frac{1}{4}$ percent now and go out with a general obligation bond to cover future road repairs. City Manager Kelly stated that other options included an assessment district, Transient Occupancy Tax (TOT) increase, parcel tax, or a dedicated sales tax.

Mayor Sanders opened the public hearing. Robert Parmelee inquired how much the election would cost and stated he felt it would be difficult to pass because of the complexity of issues put before the voters. Mayor Sanders responded the election could cost up to \$32,000.

Robert Felder stated the resolutions needed to clarify that it would be $\frac{1}{4}$ or $\frac{1}{2}$ percent tax; not $\frac{1}{4}$ or $\frac{1}{2}$ cent tax. He added he would support $\frac{1}{2}$ percent tax.

Ted Sexauer stated that Proposition 13 was the reason the tax was needed and mentioned that Veterans cost of living raise this year was 3.5%. He added that Council needed to consider the voice of Occupy Wall Street.

Bill Blum stated he had been on the City's prior Budget Committee and had been appointed by Supervisor Brown to serve on the Oversight Committee and that he strongly supported the proposal for a $\frac{1}{2}$ percent sales tax. He said the City ran a tight ship and there was very little additional cutting that could be done without effecting quality of life issues. He pointed out that 75% of the City's sales tax revenue was generated by visitors.

Herb Golenpaul said he could support a $\frac{1}{2}$ percent sales tax; suggested reducing the amount spent on roads to \$400,000 a year, and suggested a 2% increase to the TOT.

Jennifer Yankovich, Executive Director Sonoma Valley Chamber of Commerce, stated the input she had received from the community had been positive and said the Chamber would partner with the City in support of the measure.

Dr. Kathy Hargett spoke in support of the measure sighting the potential impact on the City's support of key non-profit service providers without it.

David Cook supported $\frac{1}{2}$ percent and stated the term was the most critical issue to decide.

John Kelly stated he had also served on the City's prior Budget Committee and he supported the $\frac{1}{2}$ percent tax. He said the measure belonged on the November ballot which would allow Council candidates to debate the pros and cons of it and because the City had known about this for months which did not justify an emergency.

Dan Parks disagreed with Kelly and stated the time was now. He expressed support for the ½ percent tax. Seeing there were no additional comments, Mayor Sanders closed the public hearing.

It was moved by Clm. Barbose, seconded by Clm. Brown, to adopt the resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA FINDING AND DECLARING THAT AN EMERGENCY EXISTS THAT REQUIRES ASKING THE VOTERS TO APPROVE A TRANSACTIONS AND USE TAX BEFORE THE NEXT REGULAR ELECTION FOR THE CITY COUNCIL.

Clm. Barbose stated that waiting for the November election would be a train wreck in terms of competing tax measures on the ballot and the City would continue to suffer the \$89,000 monthly deficit. He stated that it was not until the demise of the redevelopment agency that the City became aware of the gravity of its situation.

Clm. Gallian agreed this was the right time. She stated this was a way for the voters to choose how they want to resolve the budget shortfall.

Councilmembers Rouse and Brown agreed with Barbose regarding the reasoning for placing the measure on the June ballot.

Mayor Sanders pointed out she had not received one phone call against the proposal and she felt it was a good time to take the pulse of the public. She pointed out that the District One Supervisor contest provided plenty of opportunity for debate of the issue.

Mayor Sanders commented that property tax revenues would go up as property values increased. Clm. Rouse stated that he felt five years was fair to the residents. Mayor Sanders invited additional comments from the public regarding the term of the proposed tax.

Bill Blum and David Cook supported ten years. Jennifer Irving spoke in favor of the tax. Herb Golenpaul supported five years. John Kelly said the City had a long term budget issue and should be thinking of a long term solution he suggested putting a provision in to cease the tax at a time when a majority of Councilmembers felt the emergency no longer existed.

Clm. Brown felt a five year tax would have a better chance of passing and stated he would also support raising the TOT to 12%. Clm. Gallian agreed.

Clm. Barbose and Clm. Brown amended the previous motion to incorporate a ½ cent tax for a period of five years into the resolution. The motion carried unanimously.

City Manager Kelly reported the resolution calling the election, contained the following draft ballot measure wording: "To preserve the safety, public services and quality of life of Sonoma, and provide funding for essential services such as police, fire and emergency medical services, street and road maintenance and repairs, flood prevention, park and open space maintenance, graffiti abatement and other general community services, shall an ordinance be adopted temporarily increasing the City sales tax by one-half percent for a term of 5 years with all funds to be spent locally?"

She added that the local sales taxes throughout jurisdictions in Sonoma County were in the range of 5 years (Cities of Cotati and Rohnert Park), 8 years (City of Santa Rosa), 20 years (SMART, Transportation [Measure A], Open Space, City of Santa Rosa), and no sunset (City of

Sebastopol). Kelly added that the Council had the option of including provisions in the sales tax ordinance which call for the preparation of an annual report and establishment of a citizen's oversight committee that meets once each year to review the financial documentation showing how the additional tax revenues were spent and prepare a report of its findings to the Council.

It was moved by Clm. Rouse, seconded by Clm. Brown, to adopt the resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA, CALIFORNIA CALLING A SPECIAL ELECTION TO ASK THE VOTERS OF THE CITY OF SONOMA TO APPROVE A 5-YEAR GENERAL TRANSACTIONS AND USE TAX OF ONE HALF OF ONE PERCENT; AND REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA CONSOLIDATE THE ELECTION WITH THE ESTABLISHED ELECTION TO BE HELD ON TUESDAY, JUNE 5, 2012, AND DIRECT THE COUNTY ELECTIONS DEPARTMENT TO CONDUCT THE ELECTION ON THE CITY'S BEHALF.

Attorney Walter stated the Council needed to consider the proposed ballot language, and whether to add provisions to the ordinance relating to reporting requirements and an oversight committee.

Clm. Barbose stated he was not in favor of an oversight committee, noting there was no mystery where the money would be spent and he did not feel any reporting requirements outside the normal annual financial audits were necessary. Councilmembers indicated a concurrence and the motion being put to a vote carried unanimously.

City Manager Kelly reported that the City Council could designate the Mayor, the Council, or a number of Councilmembers to write the argument in favor of the measure and staff recommended that the same persons who are authorized to author and sign the original argument also be authorized to author and sign the rebuttal argument. Mayor Sanders stated that some members of the community were interested in signing the argument and she was interested in having all Councilmembers sign it.

Attorney Walter advised that no more than two Councilmembers could write the argument outside of a meeting. Council reached unanimous consensus that Councilmembers Rouse and Brown, in conjunction with staff, would draft the argument to be signed by two Councilmembers and three community members.

It was moved by Clm. Rouse, seconded by Clm. Brown to adopt the resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS RELATED TO THE JUNE 5, 2012 SPECIAL MUNICIPAL ELECTION. The motion carried unanimously.

8. REGULAR CALENDAR – CITY COUNCIL

Item 8A: Discussion, consideration and possible ratification of Mayor's appointments to the Oversight Board of the Successor Agency to the dissolved Sonoma Community Development Agency.

City Manager Kelly reported that, pursuant to Assembly Bill 1X 26, the Mayor could appoint two nominees to the Oversight Board of the Successor Agency to the dissolved Sonoma Community Development Agency. Pursuant to the City Council's standard practice for commission and

committee appointments, the Mayor would submit the names for consideration and request ratification of the nominees by the City Council.

Mayor Sanders announced that she was prepared to appoint herself but that she wanted to interview possible appointees representing the employee organization prior to making that appointment. She pointed out that Supervisors Brown and Carrillo had appointed themselves and that she felt very capable to represent the City. In response to the question by Clm. Barbose, Attorney Walter stated it was okay for the Mayor to appoint herself.

The public comment period was opened and closed with none received. It was moved by Clm. Brown, seconded by Clm. Rouse, to ratify the appointment of Mayor Sanders to the Oversight Board. The motion carried unanimously.

Item 8B: Discussion, consideration and possible action on a draft ordinance establishing new regulations for Formula Businesses.

Planning Director Goodison reported that on December 19, 2011, the City Council conducted an initial review of the recommendations of the Ad Hoc Committee on Formula Businesses, voting 3-2 to direct staff to develop and process ordinance language that would impose new regulations on formula businesses. In a subsequent discussion of a potential moratorium on formula businesses that occurred on January 18, 2012, the Council provided additional direction as follows: 1) the draft ordinance would be reviewed by the Council prior to being referred to the Planning Commission; and 2) option areas would be presented with respect to the various components of a formula business ordinance.

Goodison stated that the draft ordinance reflected the recommendations of the Ad Hoc committee and subsequent direction provided by the City Council, as follows: 1) Formula businesses (encompassing retail, personal services and restaurants) would be regulated by use permit through a two-tiered approach that would be more restrictive in the vicinity of the Plaza. 2) A business within a chain with 9 or fewer locations would not be classified as a "Formula Business" and would not be subject to any new form of review. 3) A business within a chain of 10-249 stores would be defined as a "Formula Business, Small" and would be allowed subject to use permit review (including within the Plaza Retail Overlay Zone), except that within specified large shopping centers, no use permit would be required. 4) Businesses within a chain of 250 or greater would be prohibited in the Plaza Retail Overlay zone, but allowed subject to use permit elsewhere (except, again, that there would be no use permit requirement in large shopping centers, as specified).

Mayor Sanders invited comments from the public.

Ben Boyce encouraged the Council to move forward with the ordinance. He stated that an important principal was at stake involving a commercial interest and culture and that he felt there was widespread support for some kind of regulation.

Bob Edwards agreed with Mr. Boyce stating that if the character of the Plaza retail zone was lost; the economic value would also be lost.

Roger Wright stated he owned property on the Plaza and wanted its value protected. He said he would support stronger restrictions than what was being proposed.

Jack Carter and Stuart Titlebaum spoke in support of the regulations.

Jennifer Yankovich stated that the Chamber would support utilization of the Use Permit process and a definition of Formula Business as one with 1000 or more stores.

Katie Bailey identified herself as a business owner. She supported limiting Formula Businesses to those with fewer stores to encourage boutique-type businesses.

CIm. Barbose stated this was not a novel idea and noted many cities that had adopted similar ordinances. He said he was open to discussing how to make it more effective and pointed out that, as written, the ordinance encompassed the entire City. He said the function of the ordinance was the preservation of the historic character of the City and pointed out that the committee had not considered using the Historic Overlay District as the boundary for the regulations. Barbose stated he was willing to reduce the covered area to the Historic Overlay District and would be amenable to limiting the restrictions on the Plaza to large scale restaurants only.

CIm. Rouse stated that he was still not in favor of a ban and felt they had dire consequences. Noting there were three votes in favor; he would support restricting the area to the Historic Overlay Zone.

Mayor Sanders stated she would like to utilize the design review process and would support requiring a use permit for any fast food restaurant chain. She said as it is written, the ordinance would not allow the Williams Sonoma store to return to its birthplace. Barbose pointed out that was why he was suggesting limiting the restrictions to restaurants.

Mayor Sanders asked if there were three votes to ban large scale (250 stores or more) formula restaurants on the Plaza. CIm. Gallian stated that 250 seemed too small. CIm. Brown said he could go along with it. Mayor Sanders stated there seemed to be support. CIm. Barbose stated that the 250 store limit would only apply to the Plaza and at any other location they would have to apply for a use permit.

CIm. Barbose inquired if all were in support of the geographic area being citywide. CIm. Gallian stated she wanted to address the issue that arose when Staples came to town. CIm. Barbose suggested that a use permit be required for formula businesses within the Historic Overlay District and for any business over 10,000 square feet. Councilmembers Brown and Gallian agreed.

Mayor Sanders said she wanted to go on record that she bowed out because there was no common ground. The Chamber's wishes had not been considered as much as she would have liked. She reminded everyone that a key commercial building on the Plaza had sat vacant for almost ten years and a vibrant community could not have a lot of vacant storefronts.

CIm. Barbose stated he had been collaborative in the compromises he came prepared to make.

CIm. Brown stated there were multiple reasons the Creamery building remained empty.

Goodison explained that the next step would be for the Planning Commission to conduct a public hearing on the ordinance and forward a recommendation to the City Council.

Item 8C: Discussion, consideration and possible action on a presentation from Citizens United for a Sonoma Pool (CUSP) as directed at the City Council meeting of November 21, 2011.

City Manager Kelly reported that on November 21, 2011, the City Council requested CUSP to move forward with the goal of reporting back to Council in three months; directed the City Manager serve as the liaison between CUSP and the School District; and authorized staff to spend more than an hour on the subject. She said the CUSP group had been meeting regularly and held a town hall forum regarding a community swimming pool on January 31, 2012.

Sam Coturri reported that they continue to seek donors and were still in the early stages of planning and fundraising. He said they had moved away from the High School property and had identified a few other possible locations. He said that potential donors wanted a feasibility study before moving ahead and they would like to continue their efforts for another three to six months.

Clm. Barbose inquired about the status of the Maxwell site. Coturri stated that they did not make much traction there and were looking at other County properties within the City. Clm. Brown added that Supervisor Brown had pointed out that Maxwell was not an ideal property for the swimming pool as it would diminish the existing playing fields.

Mayor Sanders asked why they moved away from the High School property. Coturri responded that they met with school representatives and determined that scheduling issues would limit the use of the pool and it would not raise enough revenue. He said the pool needed to be more available to the general public than what the school could accommodate.

Clm. Rouse stated that CUSP was going outside the box and seeking private dollars to get a pool built.

The public comment period was opened and closed with none received.

Mr. Coturri said they would report back to Council on June 5, 2012.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Clm. Gallian reported attendance at the Open Space District and Water Advisory Committee meetings.

Mayor Sanders stated that the Legislative Committee changed its meeting dates fairly often and she had been unable to attend a meeting lately.

Item 10B: Final Councilmembers' Remarks.

Mayor Sanders stated she was pleased with the unanimous votes regarding the upcoming election and she appreciated the support of the hotel community and the Chamber.

10. COMMENTS FROM THE PUBLIC

Herb Golenpaul asked if restrictions of use on the Plaza amounted to restraint of trade. Attorney Walter responded it would not.

11. ADJOURNMENT

The meeting was adjourned at 9:39 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the day of 2012.

Gay Johann, MMC
City Clerk



City of Sonoma
City Council/Successor Agency
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 04/02/2012

Department

Administration

Staff Contact

Gay Johann, City Clerk

Agenda Item Title

Approval of the portions of the Minutes of the March 5, 2012 City Council / Successor Agency Meetings pertaining to the Successor Agency.

Summary

The minutes have been prepared for Council review and approval.

Recommended Council Action

Approve the minutes.

Alternative Actions

Correct or amend the minutes prior to approval.

Financial Impact

N/A

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

See Agenda Item 5C for minutes



City of Sonoma
City Council
as Successor Agency
Agenda Item Summary

City Council Agenda Item: 8A

Meeting Date: 04/02/2012

Department

Administration

Staff Contact

Linda Kelly, City Manager
Carol Giovanatto, Assistant City Manager

Agenda Item Title

Discussion, Consideration and Possible Action on Adoption of Administrative Budget for Administrative Allowance

Summary

AB 26 provides for an administrative cost allowance [at a minimum of \$250,000 allocation] to provide funds for the Successor Agency to wind down the affairs and administer the debt repayment of the former redevelopment agency. Under section 3417[b] of AB 26, the "administrative cost allowance" is defined as follows:

"Administrative cost allowance" means an amount that, subject to the approval of the oversight board, is payable from property tax revenues of up to 5 percent of the property tax allocated to the successor agency for the 2011-12 fiscal year and up to 3 percent of the property tax allocated to the Redevelopment Obligation Retirement Fund money that is allocated to the successor agency for each fiscal year thereafter..."

Based on current information on how the allocation formula is calculated, staff believes that the City, as Successor Agency, is eligible for the minimum payment of \$250,000 administrative cost allowance for FY 2011-12; the amount for each year thereafter is undetermined. Staff has placed the \$250,000 administrative cost allowance on the updated Recognized Obligation Payment Schedule [ROPS]. To validate this allocation, the Successor Agency must prepare and approve a budget for the administrative cost allowance which will be presented to the Oversight Board for final approval. Staff has prepared, for consideration by the Successor Agency, a budget to reflect the costs to administer the wind down of the CDA in an amount not to exceed \$250,000.

Recommended Council Action

Discuss and approve budget for Successor Agency administrative cost allowance.

Alternative Actions

Direct changes to the Successor Agency Budget.

Financial Impact

City/Successor Agency to receive minimum allocation of \$250,000 to off-set costs of administration.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Successor Agency budget for administration [to be delivered separately prior to the meeting].

cc:

SUCCESSOR AGENCY OF THE SONOMA COMMUNITY DEVELOPMENT AGENCY

ADMINISTRATIVE BUDGET FY 2012

	DESCRIPTION	Annual FY2012	FEB-JUNE 42% OF COST
110	WAGES & BENEFITS <i>To account for wages & benefits for administrative and finance personnel assigned to perform mandated Successor Agency duties</i>	410,945	172,597
311	ACCOUNTING/AUDIT <i>To account for annual audit and reporting costs for Successor Agency</i>	22,000	9,240
407	CONTRACT SERVICES <i>To account for percentage of website for SA</i>	1170	491
453	ADVERTISING <i>To account for costs for posting and legal notices</i>	1,000	420
457	TRAVEL <i>To account for mileage reimbursements</i>	200	84
457	TRAINING/CONFERENCES <i>To account for training fot SA STAFF</i>	4,200	1,764
456	MEMBERSHIPS <i>To account for CRA membership</i>	4,750	1,995
900	MGMT INFO SVS <i>To account for percentage of costs for MIS maintenance and equipment for SA</i>	29,055	12,203
900	LONGTERM BLDG MAINT <i>To account for percentage of costs for MIS maintenance for City Hall & Finance Dept</i>	6,332	2,659
900	OVERHEAD SUPPORT <i>To account for percentage of costs for operations of the General Fund [not directly charged to CDA]</i>	181,015	76,026
40000	TOTAL EXPENSE	660,667	277,480



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 9A

Meeting Date: 4/2/12

Department

Administration

Staff Contact

Linda Kelly, City Manager

Agenda Item Title

Presentation and discussion regarding the future of the Sonoma Valley War Memorial Veterans Building by County Parks, requested by Mayor Sanders and Mayor Pro Tem Brown

Summary

Mayor Sanders and Mayor Pro Tem Brown have requested an update from the County Regional Parks regarding the future of Sonoma Veterans Memorial Hall. County Regional Parks Director Caryl Hart is scheduled to present this item. This agenda item was placed as a business item to allow for discussion; however, no action is being requested of the City Council at this time.

County Regional Parks recently issued a Request for Proposals (RFP) for operators of the County Veterans Memorial Halls. Sonoma's Hall had a separate RFP process. The City was notified that the County did not choose to contract with any of the firms submitting the RFP.

The City's current agreement with the County for 20 days use of the Vets Hall at a cost of \$10,000 per year expires June 30, 2013.

Recommended Council Action

Council discretion.

Alternative Actions

Council discretion.

Financial Impact

N/A

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachments:

"County seeks private operators for vets halls," *Press-Democrat*, 2/6/12
Development and Use Agreement, Sonoma Valley War Memorial Veterans Building, and Amendment No. 1 to Agreement

cc: Caryl Hart, Director, Sonoma County Regional Parks

County seeks private operators for vets halls

By [BRETT WILKISON](#)

THE PRESS DEMOCRAT

Published: Monday, February 6, 2012 at 8:53 a.m.

Gene Marcinkowski's post is a solitary one these days.

He is the volunteer caretaker of the Cloverdale Veterans Memorial Hall, one of seven aging Sonoma County-owned veterans buildings with a future now in flux.

The 51-year-old Cloverdale hall has been closed to all but veterans' gatherings for months. Volunteers do any cleanup and the county is called only in emergencies, such as the leak that opened up in a rain storm last month.

“The building is slowly decaying,” said Marcinkowski, 70, an Air Force veteran who lives a block away. “I want to keep it up.”

County officials say they share the same goal, but the challenge for the budget-strapped government is monumental. The buildings have a combined \$19 million maintenance backlog and operational losses have reached as high as \$1.7 million in recent years.

The county's main solution, set in motion last year, is to outsource management of most of the buildings.

Those plans, now evolving in closed-door talks, focus on five of the halls — Santa Rosa, Sebastopol, Petaluma, Cotati and Guerneville — said Regional Parks Director Caryl Hart, whose department oversees the buildings.

At least three of those halls — Santa Rosa, Petaluma and Cotati — could be turned over to a Petaluma-based nonprofit that operates camps and retreats throughout Northern California.

Some veterans have voiced support for the effort, which they hope will improve marketing, use and upkeep of the halls.

The buildings are used by hundreds of community groups for 4,100 regular meetings, classes or special events each year. But aging infrastructure, rate hikes passed last year and cuts in upkeep and staffing have whittled away at those numbers.

“I'm anticipating some good things from this,” said Pete Peterka, a veterans' representative for the Santa Rosa building.

But other veterans and building users are worried about how the halls might be managed by private outfits. They were built in the three decades after World War II to

serve and honor veterans, who enjoy priority access. They also function as community gathering spots.

“No one is telling us who is taking over, what the costs might be,” said Steve Kemmerle, organizer of Petaluma's annual Veteran's Day parade and veterans' representative for the Petaluma hall.

“We're not getting a lot of information out of the county,” said Robert Safreno, chairman of the county-appointed Veterans Memorial Building Advisory Committee.

Veterans groups will have a chance to review the proposals before the Board of Supervisors acts on the deals, a step that could come as soon as next month, Hart said.

Authority to set rental rates, generally only charged to non-veteran groups, will remain with the Board of Supervisors, she said.

The Cloverdale building is not part of the discussions because the county is exploring other options for it, including a possible sale, Hart said.

The City of Cloverdale is the interested buyer, sources with knowledge of the talks said.

“We have an ongoing interest” in the building, Cloverdale Councilwoman Carol Russell said. She declined to elaborate on the city's plans.

Hart and other county officials did not give further details on the closed-door process.

However, members of the veterans building committee and other county sources last week shared what they know about the negotiations so far.

The lead contender to take over three of the buildings — Santa Rosa, Petaluma and Cotati — is United Camps, Conferences and Retreats, or UCCR, a Petaluma-based nonprofit that runs nine private recreational sites in Northern California and a state campground near Santa Cruz, sources said.

Michael Carr, the nonprofit's chief executive officer, confirmed on Friday the group's interest in the three buildings.

“We would continue to operate them as community gathering places,” he said, stressing that operations would be tailored as much as possible to accommodate veterans. “That's very important to us.”

The organization has an annual budget of about \$4 million and a summer workforce of 150. Most operations would likely be handled out of the Santa Rosa hall, with reservations made at United Camps' Petaluma office and staff would be sent to other buildings for guest services and maintenance as needed, Carr said.

The group has agreed to honor the county's current rental rates, most of which were hiked last year by 30 to 70 percent, and in some cases more.

“We don't foresee increasing the rates. That would drive away traditional users. We want to provide a similar if not the same rate,” he said.

United Camps also bid on the Sebastopol and Sonoma buildings. But the Sebastopol Center for the Arts is one of two local groups first in line for the Sebastopol building, sources said.

Linda Galletta, the Sebastopol center's executive director, confirmed the organization is exploring a lease agreement with the county but would not say if the center is planning on relocating from its current location off Depot Street.

“We're looking at lots of things at the moment,” she said.

As of mid-January, the Sebastopol Community Cultural Center was the other local group involved in the talks, Board of Supervisors' documents show.

Two West County organizations are partners in a bid to take over management of the Guerneville building.

“When this opportunity came up we jumped on it,” said Amber Twitchell, board chairwoman of River to Coast Children's Services. The Guerneville group would handle fiscal management while a coalition of care providers, Russian River Area Resources and Advocates, would handle operations, Twitchell said.

The Sonoma building was taken off the list after community members voiced strong **opposition to “someone coming from outside to run the facility,”** said Supervisor Valerie Brown, who represents the area.

The move came despite operating bids submitted for the Sonoma hall by United Camps and a group backed by Kenwood Investments, the company headed by Sonoma-based developer, political strategist and lobbyist Darius Anderson.

The organization retracted its bid during the process, sources said.

Three kinds of deals are being discussed for the halls, according to sources:

- **Property management** agreements that would have the county pay a fee to an operator that reinvests net income back into the building.
- **Lease agreements where the operator pays rent to occupy the building while also** managing it.
- **License agreements that would turn over operations** but would not result in a fee charged to county or rent charges for the operator.

The operators' share of maintenance costs is a key point in the talks, Hart said. By outsourcing daily management and chores, the county may be able to divert savings to work on the long-term backlog, she said.

The access arrangement with veterans is another significant issue. It has sparked worries among some veterans' leaders.

“Are they going to make us make arrangements two years in advance or six weeks in advance? That would be my concern,” said Warren Hopkins, a Cotati representative to the veterans building committee and a former Rohnert Park mayor and councilman.

Other building users said they're anxious to hear the terms of any new deals as soon as they are made public.

For decades Stephen Nordquist has taught dance classes to teenagers at the Santa Rosa hall. He has seen rents for the 62-year-old building continue to rise, but there are no other locations that fit his large groups.

“My fear last year was that they were going to close the building,” he said.

He said the county put contracts on hold until after March, a move that Nordquist said made him uneasy about the building's future.

“Now the rates could go up again, and maybe I'll start crying,” he said. “We love that building.”

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Paul Paul
91-2081
12-17-91

**DEVELOPMENT AND USE AGREEMENT
SONOMA VALLEY WAR MEMORIAL VETERAN'S BUILDING**

This Agreement is entered into by and between the County of Sonoma ("County"), a political subdivision of the State of California, and the City of Sonoma ("City"), a municipal corporation.

RECITALS

1. The need for safe, attractive, active and leisure recreational areas is a critical social need of the residents of the Sonoma Valley;
2. The City and the County have cooperatively funded the Sonoma Valley War Memorial Veterans' Building;
3. The City and the County desire to improve this recreational facility for use by both city and non-city residents while continuing to meet the needs of area veterans groups;
4. The City and the County wish to further expand the recreational uses of this County-owned facility, to distribute equitably the costs of improvements and maintenance, and to integrate those facilities into a system which fulfills the needs of the residents of the Sonoma Valley and area veterans groups;
5. County and City entered into a Development and Use Agreement for the Sonoma Valley War Memorial Veteran's Building on November 14, 1989;
6. Certain changes in the nature of the improvements and funding for the improvements necessitate revision of that Development and Use Agreement.

AGREEMENTS

1. Rescission of Prior Agreement. The Agreement of November 14, 1989 is hereby rescinded.
2. Time Period. The County agrees to allow the City to develop and use the property described below for 20 years commencing July 1, 1990 and ending June 30, 2010.
3. Description. The real property to be developed and used is shown on the attached Exhibit A and is commonly known as the Sonoma Valley War Memorial Veterans' Building located at 126 First Street West, Sonoma, California.

4. Utilities. Barring unforeseen emergencies and changes of circumstances the County shall maintain all current utility service to the site at its sole cost for the term of this agreement.

5. Rental Income. Income from rents for building use at the renovated facility shall be paid to the County. Rents may be adjusted from time to time by County, within its sole discretion.

6. Annual City Payment. The City shall pay to the County \$10,000 annually, to be adjusted annually based upon the statewide increase in per capita income, in monthly installments, throughout the term of this agreement to offset operational expenses.

7. Use of Facilities. The County shall have exclusive responsibility for booking the facility unless otherwise agreed upon by the County and the City. The City shall have the right to reserve use of any part thereof or the entire facility for City functions twenty (20) days per year at no charge to the City provided the County is given at least thirty (30) days prior written notice and there is no conflict with prior bookings. The City will schedule recreational events such as, but not limited to, music, theatrical performances galas, ballets, opera, visual art displays, dinners and other community recreational and cultural functions. The City may allow an event sponsored by a third party on a City allocated day subject to the County's written approval. The County shall grant such approval at such time as standard County third party insurance and indemnification requirements have been met.

Neither party shall permit discrimination in any manner prohibited by law in the use or scheduling of this facility during the term of this agreement.

8. Amendments. This agreement may be amended by the written consent of both parties at any time. The party desiring to amend shall send in writing a copy of the proposed amendment to the other party at least ninety (90) days prior to the effective date of the amendments.

9. Indemnity. The County shall indemnify, defend, and hold harmless the City and its officers, agents, and employees from any and all claims, losses, costs of liability accruing or resulting to any person(s), firms, corporations or other public, or private entity for damages of any kind, including but not limited to injury, harm, sickness or death to person(s) and/or property, or any combination of these from any cause whatsoever arising from or in any way connected with the performance and exercise of its powers pursuant to this agreement.

The City shall indemnify, defend, and hold harmless the County and its officers, agents, and employees from any and all claims, losses, costs of liability accruing or resulting to any person(s), firms, corporations or other public, or private entity for damages of any kind, including but not limited to injury, harm, sickness or death to person(s) and/or property, or any combination of these from any cause whatsoever arising from or in any way connected with the performance and exercise of its powers pursuant to this agreement.

10. Notice. Any notices to the City connected with this agreement shall be sent to:

CITY OF SONOMA
#1 The Plaza
Sonoma, CA 95476

Any notices to the County connected with this agreement shall be sent to:

COUNTY OF SONOMA
REGIONAL PARKS DEPARTMENT
2403 Professional Drive
Santa Rosa, CA 95403

11. Third Party Beneficiaries. There are no intended third party beneficiaries of this agreement.

12. Improvements. The City shall plan, and to the extent of available funds develop, recreational facilities within the existing building to meet the community's recreational needs. The development plan shall include renovation of the main hall, dining room, kitchen, rest rooms, stage areas and other areas requiring renovation, including renovation needed for safety and handicapped accessibility purposes, all as described in the Design Development Cost Estimate and Drawings dated March 18, 1991 by the firm of Michael Ross and Associates. The City shall make use of its own forces and equipment and of contractor services in the combination deemed best by the City to accomplish these improvements and shall comply with all applicable laws. The City shall coordinate with the County on the timing and manner of making these improvements so as to avoid any unnecessary inconvenience to the County and users of the property.

Plans and specifications for all improvements proposed by City during the term of this agreement shall be reviewed and approved pursuant to paragraph 13, prior to advertisement by City for bids for any improvement or commencement of construction of any improvement by City's own forces.

13. County Review and Approval of Plans and Specifications. City shall submit preliminary plans and specifications to County Regional Parks Director for review and approval at forty (40), seventy (70) and ninety (90) percent of completion. Said plans and specifications shall be in sufficient detail to enable County to make an informed judgment about the design and quality of proposed construction. The Director shall approve the preliminary plans and specifications if he determines that the City's proposal is consistent with the Michael Ross plan described in paragraph 12 or any modification thereto approved by the Board of Supervisors, and that the proposed improvement will not, if constructed, impose an unreasonable operation and maintenance obligation on County.

City shall submit final plans, specifications and a complete bid package to County for review and approval by the Sonoma County Board of Supervisors thirty days before advertising for bids. The final plans and specifications shall be consistent with preliminary plans and specifications approved by the Regional Parks Director and the bid package shall require City's contractor to bond, insure and indemnify County to at least the same extent then-current County construction contracts so require.

14. Construction and Ownership of Improvements. City shall complete construction of improvements with reasonable diligence under the supervision of a City-employed construction manager. City building permits shall be obtained for all improvements and City shall provide inspection as needed to ensure construction in conformity with City building codes, all applicable legal requirements and County-approved plans and specifications. City shall supply County with as-built drawings upon completion of any improvement. Title to all improvements constructed pursuant to this Agreement shall vest in County.

15. Priority of Construction by City. The parties agree that current contracts for miscellaneous repair, electrical work, new auditorium doors and demolition and reconstruction of the auditorium entry, and installation of retractable auditorium seating and stackable chairs and storage trucks improvements shall be completed before other work is commenced by City. Contract(s) to complete necessary fire, seismic, handicapped, and life safety improvements, identified in the Michael Ross plan described in paragraph 12, shall be completed next.

Thereafter, improvements identified in paragraph 12 shall be constructed by City in such priority as may be determined by mutual agreement of City and County, as funds become available.

16. Construction Funding.

A. City Contribution: City agrees to provide the following funds for completion of improvements:

- i. \$200,000.00 to be used for the construction of improvements and professional services relating to design of improvements;
- ii. \$250,000.00 received from a Rogerti-Z'Berg-Harris grant from the State of California for such construction;
- iii. \$275,457.00 in contributions received for this project and all possible foundation monies or additional contributions City may acquire for this project; and
- iv. Such additional funds as may be budgeted by City in its sole discretion.

B. County Contribution: County agrees to provide City with the following funds for completion of improvements:

- i. \$144,600.00 to be used for the construction of improvements and paid as follows:
- a) \$44,300.00 within thirty (30) days of execution of this Agreement;
 - b) \$44,300.00 within thirty (30) days of award by City of a contract to complete necessary fire, seismic, handicapped, and life safety improvements, identified in the Michael Ross plan described in paragraph 12;
 - c) \$28,000.00 within thirty (30) days of notification by City that the contract identified in (b) above is fifty (50) percent completed;
 - d) \$28,000.00 within thirty (30) days after notification by City of the filing of a notice of completion for the contract identified in (b) above.
- ii. Such additional funds as may be budgeted by County in its sole discretion.

17. Additional Improvements by County.

Except as provided in this paragraph, nothing contained in this agreement shall restrict the right of County to make such improvements to the building as County determines to be necessary and proper, regardless of whether such improvements are identified by the Michael Ross plan described

in paragraph 12 herein. However, for improvements which are not so identified and which are not necessary for ordinary operation and maintenance, County shall confer with City thirty days prior to commencement of work. This period of time is provided to allow City to comment and/or propose changes to the contemplated improvements which in the City's view would better conform with the overall plan. After the expiration of the thirty day period, the County may proceed with the contemplated improvements without further involvement of the City.

Dated: Dec 19, 1991.

COUNTY OF SONOMA

By *Ernest Carpenter*
Chairman, Board of Supervisors

Approved as to form:

C. Paul Hunt
County Counsel

ATTEST:

Eve T. Lewis
EEVE T. LEWIS, County Clerk and ex-officio Clerk of the Board of Supervisors

Dated: December 4, 1991.

CITY OF SONOMA

By: *Lucille Brown*
Title: Mayor

ATTEST:

Eleanor Best
City Clerk

Approved as to form:

Scott M. Allen
City Attorney

IF ANY INSTRUMENT IS A COPY
OF THE ORIGINAL OF THE
OFFICE

RESOLUTION NO. 91-2081

WEST. DEC 17 1991

County Administration Building
Santa Rosa, California

LENE T. LEWIS, County Clerk &
ex-officio Clerk of the Board of Supervisors
of the State of California, in and for the County
of Sonoma. *[Signature]*

December 17, 1991

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SONOMA, STATE OF CALIFORNIA, AUTHORIZING
THE CHAIRMAN OF THE BOARD TO EXECUTE A REVISED
AGREEMENT WITH THE CITY OF SONOMA FOR DEVELOPMENT
AND USE OF THE SONOMA VALLEY WAR VETERANS MEMORIAL
BUILDING.

WHEREAS, the County of Sonoma and the City of Sonoma entered into an agreement on November 14, 1989, for the development and use of the Sonoma Valley War Veterans Memorial Building which allows the City to use that property from July 1, 1990, to June 30, 2010; and

WHEREAS, the County of Sonoma has approved the Michael Ross and Associates design development cost estimate and drawings dated March 18, 1991, on June 11, 1991, as the Development Plan for the Sonoma Valley War Veterans Memorial Building Renovation; and

WHEREAS, certain changes in the nature of the improvements and funding for the improvements necessitate revision of the development and use agreement of the Sonoma Valley War Veterans Memorial Building between the City of Sonoma and the County of Sonoma; now

THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Sonoma does hereby authorize the Chairman to execute a revised agreement with the City of Sonoma for development and use of the Sonoma Valley War Veterans Memorial Building.

Supervisors:

Cale: aye Harberson: absent Smith: aye Esposti: aye Carpenter: aye

Ayes: 4 Noes: Abstain: Absent: 1

SO ORDERED.

AMENDMENT #1 TO
Development and Use Agreement For The
Sonoma Valley War Memorial Veterans' Building

This is an amendment to the Development and Use Agreement for the Sonoma Valley War Memorial Veterans' Building between the COUNTY OF SONOMA, hereinafter "County" and the CITY OF SONOMA, hereinafter "City".

WHEREAS, County and City entered into a Development and Use Agreement pertinent to the use of the Sonoma Valley War Memorial Veterans' Building ("D & U Agreement") on July 1, 1990, wherein Licensee is to develop and utilize the Sonoma Valley War Memorial Veterans' Building; and

WHEREAS, due to unforeseen circumstances it is necessary to extend the term of the D & U Agreement;

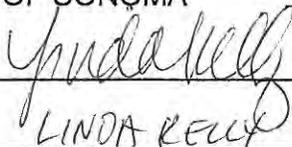
NOW THEREFORE, THE PARTIES HERETO agree to amend the D & U Agreement dated July 1, 1990 as follows:

I. Paragraph 1 shall be amended to read as follows:

1. Time Period. The County agrees to allow the City to develop and utilize the property described below for 23 years commencing July 1, 1990 and ending June 30, 2013.

BE IT FURTHER AGREED that all other terms and conditions contained in the original D & U Agreement dated July 1, 1990, shall remain in full force and effect as though fully set forth herein.

CITY: CITY OF SONOMA

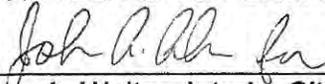
By: 

Name: LINDA KELLY

Title: CITY MANAGER

Date: 6-16-10

APPROVED AS TO FORM FOR CITY:


Jeffrey A. Walter, Interim City Attorney

Date: 6/17/10

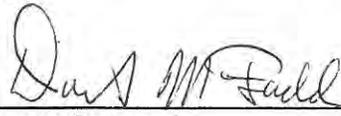
COUNTY: COUNTY OF SONOMA

CERTIFICATES OF INSURANCE ON FILE WITH AND APPROVED AS TO SUBSTANCE FOR COUNTY:

By: 
Department Head/Designee

Date: 06/17/2010

APPROVED AS TO FORM FOR COUNTY:

By: 
County Counsel

Date: 6/2/10

By: 
Chair
Board of Supervisors

Date: 6/22/10

ATTEST:

Clerk of the Board of Supervisors



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 9B

Meeting Date: 4/2/12

Department

Administration

Staff Contact

Linda Kelly, City Manager

Agenda Item Title

Discussion, consideration and possible direction to staff regarding the formation of a Tourism Improvement District, including discussion, consideration and possible adoption of Resolution declaring the City's intention to establish the Sonoma Tourism Improvement District (STID) and fixing the time and place of a public meeting and a public hearing thereon and giving notice thereof, and setting the initial term of the STID as two, three, four or five years, requested by Mayor Sanders

Summary

At the City Council meeting of July 6, 2011, the City Council received a comprehensive report from staff providing an overview of the potential formation of a Tourism Improvement District (TID). At that meeting, Council decided to take no action at that time, based on the many uncertainties with respect to the City's financial position and the future of the State's budget decisions and their impact on the City of Sonoma.

At the City Council meeting of February 22, 2012, staff presented a two-pronged recommendation to the Council in the wake of the dissolution of redevelopment and its negative financial impact on the City of Sonoma: (1) place a sales tax measure on the ballot to support the continuance of services following the loss of redevelopment funding; and (2) form a Sonoma Tourism Improvement District for enhanced marketing of Sonoma as an overnight destination which would increase occupancy rates and increase the amount of Transient Occupancy Tax (TOT) received by the City. Mayor Sanders has requested that the TID process be started at the present time. In accordance with the attached calendar of events, the City Council public hearing would take place June 18, 2012, and the STID would be implemented July 1, 2012, which is the hoteliers' proposed commencement date.

The hoteliers who have approached the City in favor of a TID include hotel owners/representatives Bill Blum (MacArthur Place), Dave Dolquist (The Lodge), Norm Krug (Best Western Sonoma Valley Inn), and Dan Parks (Inn at Sonoma). The hotel representatives have indicated that their motivation to form a TID is to provide a mechanism for a strong and sustainable marketing program for tourism promotion, and to alleviate the funding uncertainty for the Sonoma Valley Visitors Bureau in the wake of the dissolution of redevelopment and its impact on the City's budget and outcomes on the contracts of the former Sonoma Community Development Agency (CDA).

The TID assessment would be a 2% assessment on all overnight room stays in the City of Sonoma city limits, including all types of lodging – hotels, bed and breakfast inns and vacation rentals.

The Sonoma TID (STID) would be for the explicit purpose of "generating room nights" for those members paying into and benefitting from the assessment. The TID formation would require a resolution of intention, a petition signed by the lodging establishments representing at least a majority of the revenue to be generated, a public hearing, and the creation of a non-profit corporation to administer and direct control of the funds collected. The City would serve as the fiscal agent collecting the revenue and remitting it to the non-profit corporation, which will be managed by a Board. A TID can be formed for an initial period of up to five years and may be renewed. The documents attached provide the City Council the opportunity to enact a TID for two, three, four or five years.

In order to form the STID, petitions must be submitted to the City, representing the lodging businesses that will pay more than 50% of the assessment proposed, requesting the City to initiate proceedings to form the STID. Petitions have been submitted in that regard and are attached. A Management District Plan has been created to establish the purposes, activities, funding, control, term, and coverage of the STID. The Plan provides the framework for the operation of the STID.

The assessments would represent approximately \$440,000 per year in collections. Pursuant to the Management District Plan, the assessments levied shall be applied toward sales promotion and

marketing programs to market Sonoma lodging businesses as overnight tourist, meeting and event destinations. The revised Plan attached also includes support to visitor center services. The Board of the non-profit corporation would have the authority to determine the expenditures of the STID assessment funding within the general budget categories established in the STID's annual report. The City would be responsible to collect the assessments from the lodging businesses and remit the assessments to the non-profit corporation.

The Management District Plan of the STID provides that all of the City's costs related to the STID will be fully recovered through the collection of assessment funds. Initially, the Plan applies a percentage of the total assessments collected as the City's collection and administrative costs in an amount equal to 1%. However, after the first year the percentage to be applied to the assessments for full recovery of the City's costs is determined on an annual basis by the actual costs incurred by the City.

Streets & Highways Code Section 36600 et seq. establishes the procedures and regulations for the STID and establishes a maximum 5-year term for the district. The draft STID draft Plan states that the term of the district shall be 5 years; however, this term is not required by statute, and this is ultimately a City Council decision. The district may be disestablished during the term only upon grounds of malfeasance. The district may be renewed after its original term for a maximum 10-year term. The Management District Plan may be modified upon request of the non-profit corporation. The non-profit corporation is to enter into a contract with the City after the formation of the district. The STID Plan states that the City's contract with the STID is to include insurance, indemnification and hold harmless provisions in favor of the City.

The City Council is to (1) determine whether or not the City should go forward by declaring its intention to form the STID, and if so (2) determine whether to form the STID for two, three, four or five years. If the City Council wishes to move forward, then the resolution of intention (attached) must be adopted setting a public meeting and public hearing to consider whether or not to form the STID and levy assessments. The public hearing notice provides the date and time of the public meeting and public hearing on the formation of the STID and levying of assessments during the initial year of the STID. For each year during the term of the STID, the STID would submit to the City an annual report setting forth its proposed activities, stating its projected costs, and proposing the assessments to be levied. The City Council shall make the determination as to whether or not to levy the assessments based upon the annual report. At the end of the term of the STID, the City has the option of renewing the district. The Management Plan provides that if the STID is not renewed, the remaining assessment funds at the end of the term shall be spent by the non-profit corporation for the same purposes as stated by the Management Plan, but if the STID no longer exists then the funds shall be returned to the City for similar tourism-promotion purposes.

As noted in the staff report of July 6, 2011, in order to generate an amount of TOT equal to the amount the City could garner with a 2% TOT increase, hotel income (room sales) would need to increase by \$4,660,000.

Recommended Council Action

Discuss, consider and possibly direct staff regarding the formation of a Tourism Improvement District, including possible adoption of Resolution declaring the City's intention to establish the Sonoma Tourism Improvement District (STID) and fixing the time and place of a public meeting and a public hearing thereon and giving notice thereof, and if proceeding, determine whether to form the STID for an initial period of two, three, four or five years.

Alternative Actions

Council discretion.

Financial Impact

The financial impacts of a TID include the following considerations:

1. The funding would be controlled by the non-profit corporation, not the City of Sonoma. The total TID annual assessment estimate based on current year's budgeted TOT revenue of \$2.2M

would be \$440,000.

2. The City Council may wish to consider any projections regarding how long it will take before verifiable benefits from increased marketing and promotion will occur. This may impact the length of formation of the district, which can be initially formed for a maximum of five years.
3. The City Council may wish to consider whether performance benchmarks should be set as goals for the TID.
4. Staff and legal costs incurred in the formation of a TID are reimbursable once the TID is formed. Staff has kept track of costs since the research on this issue commenced last summer.
5. If a TID is formed, the City is able to collect an ongoing administrative fee of 1% for serving as the fiscal agent for the District. The 1% will be reconciled with the actual cost and may be adjusted if needed for future years. While the administrative fee would cover staff costs, the Council would need to consider the addition of this task to the current Finance Department workload.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Calendar of Events for Tourism Improvement District

Letter from Sonoma Lodging transmitting signed petitions representing approximately 79% of the available rooms in Sonoma, along with four signed petitions

Sonoma Tourism Improvement District Management District Plan

Resolution of City Council declaring its intention to establish the Sonoma Tourism Improvement District

Notice of Public Meeting and Public Hearing concerning the establishment of STID

cc: Bill Blum (MacArthur Place), Dave Dolquist (The Lodge), Norm Krug (Best Western Sonoma Valley Inn), and Dan Parks (Inn at Sonoma)

City of Sonoma

Tourism Improvement District

Formation Schedule

(Based on hoteliers' proposal)

Date/deadline	Event	Comments
April 2, 2012	Council adoption of Resolution of Intention	
April 6, 2012	Mail joint notice of a public meeting and a public hearing	City Clerk to mail to lodging businesses
May 7, 2012 (Councilmember Rouse absent)	Public Meeting	Public meeting must be held at least 10 days after the date the notice is deposited in the mail.
June 18, 2012	Public Hearing Council adoption of Resolution of Formation	Public hearing based on 45-day noticing period. Must be held at least 7 days after the public meeting.
TBD (Hoteliers propose July 1, 2012)	Begin collecting assessment	

Sonoma Lodging

March 22nd, 2012



City of Sonoma
Attn: Linda Kelly, City Manager
No. #1 The Plaza
Sonoma CA 95476

Dear Ms. Kelly:

Enclosed herewith are signed petitions relating to our proposed Sonoma Tourism Improvement District. The petitions are from The Lodge, McArthur Place, El Dorado Hotel, El Pueblo Inn, Sonoma Valley Inn and the Inn at Sonoma. These properties represent approximately 79% of the available rooms in Sonoma and, I would estimate a higher percentage of the TID payments.

We look forward to working together with you as we move forward on this project. Thank you for all of your help.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel J. Parks'.

Daniel J. Parks
Inn at Sonoma

cc: David Dolquist
Bill Blum
Norman Krug
Wendy Stewart
Treg Finney

PETITION TO THE CITY OF SONOMA

TO FORM THE SONOMA TOURISM IMPROVEMENT DISTRICT

We petition you to initiate special assessment proceedings to form a Tourism Improvement District in accordance with the Property and Business Improvement District Law of 1994, Streets and Highways Code Section 36600 et seq., for the purpose of undertaking and implementing the Tourism Improvement District as described in the attached summary of the Management District Plan attached hereto as Exhibit A.

Lodging Establishment

Business Owner

Sonoma Valley Inn

Mark CEO

NEOMAN F. KRUG

03/22/12

Owner Representative/Owner Name (printed)

Title

[Signature]

Owner/Representative Signature

Date

EXHIBIT A

MANAGEMENT DISTRICT PLAN SUMMARY

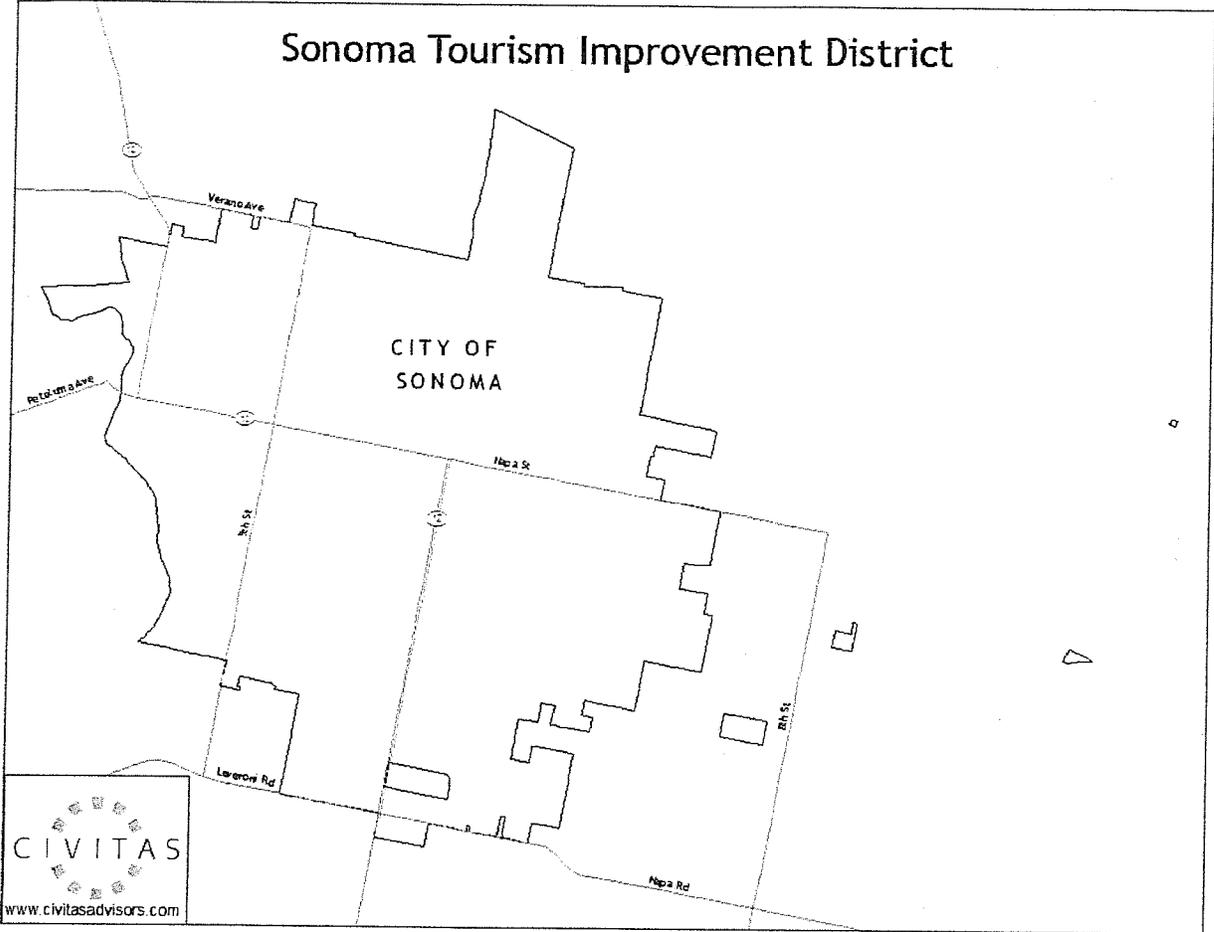
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- Services:** Marketing and sales promotions to increase overnight tourism and to market Sonoma as a tourist, meeting and event destination.
- Budget:** The total STID annual budget for each year of its five year operation is anticipated to be approximately \$440,000.
- Cost:** Annual assessment rates are 2% of gross short term (stays of 30 days or less) room rental revenue on lodging businesses. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on stays by federal or state employees on official business, nor on stays by any officer or employee of a foreign government on official business. Assessments pursuant to the STID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to July 1, 2012.
- Formation:** TID formation requires submittal of petitions from lodging businesses representing more than 50% of the total annual assessment followed by a City Council hearing and an opportunity for a written protest. All assessed lodging business owners will receive notice of the public hearing by mail. If there is a majority written protest, the TID will not be formed.
- Duration:** The proposed STID will have a five year life. The STID assessment will be implemented beginning July 1, 2012. Once per year beginning on the anniversary of the formation of the district there is a 30-day period in which owners paying more than 50% of the assessment may protest and terminate the district.

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:

Mr. Bill Blum
MacArthur Place Hotel and Spa
29 E. MacArthur Street
Sonoma, CA 95476
(707)938-2929

EXHIBIT A
MANAGEMENT DISTRICT PLAN SUMMARY

District Boundary Map



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Lodging Establishment

Business Owner

THE Lodge at Sonoma
Renaissance Resort & Spa

Diamond Rock Hospitality, LLC

David Dolowitz

Owner Representative/Owner Name (printed)

General Manager

Title

Paul Dilger
Owner/Representative Signature

3.21.12

Date

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MANAGEMENT DISTRICT PLAN SUMMARY

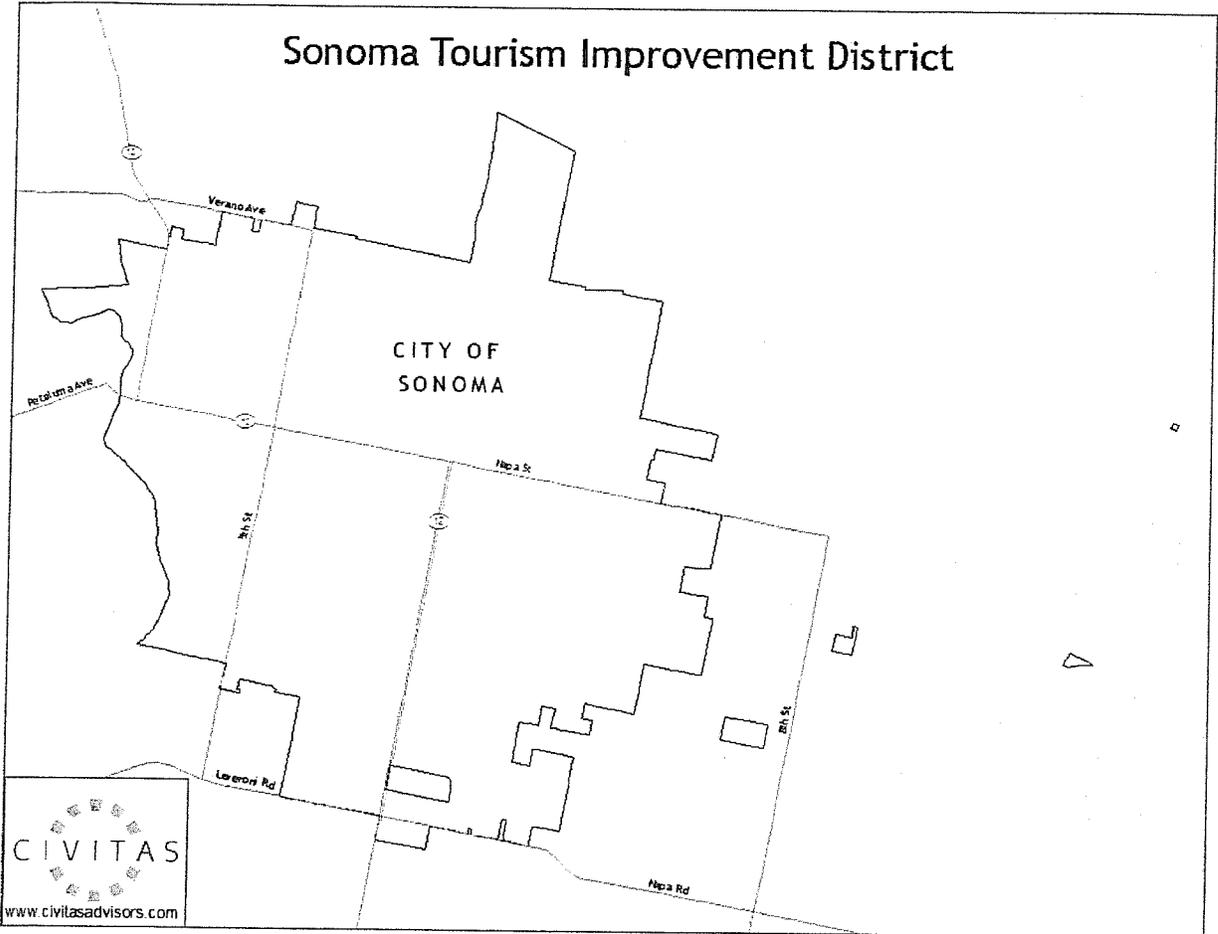
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Lodging Establishment

Business Owner

INN AT SONOMA

DANIEL PARKS

DANIEL PARKS

Owner Representative/Owner Name (printed)

OWNER

Title



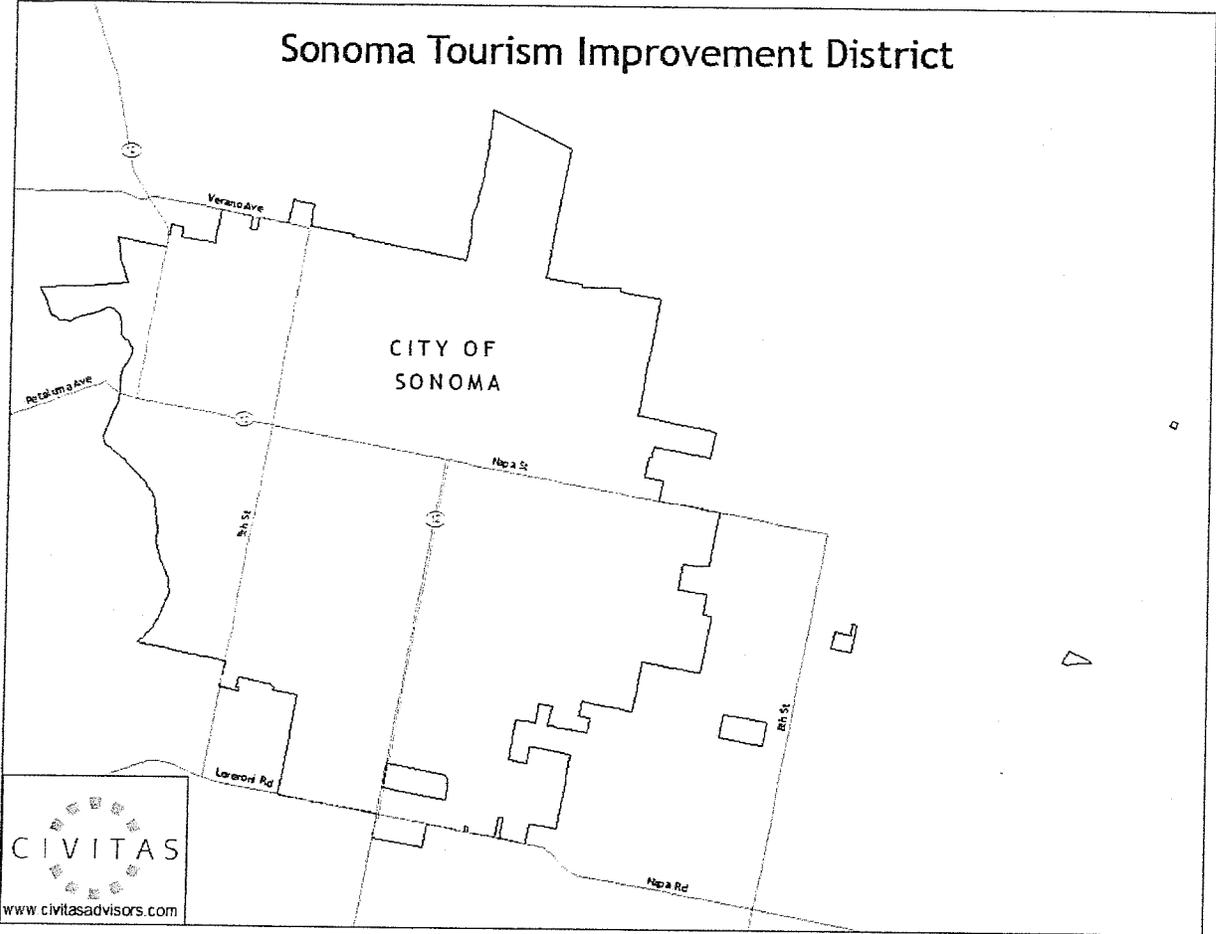
Owner/Representative Signature

3/21/12

Date

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District Boundary Map



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Lodging Establishment

Business Owner

MacArthur Place

29 E. MacArthur LLC

WILLIAM BEUM

GENERAL MANAGER

Owner Representative/Owner Name (printed)

Title

CPR

3/21/12

Owner/Representative Signature

Date

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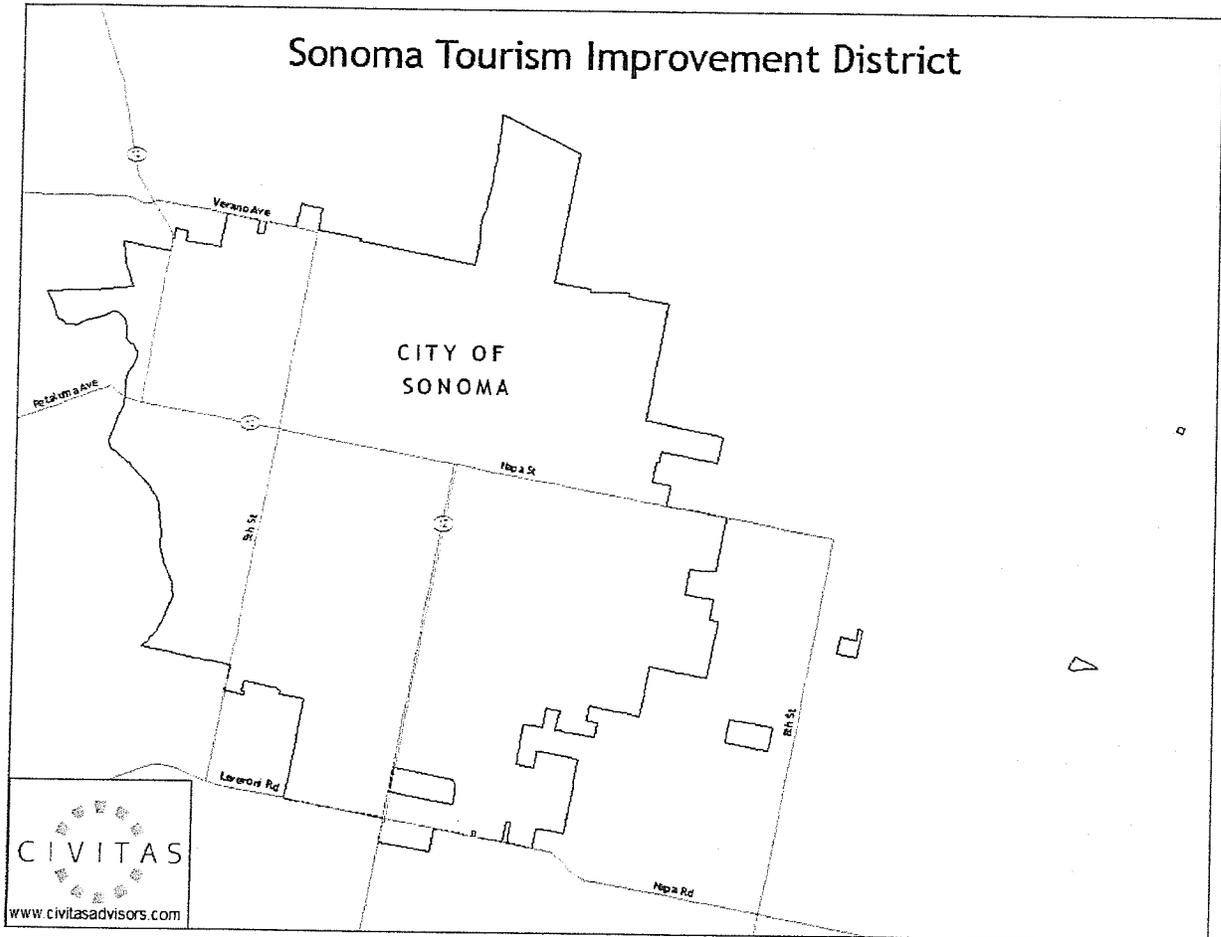
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Lodging Establishment

Business Owner

EL PUEBLO INN

WENDY WATKINS-STEWART

WENDY WATKINS-STEWART

OWNER

Owner Representative/Owner Name (printed)

Title

Wendy Watkins Stewart
Owner/Representative Signature

3/21/12
Date

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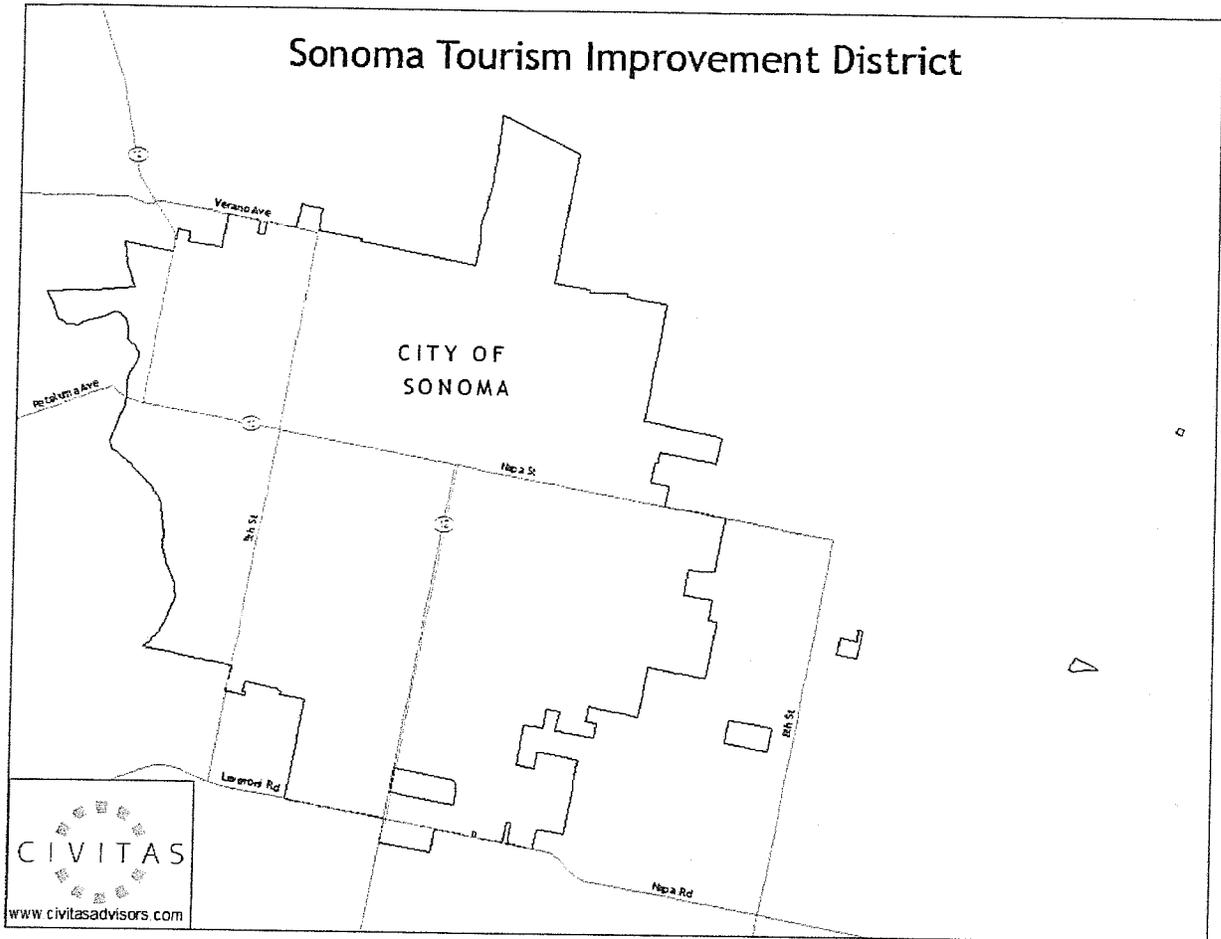
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Lodging Establishment

Business Owner

El Dorado Hotel

EDI Associates LLC

Treg Finney
Owner Representative/Owner Name (printed)

General Manager
Title

[Signature]
Owner/Representative Signature

3-22-12
Date

EXHIBIT A

MANAGEMENT DISTRICT PLAN SUMMARY

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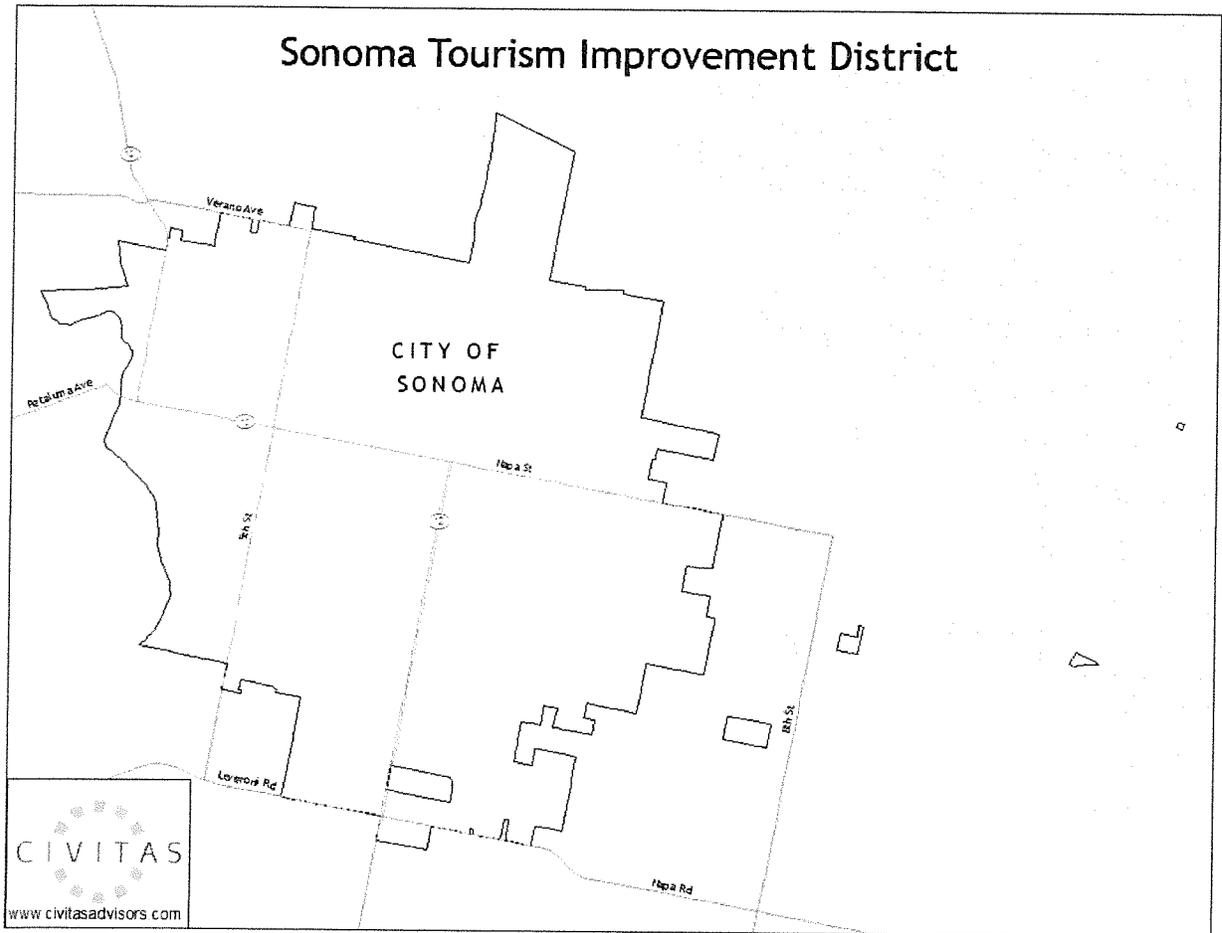
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MANAGEMENT DISTRICT PLAN SUMMARY

District Boundary Map



SONOMA TOURISM IMPROVEMENT DISTRICT MANAGEMENT DISTRICT PLAN

*Formed pursuant to the Property and Business Improvement District Act of 1994
(Streets and Highways Code §36600 et seq.)*

Submitted to the

City of Sonoma

March 14, 2012

by



SONOMA TOURISM IMPROVEMENT DISTRICT MANAGEMENT DISTRICT PLAN

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I. INTRODUCTION AND OVERVIEW

Developed by the Sonoma Lodging Alliance (SLA), the Sonoma Tourism Improvement District (STID) is a benefit assessment district proposed to help fund marketing and sales promotion efforts for Sonoma lodging businesses. This approach has been used successfully in other destination areas throughout the country to improve tourism and drive additional room nights.

Location: The proposed STID includes all lodging businesses (hotels, motels, inns, bed and breakfasts, and vacation rentals) located within the boundaries of the city of Sonoma.

Services: Marketing and sales promotions to increase overnight tourism and to market Sonoma as a tourist, meeting and event destination.

Budget: The total STID annual budget for each year of its five year operation is anticipated to be approximately \$440,000.

Cost: Annual assessment rates are 2% of gross short term (stays of 30 days or less) room rental revenue on lodging businesses. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on stays by federal or state employees on official business, nor on stays by any officer or employee of a foreign government on official business. Assessments pursuant to the STID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to July 1, 2012.

Formation: TID formation requires submittal of petitions from lodging businesses representing more than 50% of the total annual assessment followed by a City Council hearing and an opportunity for a written protest. All assessed lodging business owners will receive notice of the public hearing by mail. If there is a majority written protest, the TID will not be formed.

Duration: The proposed STID will have a five year life beginning on July 1, 2012. Once per year beginning on the anniversary of the formation of the district there is a 30-day period in which owners paying more than 50% of the assessment may protest and terminate the district.

II. WHY A TOURISM IMPROVEMENT DISTRICT FOR SONOMA?

There are several reasons why now is the right time to form a TID in Sonoma; the most compelling reasons are as follows:

1. The Need to Increase Occupancy

The formation of the STID is a proactive effort to provide supplemental marketing and promotional funding beyond that provided by the City. The funding will ensure that adequate financing exists for the investment required to increase occupancy in the lodging industry and be competitive in the conference segment of the tourism market. The investment will fund a marketing and promotional budget needed to reach this market segment.

2. An Opportunity for Increasing City Tax Revenues

As occupancy rates increase, so too will the City's TOT revenue. With stable public/private funding for tourism marketing efforts, annual occupancy rates should increase significantly as new marketing and sales promotion programs are implemented. Greater occupancy will also produce an increase in sales tax revenues from tourist spending. This represents a substantial return to the City. The formation of the STID creates a stable funding source tied directly to tourism promotion.

3. Stable Funding for Tourism Promotion

The STID will provide a stable source of funding for consistent tourism promotion efforts. The STID will provide funding for tourism promotion free of the political and economic circumstances that can reduce or eliminate government funding for tourism promotion.

III. WHAT IS A TOURISM IMPROVEMENT DISTRICT?

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

Tourism Improvement District services may include, but are not limited to:

- Marketing of the Destination
- Tourism Promotion Activities
- Sales Lead Generation

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

There are many benefits to Tourism Improvement Districts:

- Funds cannot be diverted for other government programs;
- Tourism Improvement Districts are customized to fit the needs of each tourism district;
- They allow for a wide range of services, including those listed above;
- Tourism Improvement Districts are ***designed, created and governed by those who will pay*** the assessment;
- They provide a stable funding source for tourism promotion.

The Property and Business Improvement District Law of 1994 is provided in Appendix 1 of this document.

IV. SONOMA TID BOUNDARY

The STID will include all lodging businesses (hotels, motels, inns, bed and breakfasts, and vacation rentals), existing and in the future, available for public occupancy within the boundaries of the city of Sonoma.

The boundary currently includes 43 lodging businesses. Please see the map below. A complete listing of lodging businesses within the proposed STID can be found on Appendix 2 of this Plan.



V. SERVICE PLAN AND BUDGET

A. Assessment

The Tourism Improvement District annual assessment rate is 2% of gross short term (stays 30 days or less) room rental revenue per night for lodging businesses. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on stays by federal or state government employees on official business, nor on stays by any officer or employee of a foreign government on official business. Assessments pursuant to the STID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to July 1, 2012.

The term “gross revenue” as used herein includes the consideration charged, whether or not received, for the occupancy of space in a hotel or other accommodation 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 revenue shall not include any federal, state or local taxes collected, including but not limited to transient occupancy taxes. Any other charges shall be considered gross revenue only in accordance with the local transient occupancy tax.

Bonds shall not be issued.

The amount of assessment, if passed on to each transient, shall be disclosed in advance and separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business.

B. Determination of Specific Benefit

State law requires that assessment funds be expended on a specific benefit, government service, or product conferred directly to the payors that is not provided to those not charged, and which does not exceed the reasonable cost to the City of conferring the benefit, service, or product.

The specific benefit the district will provide to assessed lodging businesses, and will not provide to non-assessed businesses, is room night sales. The programs and services provided with the district funds will be designed specifically to drive room night sales at assessed lodging businesses. 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 businesses will not receive these or any other district-funded services.

C. Time and Manner for Collecting Assessments

The STID assessment will be implemented beginning October 1, 2011 and will continue for five years. The City of Sonoma will be responsible for collecting the assessment on a monthly basis (including any delinquencies, penalties and interest) from each lodging business located in the boundaries of the STID. The City shall take all reasonable efforts to collect the assessments from each lodging business. However, at the City’s option the City may at any time direct the STIDC to undertake all collections through a third party provider of collection services to the STIDC. Upon such direction being given, the City shall have no remaining responsibility to collect assessments. The City shall be reimbursed for that portion of any collection costs associated with delinquent

assessments collected under section V.D. The City of Sonoma shall forward the assessments, on a quarterly basis, to the Sonoma Tourism Improvement District Corporation (STIDC) which will have the responsibility of managing TID programs as provided in this Management District Plan.

D. Penalties and Interest

1. Collection. The City shall have the responsibility of collecting delinquent assessments, penalties, and interest from lodging businesses up to sixty days in arrears. However, at the City's option the City may at any time direct the STIDC to undertake all delinquent collections through a third party provider of collection services to the STIDC. Delinquent assessments, penalties and interests from lodging businesses more than sixty days in arrears shall be collected by the STIDC and the City shall have no further responsibility to collect such amounts on behalf of the STIDC.

2. Original Delinquency. Any business which fails to remit any assessment within the time required shall pay a penalty of 10 percent of the amount of the assessment in addition to the amount of the assessment.

3. Continued Delinquency. Any business which fails to remit any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of 10 percent of the amount of the assessment in addition to the amount of the assessment and the 10 percent penalty first imposed.

4. Fraud. If the tax administrator determines that the nonpayment of any remittance is due to fraud, a penalty of 25 percent of the amount of the assessment shall be added thereto in addition to the penalties stated in subsections B and C of this section.

5. Interest. In addition to the penalties imposed, any business which fails to remit any assessment imposed by this chapter shall pay interest at the rate of one-half of one percent per month or fraction thereof on the amount of the assessment, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

6. Penalties Merged with Assessment. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the assessment required to be paid.

E. Service Plan Budget Summary

A summary of the annual service plan budget for the STID is provided on the following pages. The total five year improvement and service plan budget is projected at approximately \$440,000 annually, or \$2,200,000 through 2015.

F. Annual Service Plan:

A service plan budget has been developed to deliver services throughout the District. An annual service plan and budget will be developed and approved by the STIDC Board. Please see the budget exhibit on the next page. In the initial year of operation, the costs incurred by the City and Civitas' fees for forming the district shall be repaid. Should the STIDC Board approve, funds may be appropriated for the renewal effort. If there are funds remaining at the end of the District term and lodging businesses choose to renew, these remaining funds could be transferred to the renewed

District. If there are funds remaining at the end of the term of the District and the District is not renewed, any remaining funds will be distributed to the STDIC to be spent consistent with this Plan as provided by the contract between STDIC and the City, or in the event that the STDIC no longer exists such funding will be returned to the City for funding of tourism promotion activities or other tourist-serving special events within the City.

Sonoma Tourism Improvement District Annual Budget, Years One through Five

Category	Percent of Budget	Dollar Amount
Sales and Marketing	85%	\$374,000
Administration	9%	\$39,600
City Administration Fee	1%	\$4,400
Contingency/Renewal	5%	\$22,000
Total Annual Budget	100%	\$440,000

The assessment imposed herein is for a specific government benefit or service provided directly to the payors that is not provided to those not charged, and which does not exceed the reasonable cost to the city of providing the service. Services (which may include Sonoma visitor center services) provided for herein are intended to attract overnight visitors to assessed lodging businesses. The specific services to be provided to assessed lodging businesses that will not be provided to those not charged are as follows.

Sales and Marketing

A sales and marketing program will promote Sonoma lodging businesses as tourist and meeting destinations. The sales and marketing program will have a central theme of promoting Sonoma lodging businesses as desirable places to stay overnight, and may include the following activities:

- Internet marketing efforts to increase awareness and optimize internet presence;
- Print ads in magazines and newspapers targeted at potential visitors;
- Promotion of events that draw overnight visitors;
- Television ads targeted at potential visitors;
- Radio ads targeted at potential visitors;
- Attendance of trade shows;
- Sales blitzes;
- Visitor services;
- Familiarization tours;
- Preparation and production of collateral promotional materials such as brochures, flyers and maps;
- Attendance of professional industry conferences and affiliation events;
- Lead generation activities designed to attract tourists and group events to Sonoma;
- Director of Sales and General Manager meetings to plan and coordinate tourism promotion efforts;
- Education of hospitality staff on service and safety (related to alcohol and food) designed to create a visitor experience that will bring repeat visits; and

- Education of lodging business management and the owners' association on marketing strategies best suited to meet Sonoma's needs.

Administration and Operations

The administrative and operations portion of the budget shall be utilized for staffing costs, office costs, and other general administrative costs.

City Administration Fee

In addition to the costs to be repaid to the City for formation of the STID pursuant to section V.F., the City of Sonoma shall be paid a fee equal to 1% of the amount of assessment collected which is intended to fully cover the City's costs related to the STID, including without limitation costs of collection and administration, during the initial year of operation. After the initial year of operation the percentage of the amount of the assessment collected shall be reconciled with the actual cost incurred by the City related to the STID during the prior year and adjusted if necessary to ensure the City's costs are fully reimbursed through the City Administration Fee. Thereafter, the City's costs incurred in relation to the TID shall be fully recovered on an annual basis by the adjustment of the City Administration Fee. The City Administration Fee shall be deducted from the amount of assessment collected prior to the transfer of assessment funds from the City to the STIDC.

Contingency/Renewal

A prudent portion of the budget will be set aside in a contingency fund, to be used for unforeseeable costs in carrying out the sales and marketing programs. If at the expiration of the district there are contingency funds remaining, and business owners wish to renew the district, the remaining contingency funds may be used for renewal costs.

G. Adjustments

The marketing plan shall remain consistent with the budget herein. Although actual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain the same. The STIDC board, at any time, shall have the authority to adjust budget allocations between the categories (with the exception of the City Administration Fee category which may only be modified or adjusted by the City) by no more than fifteen percent (15%) of the total budget per year. Additionally, at the time of the annual report, the City may adjust the budget allocations.

VI. STID GOVERNANCE

A. Owners' Association

The City Council, 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 STID as defined in Streets and Highways Code §36614.5. The STIDC will serve as the Owner's Association for the STID. A majority of the members of the STIDC Board shall be representatives of assessed lodging businesses. The City shall contract with the STIDC to provide the services described in this plan, and the contract shall include without limitation terms requiring the STIDC to provide insurance coverage, indemnification, hold harmless and defense of the City for any subject matter relating to the formation and operation of the STID as well as the services provided under the contract and be subject to the approval of the City Council.

B. Brown Act and California Public Records Act Compliance

The owner's association is subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act, designed to promote public accountability. The owners' association of a TID is considered a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the STIDC board must be held in compliance with the public notice and other requirements of the Brown Act. The Owner's Association is also subject to the record keeping requirements of the California Public Records Act. The City shall not be responsible for the compliance of the Owner's Association (STIDC) with the Brown Act, California Public Records Act, or any state, federal or local laws, rules, regulations, decrees, orders, or ordinances.

C. Annual Report

The STIDC board shall present an annual report at the end of each year of operation to the City Council pursuant to Streets and Highways Code §36650 (see Appendix 1). Upon review of the annual report Council may request additional financial documentation of expenditure of assessments which may include audited financial statements, federal or state non-profit corporate tax returns or be in any other form that may provide the requested information.

APPENDIX 1 – THE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994

Property And Business Improvement District Law of 1994

*** This document is current through the 2012 Supplement ***
(All 2011 legislation)

§ 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

The Legislature finds and declares all of the following:

(a) Businesses located and operating within the business districts 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 the business districts of its cities 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 cities to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that benefits from those improvements.

(d) Assessments levied for the purpose of providing improvements and promoting activities that benefit real property or businesses are not taxes for the general benefit of a city, but are assessments for the improvements and activities which confer special benefits upon the real property or businesses for which the improvements and activities are provided.

§ 36602. Purpose of part

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within a business improvement area. 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 in this part that conflicts with any other provision of law shall prevail over the other provision of law.

§ 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.

§ 36605. [Section repealed 2001.]

§ 36606. "Assessment"

"Assessment" means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and promoting activities which will benefit the 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.

§ 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. "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.

§ 36612. "Property"

"Property" means real property situated within a district.

§ 36613. "Activities"

"Activities" means, but is not limited to, all of the following:

- (a) Promotion of public events which benefit businesses or real property in the district.
- (b) Furnishing of music in any public place within the district.
- (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) Activities which benefit businesses and real property located in the district.

§ 36614. "Management district plan"; "Plan"

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

§ 36614.5. "Owners' association"

"Owners' association" means a private nonprofit entity that is under contract with a city to administer or implement activities and improvements 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 documents relating to activities of the district.

§ 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.

§ 36616. "Tenant"

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

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

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business

Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

§ 36620. Establishment of property and business improvement district

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

§ 36620.5. Requirement of consent of city council

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

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

(a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.

(b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:

- (1) A map showing the boundaries of the district.
- (2) Information specifying where the complete management district plan can be obtained.
- (3) Information specifying that the complete management district plan shall be furnished upon request.

(c) The resolution of intention described in subdivision (a) shall contain all of the following:

(1) A brief description of the proposed activities and improvements, 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. 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 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 contain 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 lands and businesses included. 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 and activities proposed for each year of operation of the district and the maximum cost thereof.

(e) The total annual amount proposed to be expended for improvements, maintenance and operations, and debt service in each year of operation of the district.

(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) 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, including operation and maintenance. The plan may provide that all or any class or category of real property which is exempt by law from real property taxation may nevertheless be included within the boundaries of the district but shall not be subject to assessment on real property.

(I) 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.

§ 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 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 or 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 the proposed property and business improvement district, the city council shall adopt a resolution of formation that shall contain all of the following:

(1) A brief description of the proposed activities and improvements, 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 about whether bonds will be issued, and a description of the exterior boundaries of the proposed district. 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 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 and activities to be provided 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 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 and activities funded by the assessments proposed to be levied.

(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 paragraphs (1) to (8), inclusive, of subdivision (b) of Section 36625, but need not contain information about the preliminary resolution if none has been adopted.

§ 36626.5. [Section repealed 1999.]

§ 36626.6. [Section repealed 1999.]

§ 36626.7. [Section repealed 1999.]

§ 36627. Notice and assessment diagram

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625 or Section 36626, the clerk of the city 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 and activities.

§ 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 parking and business improvement area.

§ 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 a new district established pursuant to this part.

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

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

(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 meetings and 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 meeting.

(2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public meeting, 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.

§ 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.

§ 36641. [Section repealed 2001.]

§ 36642. [Section repealed 2001.]

§ 36643. [Section repealed 2001.]

§ 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 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 and activities to be provided for that fiscal year.

(3) An estimate of the cost of providing the improvements and the 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 amount of any surplus or deficit revenues to be carried over from a previous fiscal year.

(6) The 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 and activities

The management district plan may, but is not required to, state that an owners' association will provide the improvements or 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.

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

(a) Any district previously established whose term has expired, 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.

§ 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 of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district

(a) Upon the disestablishment 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. 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 – LODGING BUSINESSES TO BE ASSESSED WITHIN THE STID

Business Name	Street Address	City, State, Zip
Alexandra's Plaza Suite	440 2nd East Street	Sonoma, CA 95476
An Inn 2 Remember	171 West Spain Street	Sonoma, CA 95476
Andrea's Hidden Cottage	138 East Spain Street	Sonoma, CA 95476
Auberge Sonoma	151 East Napa Street	Sonoma, CA 95476
Benziger-Solana Cottage	304 First Street	Sonoma, CA 95476
Best Western Sonoma Valley Inn	550 Second Street West	Sonoma, CA 95476
Bungalows 313	313 First Street East	Sonoma, CA 95476
Casa De Carroll	965 W. Spain Street	Sonoma, CA 95476
Casa De Sonoma	247 Fourth Street East	Sonoma, CA 95476
Cecilia's Adobe	378 Second Street	Sonoma, CA 95476
Cinnamon Bear Creekside	19455 Sonoma Highway	Sonoma, CA 95476
Cooperage Inn	302 First Street West	Sonoma, CA 95476
Cottage Inn and Spa	310 First Street East	Sonoma, CA 95476
Cottage Sonoma	424 Second Street West	Sonoma, CA 95476
Cuneo's Stone Cottage	391 East Spain Street	Sonoma, CA 95476
Robert and Leslie Demler	143 Spain Street	Sonoma, CA 95476
Donner Cottage	270 France Street	Sonoma, CA 95476
El Dorado Hotel	405 First Street West	Sonoma, CA 95476
El Pueblo Inn	896 West Napa	Sonoma, CA 95476
Ericksen's	851 Second Street East	Sonoma, CA 95476
Lynn Blankfort/Steven Martin	117 France Street	Sonoma, CA 95476
Hidden Oak Inn	214 East Napa Street	Sonoma, CA 95476
Inn at Sonoma	630 Broadway	Sonoma, CA 95476
Inn Wine Country	758 Broadway	Sonoma, CA 95476
Kate Murphy's Cottage	43 France Street	Sonoma, CA 95476
Ledson Hotel	480 First Street East	Sonoma, CA 95476
MacArthur Place Inn & Space	29 East MacArthur	Sonoma, CA 95476
Mary Jean's Place	20073 Broadway	Sonoma, CA 95476
Peter Mathis	287 First Street West	Sonoma, CA 95476
Stuart & Mary McPherson	289 First Street West	Sonoma, CA 95476
Mission Bed & Breakfast	302 First Street East	Sonoma, CA 95476
Ramekins	450 West Spain Street	Sonoma, CA 95476
Rawls Bed & Breakfast	166 France Street	Sonoma, CA 95476
Rose Garden Inn	681 Broadway	Sonoma, CA 95476
Schaefer House	2nd Street East	Sonoma, CA 95476
Sonoma Chalet	18935 Fifth Street West	Sonoma, CA 95476
Sonoma Culinary Inn	477 Spain Street West	Sonoma, CA 95476
Sonoma Farmhouse	446 Third Street West	Sonoma, CA 95476

Business Name	Street Address	City, State,Zip
Sonoma Hotel	110 Spain Street West	Sonoma, CA 95476
Susan's	458 Second Street West	Sonoma, CA 95476
Swiss Hotel	18 West Spain Street	Sonoma, CA 95476
The Lodge at Sonoma	1325 Broadway	Sonoma, CA 95476
Victorian Garden Inn	316 East Napa Street	Sonoma, CA 95476

DRAFT

RESOLUTION NO. 2012 - ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA
DECLARING ITS INTENTION TO ESTABLISH THE SONOMA TOURISM
IMPROVEMENT DISTRICT (STID) 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 cities and counties to establish property and business improvement districts for the purposes of promoting tourism.

WHEREAS, Sonoma lodging businesses, members of the business community, and representatives from the City of Sonoma have met to consider the formation of the Sonoma Tourism Improvement District (STID).

WHEREAS, Sonoma lodging businesses have drafted a Management District Plan which sets forth the proposed boundary of the STID, a service plan and budget, and a proposed means of governance.

WHEREAS, a majority of the lodging business owners subject to assessment under the STID have petitioned the City Council to establish the STID.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

1. The recitals set forth herein are true and correct.
2. The City Council finds that the lodging businesses that will pay more than fifty percent (50%) of the assessment proposed in the Management District Plan have signed and submitted petitions in support of the formation of the STID. The City Council accepts the petitions and adopts this resolution of intention to establish the STID and to levy an assessment on certain lodging businesses within the STID boundaries in accordance with the Property and Business Improvement District Law of 1994.
3. The City Council finds that the Management District Plan satisfies all requirements of Streets and Highways Code § 36622.
4. The City Council declares its intention to establish the STID and to levy and collect assessments on lodging businesses within the STID boundaries pursuant to the Property and Business Improvement District Law of 1994.
5. The boundaries of the STID shall be the boundaries of the City of Sonoma. Please see the attached map, incorporated herein as Exhibit A.
6. The name of the district shall be the Sonoma Tourism Improvement District (STID).

7. Annual assessment rates are 2% of gross short term (stays of 30 days or less) room rental revenue on lodging businesses. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on stays by federal or state employees on official business, nor on stays by any officer or employee of a foreign government on official business. Assessments pursuant to the STID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to July 1, 2012.
8. The assessments levied for the STID shall be applied toward sales promotion and marketing programs to market Sonoma lodging businesses as overnight tourist, meeting and event destinations, and for other services as set forth in the Management District Plan. Funds remaining at the end of any year may be used in subsequent years in which STID assessments are levied as long as they are used consistent with the requirements of this resolution.
9. The STID will have a [two] [three] [four] or [five] year term unless renewed pursuant to Streets and Highways Code §36660.
10. Bonds shall not be issued.
11. The time and place for the public meeting on establishment of the STID and the levy of assessments are set for May 7, 2012, at 6:00 p.m., or as soon thereafter as the matter may be heard, at the Council Chambers located at No. 1 the Plaza, Sonoma, CA 95476.
12. The time and place for the public hearing to establish the STID and the levy of assessments are set for June 18, 2012, at 6:00 p.m., or as soon thereafter as the matter may be heard, at the Council Chambers located at No. 1 the Plaza, Sonoma, CA 95476. The City Clerk 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.
13. At the public hearing the testimony of all interested persons for or against the establishment of the STID 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 STID that will pay fifty percent (50%) or more of the estimated total assessment of the entire STID, no further proceedings to establish the STID shall occur.
14. The complete Management District Plan is on file with the City Clerk and may be reviewed upon request.
15. This resolution shall take effect immediately upon its adoption by the City Council.

I HEREBY CERTIFY that the foregoing Resolution of Intention was introduced and adopted at a regular meeting of the City Council on the _____ day of _____ 2012 by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

Mayor

ATTEST:

City Clerk

EXHIBIT A
District Boundaries



NOTICE OF PUBLIC MEETING AND PUBLIC HEARING CONCERNING THE ESTABLISHMENT OF THE SONOMA TOURISM IMPROVEMENT DISTRICT AND TO LEVY AN ASSESSMENT ON CERTAIN LODGING BUSINESSES WITHIN THE DISTRICT

NOTICE IS HEREBY GIVEN that on April 2, 2012, the City Council (the "Council") of the City of Sonoma (the "City") adopted a Resolution of Intention to establish the Sonoma Tourism Improvement District (the "STID") and to levy an assessment on certain lodging businesses within the STID as set forth in the attached Resolution of Intention.

NOTICE IS HEREBY FURTHER GIVEN that at 6:00 p.m. on May 7, 2012, at the City of Sonoma Community Meeting Room, 177 First Street West, Sonoma, CA 95476, a public meeting shall be held pursuant to Government Code section 54954.6 to allow public testimony regarding the establishment of the STID 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 6:00 p.m. on June 18, 2012, at the City of Sonoma Community Meeting Room, 177 First Street West, Sonoma, CA 95476, has been set as the time and place for a public hearing at which time the Council proposes to establish the STID and to levy the proposed assessment as set forth in the Resolution of Intention.

Boundaries: The proposed STID includes all lodging businesses (hotels, motels, inns, bed and breakfasts, and vacation rentals) located within the boundaries of the city of Sonoma.

Assessment: Annual assessment rates are 2% of gross short term (stays of 30 days or less) room rental revenue on lodging businesses. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on stays by federal or state employees on official business, nor on stays by any officer or employee of a foreign government on official business. Assessments pursuant to the STID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to July 1, 2012.

Budget: The total STID annual budget for each year of its [two] [three] [four] or [five] year operation is anticipated to be approximately \$440,000.

Purpose: Marketing and sales promotions to increase overnight tourism and to market Sonoma as a tourist, meeting and event destination.

Collection: The STID assessment will be implemented beginning July 1, 2012 and will continue for [two] [three] [four] or [five] years. The City of Sonoma will be responsible for collecting the assessment on a monthly basis (including any delinquencies, penalties and interest) from each lodging business located in the boundaries of the STID.

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

You may mail a written protest to:

Office of the City Clerk
City of Sonoma
No 1. the Plaza
Sonoma, CA 95476

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

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

Mr. Bill Blum
MacArthur Place Hotel & Spa
29 East MacArthur
Sonoma, CA 95476
(707)938-2929

Dated: _____

City Clerk



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 9C

Meeting Date: 4/2/12

Department

Administration

Staff Contact

Linda Kelly, City Manager

Agenda Item Title

Discussion, consideration and possible action regarding a request to install a temporary art installation or banner on the Plaza in conjunction with the Sonoma International Film Festival's special event on the Plaza, requested by Mayor Pro Tem Brown

Summary

Mayor Pro Tem Brown is requesting Council support for allowing the SONOMAWOOD art installation made by Sonoma Valley High School students to be displayed on the Plaza during the Sonoma International Film Festival's special event on the Plaza. The Film Festival is being held April 11-15, 2012. The City's Plaza Use Policy (attached) discusses banners but not public art. The installation could be considered art or a banner. In the email message from the Sonoma International Film Festival, the installation is described as art.

If it is considered a banner, the Council would need to waive the requirements of Resolution No. 19-2007 (attached) to allow its temporary installation.

If it is considered public art, the Council would need to waive the requirements of Ordinance No. 04-2009 (Section 19.51.040 of the Sonoma Municipal Code, attached) which delegates to the Cultural and Fine Arts Commission the duty to approve designs and sites for temporary public art work.

Staff notes that a few years ago, the request was made to the City to install the SONOMAWOOD sign on the Montini open space property and the request was denied since it was inconsistent with the land use restrictions. At that time, the Sonoma Community Center allowed the installation on their property.

Recommended Council Action

Council discretion.

Alternative Actions

Council discretion.

Financial Impact

There may be a use fee associated with the installation if the installation would encroach on a quadrant of the Plaza not currently rented by the Sonoma International Film Festival.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Attachments:

Email from Mary Catherine Cutcliffe, Sonoma International Film Festival
Photo of art
Plaza Use Policy – excerpt from Resolution 19-2007
Resolution 19-2007
Chapter 19.51 Public Art Program Ordinance, Sonoma Municipal Code

cc: Mary Catherine Cutcliffe, Sonoma International Film Festival

On Mar 27, 2012, at 8:03 PM, Mary Catherine Cutcliffe wrote:

Hi Ken -

Thank you for assisting me in requesting permission to install the SONOMAWOOD art installation, made by Walt William's SVHS art students, somewhere on the Plaza.

You can see the SONOMAWOOD sign in a photo taken in 2010 attached. The sign made it's debut in 2009, and returned in 2010 at the Community Center lawn. The sign is 50 feet long & 10 feet tall. Each letter is approximately 4 feet wide. Walt's students assemble & disassemble the sign as a gift of art to the Film Festival. It was very popular for people to pose for photos and is a wonderful addition to the Film Festival!

I would LOVE to see the sign in a location that is near the Backlot tent which is in the (rented) parking lot behind City Hall. I will work with Public Works to determine a safe (avoiding sprinklers, electrical, ...) and attractive location.

I have a location in mind near the horseshoe that would be deal for the sign, and if we are added as an emergency agenda item to the Council's April 2nd agenda, I am happy to work with public works prior to the meeting so that we have a functional plan for consideration on the 2nd.

Cheers!

MC

Mary Catherine Cutcliffe

Director of Operations

mc@sonomafilmfest.org

o: 707-933-2600

direct: 206-4483

c: 205-602-6514

Break bread, lift a glass, see some flicks



Plaza use policy re banners: (Res. 19-2007)

7. Banners

With approval of the Sonoma City Council, a banner may be displayed on the Plaza to advertise Special Events held at the Plaza or at other locations in the City. Banners advertising a community-wide event of general interest and sponsored by a noncommercial community group shall not exceed six square feet, nor shall they be displayed for longer than 3 consecutive days; allowable display time commencing one day prior to the event. Appearance and content of the banner are subject to Council review and approval. Banners shall not be displayed in the Plaza horseshoe lawn. Methods of supporting the banner and location in the Plaza are subject to review and approval by the Public Works Administrator or his or her designee.

CITY OF SONOMA

RESOLUTION NO. 19 - 2007

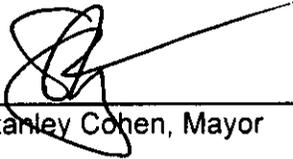
**RESOLUTION AMENDING THE SPECIAL EVENTS POLICY TO ALLOW AN
EXCEPTION FOR THE SALE OF WHOLESALE PURCHASED ARTS AND
CRAFTS AT SPECIAL EVENTS AT DEPOT PARK**

IT IS HEREBY RESOLVED, by the City Council of the City of Sonoma as follows;

1. The revised Special Events Policy that is attached hereto and by this reference made a part hereof is hereby adopted.
2. Resolution No. 18-2007 is hereby rescinded in its entirety.

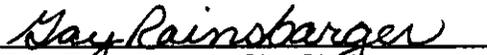
The foregoing Resolution was duly adopted this day 6th day of June 2007, by the following vote:

Ayes:	Sanders, Sebastiani, Brown
Noes:	Barbose, Cohen
Absent:	None



Stanley Cohen, Mayor

ATTEST:



Gay Rainsbarger, City Clerk

CITY OF SONOMA
SPECIAL EVENTS POLICY

Revised by Resolution No. 19 - 2007

A. PURPOSE

The purpose of this policy is to set rules and processes that will guide the Community Services and Environment Commission and City staff in seeking an appropriate balance between the benefits of organized events and their associated impacts on the community.

B. COMMUNITY BENEFITS OF SPECIAL EVENTS

Special Events can create a sense of community for the City of Sonoma and Sonoma Valley by, among other things:

- Providing a gathering place for residents
- Establishing and maintaining local traditions
- Providing exposure and celebration of diverse cultures
- Showcasing the talents of local artists
- Enhancing the local economy by promoting Sonoma as a destination for tourists and shoppers
- Generating income for local community-serving non-profit organizations
- Generating funds to support public programs and projects
- Generating income for non-local causes
- Educating the public and increasing public awareness about issues of local concern

C. COMMUNITY COSTS OF SPECIAL EVENTS

Special Events can generate impacts to area residents and businesses and to the City of Sonoma by, among other things:

- Adding to traffic congestion and exacerbating parking problems
- Impinging on the use of public spaces for non-structured, passive enjoyment by area residents
- Having a negative impact on the health and appearance of public landscaping and on the condition of public buildings
- Adding direct expenses to the City budget for maintenance of public facilities
- Adding indirect expenses to City operations by diverting staff resources away from other high priority work programs and projects

D. SPECIAL EVENT APPLICATION AND PERMIT PROCESS

Every special event held on property or in a facility owned, leased, or otherwise controlled by the City of Sonoma requires a special event permit.

This provision is not intended to regulate recurring program activities on public property, conducted by the City or by a lessee of City property, where the activity is specifically authorized by use permit and/or by the terms of the property lease.

1. Application Content and Deadlines

- a. A complete application must be submitted prior to a proposed event being considered for approval.
 - 1) For small scale events, complete applications must be submitted at least 21 days prior to the event.
 - 2) For all other events, complete applications must be submitted at least 120 days prior to the event. An exception to the 120 day submittal deadline may be granted provided 2/3 of the Community Services and Environment Commission vote in the affirmative to grant the exception.
- b. A complete application must include the following:
 - 1) Special Event Application Form with required attachments.
 - 2) All required application fees, rental fees, cost and damage deposits.
 - 3) *If the event includes an admission charge, sale of event promotional items such as, but not limited to clothing and souvenirs, charges to exhibitors or vendors for booth or display space, sponsorship involving cash donations to the sponsoring organization, on-site solicitation of donations or any other cash income, an event budget shall be submitted showing estimated income by source, estimated event production expenditures (including, but not limited to, the costs of goods to be sold) and identifying the planned beneficiary(ies) of any excess of income over expenditures.*
- c. Costs associated with efforts required of City forces to provide traffic control, parking restrictions, special barricading, emergency medical services, on-site monitoring of events or other special event needs shall be the responsibility of the applicant and shall include all costs incurred by the City, including actual time, material and equipment costs. A cost estimate will be provided subsequent staff review of the application. A deposit for estimated costs shall be provided prior to the application being considered by the CSEC. Payments and deposits for police services must be arranged through the Police Department with the Sonoma County Sheriff's Department.
- d. Special Events proposing encroachments on the state highway or the closure of City streets must obtain the appropriate permits as set forth in Chapter 12.20 of the Sonoma Municipal Code.
- e. New events that are unusually unique in nature will be evaluated case by case and may be subject to City Council approval. All costs associated with efforts required of City forces to review the Special Event Application and provide comment to event needs and City impact shall be the responsibility of the applicant. A cost estimate will be provided with initial application review; a deposit for estimated costs shall be provided at the time the application is submitted and is required to complete the application process.

- f. Special events sponsored by, or, held on the property owned by other governmental agencies including, but not limited to the Sonoma Valley Unified School District, Sonoma County, and the State of California Department of Parks and Recreation, are not required to obtain special events permits from the City. Such agencies are encouraged to consult with the Special Events Coordinator during the planning stages of such events to address community impacts such as traffic, parking, noise, security, etc.

2. Staff Review

- a. Small-scale events may be reviewed and approved by the Special Event Coordinator, with or without interdepartmental review.
- b. Events of eight hours or more in duration or events of any duration which in the judgment of the Special Event Coordinator raise unusual issues, will be subject to an interdepartmental review prior to a decision by the Special Event Coordinator or by the CSEC. Interdepartmental review will be scheduled on an as-needed basis by the Special Event Coordinator. Interdepartmental review may result in recommended conditions of approval to be considered by the Special Event Coordinator or by the CSEC.

3. CSEC Review and Findings

Applications for events requiring CSEC approval will be placed on the next available CSEC agenda after staff review is completed. Applications will not be scheduled for CSEC review and approval until all required information has been provided and all staff reviews have been completed. CSEC meetings are scheduled in conformance with Brown Act noticing requirements.

Findings

In making determinations about approval or conditions of a special event permit, the CSEC shall consider and make findings regarding the following factors:

- a. Does the application conform to all general and site-specific restrictions, requirements and guidelines as set forth in this Policy and in the Appendices hereto?
- b. In the case of a recurring event, to what level did prior events adhere to all general and site-specific restrictions, requirements and guidelines and to specific conditions of approval, as indicated in post-event reports prepared by staff and in the post-event reviews conducted by the CSEC?
- c. What are the nature and magnitude of the community benefits that are anticipated for this event, and, for recurring events, what was the magnitude of community benefits, including the value of donations to non-profit beneficiaries, realized by prior events?
- d. What are the nature and magnitude of the community costs and impacts that are anticipated for this event and, for recurring events, what was the magnitude of community costs and impacts that were experienced in prior events?

4. Post-Event Review

Sponsoring Organizations must attend a post event review at the next meeting of the CSEC that is held not more than ninety days after the event. The event representative shall provide the event's complete and full financial statements (actual gross income and expenditures) to the City Clerk within seventy days after the event. City staff shall provide completed post event evaluation for review and discussion at the post event review meeting. Payment of all post event invoices, charges, fees or penalties must be received within ten days subsequent to post event review.

Conditions of approval of subsequent years' events may be affected by the organization's failure to attend the mandatory post event review and/or to provide required information, which failure may also constitute grounds for denial of future years' event permits.

5. Modification of Approved Permit

Once an application is approved, no event shall be modified without prior approval of the CSEC or of the Special Event Coordinator, whichever approved the event. The Special Event Coordinator is authorized to approve minor modifications. Modifications that require CSEC approval include, but are not limited to, changes in the dates, duration, and location of the event.

6. Appeal of CSEC or Staff Decisions

Decisions of the Special Event Coordinator or of the CSEC to approve or deny a permit, and any conditions of an approved permit may be appealed to the City Council as provided in the Municipal Code.

E. RESTRICTIONS, REQUIREMENTS AND GUIDELINES

1. Date and Location Preference

- a. Date and location preference for City facility use is given to longstanding recurring events and to locally based City or Sonoma Valley organizations benefiting the community on a non-profit basis.
- b. In order to qualify for a preference in conducting a regularly scheduled event, sponsors of recurring events of eight hours or more in duration (including set-up and take-down time) shall submit a letter to the City Clerk by January 1 of the year in which the event is to take place indicating the date or dates and the location on which the event is expected to take place, being sure to include set-up and take-down dates. This letter will be used for scheduling purposes only and will not constitute an application as required above.
- c. A "master calendar" shall be prepared by City staff to assist with schedule coordination.
- d. Upon receiving their approvals, all other events shall be placed on the master calendar on a first-come, first-served basis subject to location availability and adherence to policies limiting the number and frequency and the location of events.

Applicants are encouraged to submit an alternate venue location as a back up, along with the application for the desired venue.

Except for small scale events as defined herein, in no case shall two or more special events be scheduled on the same weekend at any given venue.

2. Plaza Park Events

For restrictions, requirements and guidelines applicable to events at Plaza Park, see Appendix A.

3. Depot Park Events

For restrictions, requirements and guidelines applicable to events at Depot Park, see Appendix B.

4. Events at All Other Venues

For restrictions, requirements and guidelines applicable to events at any venue other than Plaza Park and Depot Park, see Appendix C.

5. Unique Events and/or Locations

As determined by the City Manager, event locations or new events that are unusually unique in nature may be referred to the City Council for review and approval.

F. FEES AND COSTS

1. The City Council shall from time to time by resolution as it deems necessary and appropriate provide for and set all rates, charges and fees for special event permit applications, use of, or impact to, City facilities and other costs related to special events.
2. Application and facility rental fees shall not be charged for "City-sponsored events," although such events shall be subject to the normal application and review process. The decision of the Special Event Coordinator as to whether an event is a "City-sponsored event" may be appealed to the City Council as provided in the Municipal Code.
3. Rental fees shall not be charged for "Small-scale events." Application processing fees may be charged at the discretion of the Special Event Coordinator, depending on the amount of time deemed necessary to review the application. Decisions of the Special Event Coordinator in this regard may be appealed to the City Council as provided in the Municipal Code.
4. The Community Services and Environment Commission shall annually establish an appropriate rental fee for the Farmers' Market, as part of its annual review of the Farmers' Market Plaza Use Application.
5. Except as provided for with respect to "City-sponsored events" and Small-scale events," as defined, fee waivers for Special Event application fees, rental fees and other related costs are prohibited.

G. DEFINITIONS

For the purpose of this Policy, the following definitions shall apply:

Application Processing Fee – Charges for staff time and expenses for processing special event permit applications. Application fees are established by the City Council by resolution.

City Property – Any City street, sidewalk, parking lot, park, plaza, or any other property owned or controlled by the City.

City Sponsored Event – A special event that meets at least one of the following criteria:

1. The City is the primary financial beneficiary of the event.
2. The City provides significant funding or material support to the event due to its overall civic importance.
3. The City Council has agreed to be named as the sponsor or co-sponsor of the event

Event – Includes special event.

Event Organizer – Any person or organization that conducts, manages, promotes, organizes, aids or solicits attendance at a commercial or non-commercial special event.

Goods – Includes goods, wares, personal property, merchandise or any other similar item which is generally sold.

Gross Proceeds – the sum of all cash received by an event organizer for a special event, including, but not limited to, admission charges, sale of event promotional items, charges to exhibitors or vendors for booth or display space, licensing, sponsorships, television, advertising, sale of goods, donations at the event and similar revenues and concessions.

Longstanding Recurring Event – An event that has utilized the same City venue for 20 consecutive years.

Public Facility – Any property located within the Sonoma City limits and owned by the City of Sonoma or by any other governmental agency, such as the Sonoma Valley Unified School District, California State Parks or Sonoma County.

Rental Fee - A fixed amount for the rental of all or a portion of a venue, based on the length of the event; where applicable a maintenance fee for facility rehabilitation/maintenance is included with the rental fee. Rental fees are established by the City Council by resolution.

Sidewalk – That portion of a highway or street, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel.

Small Scale Event – An event that, in the judgment of the Special Event Coordinator, requires less than two hours of total staff time for pre-event preparation and/or post-event rehabilitation of the event venue, makes use of no more than two sectors of the Plaza or other venue, and does not exceed six hours in duration (including time required for set-up and take down).

Special Event – An activity on public property open to the general public, with or without an admission charge. Special events include:

1. Any organized formation, parade, procession or assembly of persons, which may or may not include animals, vehicles or any combination thereof which is to assemble or travel in unison on any street which does not comply with normal or usual traffic regulations or controls; or,
2. Any organized assemblage of persons at any park or facility, owned by the City or by any other governmental agency, such as the Sonoma Valley Unified School District, California State Parks or Sonoma County which is to gather for a common purpose under the direction and control of a person; or,
3. Any other organized activity conducted by a sponsoring organization or person for a common or collective use, purpose or benefit which involves the use of, or has an impact on, City property or facilities and the provisions of city services in response thereto.

Examples of special events include, but are not limited to concerts, parades, special interest shows or expos, markets, fairs, festivals, block parties, community events or mass participation sports (such as, marathons and running events, bicycle races or tours, etc.).

For the purpose of this policy, special events are distinguished from the following:

- Private events which may be authorized on public property but which are not open to the general public;
- Recurring program activities on public property, conducted by the City or by a lessee of City property, where the activity is specifically authorized by use permit and/or by the terms of the property lease;
- Events on private property.

Special Event Coordinator — The person assigned by the city manager to carry out the duties and responsibilities set forth in this policy.

Special Event Permit - A permit issued under this Resolution.

Special Event Venue - That area for which a special event permit has been issued.

Street – A way or place of whatever nature publicly maintained and open to use of the public for purposes of vehicular travel. Street includes Highway 12.

Tax-exempt non-profit organization – An organization that is exempted from payment of income taxes by federal or state law and which has been in existence for a minimum of three months preceding the date of application for a special event permit.

Tax-exempt non-profit organization; locally based – An organization that qualifies as a tax-exempt non profit organization and provides community benefit within Sonoma City, Sonoma Valley, or Sonoma County.

Vendor – any person who sells or offers to sell any goods, food, or beverages within a special event venue.

**CITY OF SONOMA
SPECIAL EVENTS POLICY**

APPENDIX A

**PLAZA PARK
RESTRICTIONS, REQUIREMENTS AND GUIDELINES**

The following restriction, requirements and guidelines apply to all special events conducted at Plaza Park.

1. Limitations on the number and frequency of events and on event activities

- a. Events exceeding eight hours in duration (including set-up and take-down time) shall not be scheduled in the Plaza Park on successive weekends between June 1 and October 1 of any given year.

With the approval of the CSEC, exceptions may be granted to the following Longstanding recurring special events: The Ox Roast sponsored by the Community Center, Hit the Road Jack sponsored by VOM Boys & Girls Club and VOM Hospice, Flag Day Celebration sponsored by Native Sons of The Golden West, Fourth of July Celebration co-sponsored by the City and the Sonoma Community Center.

- b. The Plaza Horseshoe Lawn shall not be available for active use, such as, but not limited to, tents, booths, Jumping Jacks, etc. during special events. This restriction is intended to allow an unobstructed view of City Hall a National Historic Landmark and to minimize damage to the lawn. With the approval of the CSEC, an exception may be granted for limited active use of the Plaza Horseshoe Lawn.
- c. In order to minimize compaction and damage to the Plaza landscape during the wet season, Special Events shall be restricted to paved areas of the Plaza from and including November through May. Small scale events, as defined in this policy, may be allowed to use lawn area during the wet season.
- d. The number of Special Events held in the Plaza Park is limited to twenty-five events per year. The Farmers Market events shall be counted as one event.

2. Rotation of off-limit areas in the Plaza

Each calendar year on a rotational, four-year cycle, one quadrant of the Plaza shall be closed to Special Event use for the entire year. This restriction does not prevent the restricted quadrant from being open to casual use and enjoyment by the general public. With the approval of the CSEC, an exception may be granted for limited active use of the restricted quadrant.

3. Duration and Hours of Operation

- a. No Special Event shall exceed a maximum of 72 hours, including set-up and take-down time. The CSEC shall have the discretion to place specific time limits on any event through its review of event applications within the total seventy-two hour limit.

Should a Special Event exceed the 72 hour limit, event organizers shall be subject to a penalty charge to be established by the City Council by resolution. In addition, conditions of approval of subsequent years' events may be affected by the organization's failure to observe the 72-hour limit, which failure also may constitute grounds for denial of future years' event permits.

With the approval of the CSEC, the "Salute to the Arts" event may be permitted to use the Plaza for up to a maximum of 96 hours, including set-up and take-down time.

4. Restroom Facilities

All events utilizing public restrooms shall be required to provide restroom monitors to ensure that no vandalism occurs during the course of the event and that restrooms are vacated and locked at the close of the event. Event Sponsors shall be responsible for cleaning and supplying restrooms.

5. Solid Waste and Recycling

All event applicants are required to submit a recycling and solid waste plan that minimizes the production of solid waste, provides for convenient recycling containers for event attendees and for event participants/vendors/etc., that provides for a sufficient number of trash receptacles for non-recyclable waste and that assures that the venue is returned to a trash-free and sanitary condition for use by the general public. Helpful hints for event planners will be provided as part of the special event application packet.

6. Noise

Amplified music shall normally cease no later than 10:00 PM; however, the CSEC shall have the authority to extend the time through the application review process if circumstances warrant an extension.

7. Banners

With approval of the Sonoma City Council, a banner may be displayed on the Plaza to advertise Special Events held at the Plaza or at other locations in the City. Banners advertising a community-wide event of general interest and sponsored by a noncommercial community group shall not exceed six square feet, nor shall they be displayed for longer than 3 consecutive days; allowable display time commencing one day prior to the event. Appearance and content of the banner are subject to Council review and approval. Banners shall not be displayed in the Plaza horseshoe lawn. Methods of supporting the banner and location in the Plaza are subject to review and approval by the Public Works Administrator or his or her designee.

8. Minimum Contributions

- a. For events that are sponsored by a non-tax exempt organization (as defined in this policy) that anticipate any cash income from the event (as described in Section D(1)(b)(3)), sponsoring organizations must donate a minimum of 40% of the gross proceeds from the event to one or more locally based non-profit organizations. The

amount of donation to each specified non-profit beneficiary must be submitted at the post event review meeting.

- b. Should a sponsoring organization wish to provide donation to a designated non-profit recipient other than a locally based non-profit organization, those donations must be channeled through a locally based non profit organization, such as the American Red Cross Sonoma Chapter, or other such organization approved by the CSEC.

Conditions of approval of subsequent years' events may be affected by the organization's failure to provide the required information regarding the 40% donation to non-profit beneficiaries, which failure may also constitute grounds for denial of future years' event permits. A copy of non-profit IRS form 990 or equivalent shall be required with subsequent year's Special Event Application submittal.

9. Limitations on the Sale of Wholesale Purchased Arts and Crafts

Arts and crafts sold at special events shall not be purchased wholesale and then sold retail at the event.

10. Proof of Insurance

- a. Proof of insurance shall be provided at least one week prior to the commencement of any event.
- b. No event shall commence set up or delivery of event supplies, materials, or equipment without required insurance documents submitted and verified by the City Clerk to meet all City requirements.

11. Business Licenses and Sales Tax

- a. Every vendor or exhibitor participating in an event is required to obtain a City of Sonoma business license, as provided in Title 5 of the Sonoma Municipal Code.
- b. Sponsoring organizations are required to cooperate with the City in assuring compliance with the City's business license requirements, for example, by providing lists of vendors and exhibitors upon request by the City.
- c. Sponsoring organizations shall cooperate with the City in programs to assure that all taxable retail sales occurring at events are reported as taking place within the City.

12. Public Access to City Facilities During Events

Special Events shall not exclude the public from the general use of any park or public property or charge an entry fee to any city park or public property during the course of the event. Fees may be charged for event participation.

**CITY OF SONOMA
SPECIAL EVENTS POLICY**

APPENDIX B

**DEPOT PARK
RESTRICTIONS, REQUIREMENTS AND GUIDELINES**

The following restriction, requirements and guidelines apply to all special events conducted at Depot Park.

1. Limitations on the number and frequency of events and on event activities

- a. Events exceeding eight hours in duration (including set-up and take-down time) shall not be scheduled in the Depot Park on successive weekends between June 1 and October 1 of any given year.
- b. In order to minimize compaction and damage to the Depot Park landscape during the wet season, Special Events shall be restricted to paved areas of the Depot Park from and including November through May. Small scale events, as defined in this policy, may be allowed to use lawn area during the wet season.
- c. The number of Special Events held in the Depot Park is limited to twenty-five events per year. The Farmers Market events shall be counted as one event.

2. Signage

A Banner advertising the event will be allowed in the Depot Park only with the approval of the CSEC. Banners shall not exceed six square feet, nor shall they be displayed for longer than the duration of the event; allowable display time commencing with the first day of the event. Appearance and content of the banner are subject to CSEC review and approval. Methods of supporting the banner and location in the Depot Park are subject to review and approval by the Public Works Administrator or his or her designee.

3. Duration and Hours of Operation

- a. No Special Event shall exceed a maximum of 72 hours, including set-up and take-down time. The CSEC shall have the discretion to place specific time limits on any event through its review of event applications within the total seventy-two hour limit.

Should a Special Event exceed the 72 hour limit, event organizers shall be subject to a penalty charge to be established by the City Council by resolution. In addition, conditions of approval of subsequent years' events may be affected by the organization's failure to observe the 72-hour limit, which failure also may constitute grounds for denial of future years' event permits.

- b. With the approval of the CSEC, the "Salute to the Arts" event may be permitted to use the Depot Park for up to a maximum of 96 hours, including set-up and take-down time.

4. Restroom Facilities

All events utilizing public restrooms shall be required to provide restroom monitors to ensure that no vandalism occurs during the course of the event and that restrooms are vacated and locked at the close of the event. Event Sponsors shall be responsible for cleaning and supplying restrooms.

5. Solid Waste and Recycling

All event applicants are required to submit a recycling and solid waste plan that minimizes the production of solid waste, provides for convenient recycling containers for event attendees and for event participants/vendors/etc., that provides for a sufficient number of trash receptacles for non-recyclable waste and that assures that the venue is returned to a trash-free and sanitary condition for use by the general public. Helpful hints for event planners will be provided as part of the special event application packet.

6. Noise

Amplified music shall normally cease no later than 10:00 PM; however, the CSEC shall have the authority to extend the time through the application review process if circumstances warrant an extension.

7. Banners

With approval of the Sonoma City Council, a banner may be displayed on the Plaza to advertise Special Events held at the Plaza or at other locations in the City. Banners advertising a community-wide event of general interest and sponsored by a noncommercial community group shall not exceed six square feet, nor shall they be displayed for longer than 3 consecutive days; allowable display time commencing one day prior to the event. Appearance and content of the banner are subject to Council review and approval. Banners shall not be displayed in the Plaza horseshoe lawn. Methods of supporting the banner and location in the Plaza are subject to review and approval by the Public Works Administrator or his or her designee.

8. Minimum Contributions

- a. For events that anticipate any cash income from the event (as described in Section D(1)(b)(3)), sponsoring organizations must donate a minimum of 40% of the gross proceeds from the event to one or more locally based non-profit organizations. The amount of donation to each specified non-profit beneficiary must be submitted at the post event review meeting.
- b. Should a sponsoring organization wish to provide donation to a designated non-profit recipient other than a locally based non-profit organization, those donations must be channeled through a locally based non profit organization, such as the American Red Cross Sonoma Chapter, or other such organization approved by the CSEC.

Conditions of approval of subsequent years' events may be affected by the organization's failure to provide the required information regarding the 40%

donation to non-profit beneficiaries, which failure may also constitute grounds for denial of future years' event permits. A copy of non-profit IRS form 990 or equivalent shall be required with subsequent year's Special Event Application submittal.

9. Limitations on the Sale of Wholesale Purchased Arts and Crafts

Arts and crafts sold at special events shall not be purchased wholesale and then sold retail at the event, except that the Sonoma City Council, may, in its discretion, grant an exception for limited sale of arts and crafts purchased wholesale and then sold retail at the event.

10. Proof of Insurance

- a. Proof of insurance shall be provided at least one week prior to the commencement of any event.
- b. No event shall commence set up or delivery of event supplies, materials, or equipment without required insurance documents submitted and verified by the City Clerk to meet all City requirements.

11. Business Licenses and Sales Tax

- a. Every vendor or exhibitor participating in an event is required to obtain a City of Sonoma business license, as provided in Title 5 of the Sonoma Municipal Code.
- b. Sponsoring organizations are required to cooperate with the City in assuring compliance with the City's business license requirements, for example, by providing lists of vendors and exhibitors upon request by the City.
- c. Sponsoring organizations shall cooperate with the City in programs to assure that all taxable retail sales occurring at events are reported as taking place within the City.

12. Public Access to City Facilities During Events

Special Events shall not exclude the public from the general use of any park or public property or charge an entry fee to any city park or public property during the course of the event. Fees may be charged for event participation.

**CITY OF SONOMA
SPECIAL EVENTS POLICY**

APPENDIX C

**ALL VENUES OTHER THAN PLAZA PARK AND DEPOT PARK
RESTRICTIONS, REQUIREMENTS AND GUIDELINES**

The following restriction, requirements and guidelines apply to special events conducted at venues other than Plaza Park and Depot Park

1. Restroom Facilities

All events utilizing public restrooms shall be required to provide restroom monitors to ensure that no vandalism occurs during the course of the event and that restrooms are vacated and locked at the close of the event. Event Sponsors shall be responsible for cleaning and supplying restrooms.

2. Solid Waste and Recycling

All event applicants are required to submit a recycling and solid waste plan that minimizes the production of solid waste, provides for convenient recycling containers for event attendees and for event participants/vendors/etc., that provides for a sufficient number of trash receptacles for non-recyclable waste and that assures that the venue is returned to a trash-free and sanitary condition for use by the general public. Helpful hints for event planners will be provided as part of the special event application packet.

3. Noise

Amplified music shall normally cease no later than 10:00 PM; however, the CSEC shall have the authority to extend the time through the application review process if circumstances warrant an extension.

4. Banners

With approval of the Sonoma City Council, a banner may be displayed on the Plaza to advertise Special Events held at the Plaza or at other locations in the City. Banners advertising a community-wide event of general interest and sponsored by a noncommercial community group shall not exceed six square feet, nor shall they be displayed for longer than 3 consecutive days; allowable display time commencing one day prior to the event. Appearance and content of the banner are subject to Council review and approval. Banners shall not be displayed in the Plaza horseshoe lawn. Methods of supporting the banner and location in the Plaza are subject to review and approval by the Public Works Administrator or his or her designee.

5. Minimum Contributions

- a. For events that are sponsored by a non-tax exempt organization (as defined in this policy) that anticipate any cash income from the event (as described in Section D(1)(b)(3)), sponsoring organizations must donate a minimum of 40% of the gross

proceeds from the event to one or more locally based non-profit organizations. The amount of donation to each specified non-profit beneficiary must be submitted at the post event review meeting.

- b. Should a sponsoring organization wish to provide donation to a designated non-profit recipient other than a locally based non-profit organization, those donations must be channeled through a locally based non profit organization, such as the American Red Cross Sonoma Chapter, or other such organization approved by the CSEC.

Conditions of approval of subsequent years' events may be affected by the organization's failure to provide the required information regarding the 40% donation to non-profit beneficiaries, which failure may also constitute grounds for denial of future years' event permits. A copy of non-profit IRS form 990 or equivalent shall be required with subsequent year's Special Event Application submittal.

6. Limitations on the Sale of Wholesale Purchased Arts and Crafts

Arts and crafts sold at special events shall not be purchased wholesale and then sold retail at the event.

7. Proof of Insurance

- a. Proof of insurance shall be provided at least one week prior to the commencement of any event.
- b. No event shall commence set up or delivery of event supplies, materials, or equipment without required insurance documents submitted and verified by the City Clerk to meet all City requirements.

8. Business Licenses and Sales Tax

- a. Every vendor or exhibitor participating in an event is required to obtain a City of Sonoma business license, as provided in Title 5 of the Sonoma Municipal Code.
- b. Sponsoring organizations are required to cooperate with the City in assuring compliance with the City's business license requirements, for example, by providing lists of vendors and exhibitors upon request by the City.
- c. Sponsoring organizations shall cooperate with the City in programs to assure that all taxable retail sales occurring at events are reported as taking place within the City.

9. Public Access to City Facilities During Events

Special Events shall not exclude the public from the general use of any park or public property or charge an entry fee to any city park or public property during the course of the event. Fees may be charged for event participation.

10. Duration and Hours of Operation

Hours of operation shall be established by the permitting authority based on the nature of the event and the nature of impacts on neighboring properties.

11. Other Conditions

- a. Other restrictions, requirements and guidelines for events at City venues other than Plaza and Depot Parks may be developed on a case by case basis during the application review to address specific impact or issues at such venues.
- b. Recommended conditions are identified through the staff review process; conditions for approval are moved forward with applications that require CSEC approval.
- c. As determined by the City Manager, event locations or new events that are unusually unique in nature may be subject to City Council approval.

Chapter 19.51 PUBLIC ART PROGRAM

Sections:

19.51.010 Purpose.

19.51.020 Definitions.

19.51.030 Funding.

19.51.040 Cultural and fine arts commission responsibilities.

19.51.050 Application.

19.51.010 Purpose.

The purpose of this chapter is to authorize, fund, and establish procedures for art works in the public realm within the city of Sonoma. It will help to guarantee the development of public art work as a whole in the city, ensuring a closer relationship between the landscape, buildings, community, and art. It creates a process for the community to work together to make Sonoma an even more interesting, memorable, and beautiful place to live, go to school, work, and visit.

The public art program seeks to:

- A. Contribute to the city's civic pride and sense of identity, and enhance its physical and aesthetic environment;
- B. Augment Sonoma's reputation as a city that celebrates the arts;
- C. Enrich the lives of Sonoma residents and visitors by incorporating the visual arts into public spaces, and expand their concepts of art by encouraging site-specific works that engage the surrounding environment;
- D. Encourage collaboration between artists, landscape architects, urban planners, architects, engineers, and other designers;
- E. Integrate the work and thinking of artists into the planning, design, and construction of city facilities, buildings, and public spaces;
- F. Engage the citizens of Sonoma in creative partnerships with artists;
- G. Provide curatorial expertise and project management for the acquisition and maintenance of public art work in Sonoma. (Ord. 04-2009 § 1, 2009).

19.51.020 Definitions.

"Permanent installation" means art work or art place with a permanent site as opposed to a temporary site.

“Public art annual plan” means a prioritized list of visual arts projects to be undertaken in any given year with budgets and recommended site and design approach, developed by the cultural and fine arts commission in conjunction with city officials.

“Public art fund” means a fund within the city of Sonoma into which all monetary contributions for public art work shall be deposited.

“Public art guidelines” means the regulations adopted by the cultural and fine arts commission and approved by the city council which establish procedures to carry out the purpose of this chapter. The guidelines shall include but not be limited to criteria for selection of artists and art works, procedures for maintenance of a file of interested artists, procedures for artistic competitions, and requirements for the maintenance of works of art. The cultural and fine arts commission may amend the guidelines from time to time with the approval of the city council.

“Public art master plan” means a planning document including public art policies and guidelines, recommending sites and expenditures for public art work, and describing public art’s relationship to the city of Sonoma’s general plan.

Public Art Work. Public art works involve visual artists working through the public art process creating original works in public spaces that include, but are not limited to, paintings, murals, stained glass, fiber work, statues, reliefs or other sculpture, monuments, fountains, arches, or other structures intended for ornament or commemoration, carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, crafts or other decorative and utilitarian works in clay, fiber, wood, metal, plastics and other materials. Public art work includes media works such as film, video, photo projections, and computer-generated art works. Works of art may be temporary as well as permanent. Public art work projects also include artists serving on design and development teams to identify opportunities to incorporate art in the public space.

“Public development project” shall include but not be limited to the construction or remodel of any city-owned building, structure, park, utility, street, sidewalk, or parking facility, or any portion thereof, within the limits of the city of Sonoma.

“Public space” means any place or property within the city limits which is open to the general public for its use, or which is in public view or is generally accessible and visible to the public.

“Temporary installation” means artwork that is installed in a given place for a limited time. (Ord. 04-2009 § 1, 2009).

19.51.030 Funding.

A. Establish a Public Art Fund. The city shall establish a special revenue fund designated as the “public art fund” for the deposit of gifts, bequests to the city for public art work, and other funds for works of art in accordance with the public art program. The public art fund is used exclusively as a means of isolating and identifying all monetary transactions pertaining to the city public art program. Appropriation of funds

to support the public art program shall be made to the public art fund, consistent with the city's budget cycle, capital facilities program plan, and major capital projects identified by the city council.

B. Public Development Projects. All public city-owned development projects with total building permit valuation costs in excess of \$250,000 shall devote an amount equal to one percent of such costs for the acquisition of works of art for placement in the city. For public projects with federal and/or state matching requirements or grant-funded projects, the one percent shall only apply to the city's portion of the project funding.

C. Annual City Allocation. An amount equal to one-quarter of one percent of the city of Sonoma's budgeted general fund expenditures shall be appropriated annually to the city's public art fund; provided, that said appropriation shall be capped at \$25,000 per fiscal year. The city council reserves the right to waive or reduce the annual allocation if the city's financial situation does not allow for the funding to be set aside. The city council shall adopt such a waiver or reduction by adopting a resolution setting forth the findings for the waiver. (Ord. 04-2009 § 1, 2009).

19.51.040 Cultural and fine arts commission responsibilities.

The Sonoma cultural and fine arts commission shall:

A. Establish guidelines to carry out the purpose of this chapter. The guidelines shall include but not be limited to criteria for selection of artists and art work, review criteria for proposed gifts of artwork to the city, commercial and industrial development project art selection guidelines, procedures for art competitions, and requirements for the maintenance of artwork.

B. Develop and implement a public art annual plan for the city of Sonoma in conjunction with city officials.

C. Recommend the expenditure of funds for the purchase of public art work or for the commission of design, execution and/or placement of works of art, for maintenance of public art work, and for administration of the public art program.

D. Collaborate with city staff in the identification and evaluation of potential sites for exterior artwork.

E. Approve artist or artists to be commissioned for a project; artist or artists to develop design proposals for a project; or artist or artists whose existing work is to be selected for a project.

F. Approve artist design proposals and sites for permanent public art work.

G. Approve designs and sites for temporary public art work.

H. Appoint panels for the selection of public art work.

I. Recommend to the city council the acceptance or rejection of gifts or loans of public art work.

J. Oversee the maintenance, care, and record of the public art work collection. (Ord. 04-2009 § 1, 2009).

19.51.050 Application.

This chapter shall apply to any public development project as of the date the ordinance codified in this chapter takes effect. (Ord. 04-2009 § 2, 2009).



City of Sonoma
City Council
Agenda Item Summary

Agenda Item: 10A
Meeting Date: 04/02/2012

Department Administration	Staff Contact Mayor and Council Members
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Agenda Item Title

Council Members Report on Committee Activities.

Summary

Council members will report on activities, if any, of the various committees to which they are assigned.

MAYOR SANDERS	MPT. BROWN	CLM. BARBOSE	CLM. GALLIAN	CLM. ROUSE
ABAG Alternate	AB939 Local Task Force	City Facilities Committee	ABAG Delegate	City Audit Committee
Community Dev. Agency Loan Subcommittee	Cemetery Subcommittee	Community Dev. Agency Loan Subcommittee, Alt.	Cemetery Subcommittee	Community Dev. Agency Loan Subcommittee
LOCC North Bay Division Liaison, Alternate	Cittaslow Sonoma Valley Advisory Council, Alt.	Community Choice Aggregation Focus Grp.	Cittaslow Sonoma Valley Advisory Council	LOCC North Bay Division Liaison
Sonoma County Mayors & Clm. Assoc. BOD	City Facilities Committee	North Bay Watershed Association	City Audit Committee	Sonoma County M & C Assoc. Legislative Committee, Alt.
Sonoma County M & C Assoc. Legislative Committee	Sonoma Community Center Subcommittee	Sonoma Community Center Subcommittee	Sonoma County Transportation Authority	Sonoma Valley Citizens Advisory Comm. Alt.
Sonoma Disaster Council	Sonoma County Health Action, Alternate	Sonoma County Transportation Authority, Alt.	(SCTA) Regional Climate Protection Authority	S.V. Economic Development Steering Committee, Alt.
Sonoma Housing Corporation	Sonoma County Mayors & Clm. Assoc. BOD	(SCTA) Regional Climate Protection Authority, Alt.	LOCC North Bay Division, LOCC E-Board, Alternate (M & C Appointment)	
S.V.C. Sanitation District BOD	Sonoma Disaster Council, Alternate	Sonoma County Waste Management Agency	Sonoma County/City Solid Waste Advisory Group (SWAG), Alt.	
S.V. Economic Development Steering Committee	Sonoma Housing Corporation	Sonoma County/City Solid Waste Advisory Group (SWAG)	Sonoma County Ag Preservation and Open Space Advisory Committee (M & C Appointment)	
S.V. Fire & Rescue Authority Oversight Committee	S. V. Citizens Advisory Commission	VOM Water District Ad Hoc Committee	VOM Water District Ad Hoc Committee	
S. V. Library Advisory Committee	S.V.C. Sanitation District BOD, Alt.	Water Advisory Committee, Alternate	Water Advisory Committee	
Successor Agency Oversight Board	S.V. Fire & Rescue Authority Oversight Committee			
	S. V. Library Advisory Committee, Alternate			
	Substance Abuse Prevention Coalition			

Recommended Council Action – Receive Reports

Attachments: None