

*"SMALL TOWN WITH A BIG BACKYARD"*



# **COUNCIL AGENDA PACKET**

## **SEPTEMBER 22, 2014**



# **CITY OF BISHOP**

## **REVISED**

### **CITY COUNCIL MEETING AGENDA**

**City Council Chambers - 301 West Line Street - Bishop, California 93514**  
**AND**  
**2989 West Canyon Avenue - San Diego, California 92123**

#### **NOTICES TO THE PUBLIC**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the City Clerk at 760-873-5863. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28CFR 13.102-35.104 ADA Title II)

Any writing that is a public record that relates to an agenda item for open session distributed less than 72 hours prior to the meeting will be available for public inspection at City Hall, 377 West Line Street, Bishop, California during normal business hours. Government Code § 54957.5(b)(1). Copies will also be provided at the appropriate meeting.

Members of the public desiring to speak on a matter appearing on the agenda should ask the Mayor for the opportunity to be heard when the item comes up for Council consideration. NOTE: Comments for all agenda items are limited to a speaking time of three minutes.

**MONDAY, SEPTEMBER 22, 2014**  
**7:00 P.M.**

#### **INVOCATION**

#### **PLEDGE OF ALLEGIANCE**

#### **ROLL CALL**

**PUBLIC COMMENT – NOTICE TO THE PUBLIC:** This time is set aside to receive public comment on matters not calendared on the agenda. When recognized by the Mayor, please state your name and address for the record and please limit your comments to three minutes. Under California law the City Council is prohibited from generally discussing or taking action on items not included in the agenda; however, the City Council may briefly respond to comments or questions from members of the public. Therefore, the City Council will listen to all public comment but will not generally discuss the matter or take action on it.

#### **PROCLAMATIONS**

- (1) In Memory of Patrick Canfield Retired Inyo County Superior Court Judge as requested by City Council.
- (2) Declaring October 2014 Domestic Violence Awareness Month as requested by Wild Iris Executive Director Lisa Reel.

#### **DEPARTMENT HEAD & STAFF REPORTS**

Updates on department activities will be given by staff.

- A. Fire Chief Ray Seguire
- B. Police Chief Chris Carter
- C. Public Works Director/City Engineer Dave Grah
- D. Parks & Recreation Supervisor Dan McElroy and Recreation Supervisor Waylon Cleland
- E. City Administrator Jim Tatum

**CHAMBER OF COMMERCE & VISITORS BUREAU UPDATE** – Executive Director Tawni Thomson

**CONSENT CALENDAR – NOTICE TO THE PUBLIC:** All matters under the Consent Calendar are considered routine by the City and will be acted on by one motion.

(3)

**FOR APPROVAL/FILING**

Minutes

(a) Council Study Session - September 8, 2014

(b) Council Meeting - September 8, 2014

**FOR INFORMATION/FILING**

Reports

(c) Public Works Report - July 2014

**NEW BUSINESS**

- (4) RESOLUTION - Council consideration to approve the proposed resolution declaring the City's intention to establish the Bishop Tourism Improvement District (BTID) and fixing the time and place of a public meeting and a public hearing thereon and giving notice thereof - Administration.
- (5) SURPLUS PUBLIC WORKS TRUCK - Council consideration to declare a used Public Works Department truck as surplus and approve its disposal to the Eastern Sierra Tri-County Fairgrounds - Public Works.
- (6) SET INTERVIEW COMMITTEE FOR WATER & SEWER COMMISSION AND FOR PLANNING COMMISSION - Council consideration to appoint two Council members to serve on the interview committees to fill two vacancies on the Water & Sewer Commission and one vacancy on the Planning Commission - Administration.

**COUNCIL AND COMMITTEE REPORTS**

**ADJOURNMENT**

Tuesday, October 14, 2014 - 4:00 p.m. Study Session/7:00 p.m. Regular Meeting–Council Chambers

Monday, October 27, 2014 - 4:00 p.m. Study Session/7:00 p.m. Regular Meeting–Council Chambers

Monday, November 10, 2014 - 4:00 p.m. Study Session/7:00 p.m. Regular Meeting–Council Chambers

Monday, November 24, 2014 - 4:00 p.m. Study Session/7:00 p.m. Regular Meeting–Council Chambers



# CITY OF BISHOP REVISED STUDY SESSION AGENDA

City Council Chambers - 301 West Line Street - Bishop, California 93514  
AND  
2989 West Canyon Avenue - San Diego, California 92123

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**MONDAY, SEPTEMBER 22, 2014  
4:00 p.m.**

CALL TO ORDER

ROLL CALL

**PUBLIC COMMENT - NOTICE TO THE PUBLIC:** This time is set aside to receive public comment on matters not calendared on the agenda. When recognized by the Mayor, please state your name and address for the record and please limit your comments to three minutes. Under California law the City Council is prohibited from generally discussing or taking action on items not included in the agenda; however, the City Council may briefly respond to comments or questions from members of the public. Therefore, the City Council will listen to all public comment but will not generally discuss the matter or take action on it.

## **SCHEDULED DISCUSSION**

1. Discuss City Budget Items:
  - a) Overview of City Cost Plan
  - b) Side Fund Balance and Potential Refinancing
  - c) Draft Financial Statements and General Fund Balance
  - d) General Fund - Fund Balance Goal
  - e) Future Photovoltaic Sites
  - f) Building Vacancy Ordinance
2. Great Basin Unified Air Pollution Control District - City of Bishop Board Representative
3. City of Bishop Events - starting with Fall Fest 2014
4. Current 7:00 p.m. agenda items
5. Future agenda items
6. Department Head Reports

## **DISCUSSION**

1. Councilmember Laura Smith
2. Councilmember David Stottlemire
3. Councilmember Keith Glidewell
4. Mayor Pro Tem Pat Gardner
5. Mayor Jim Ellis

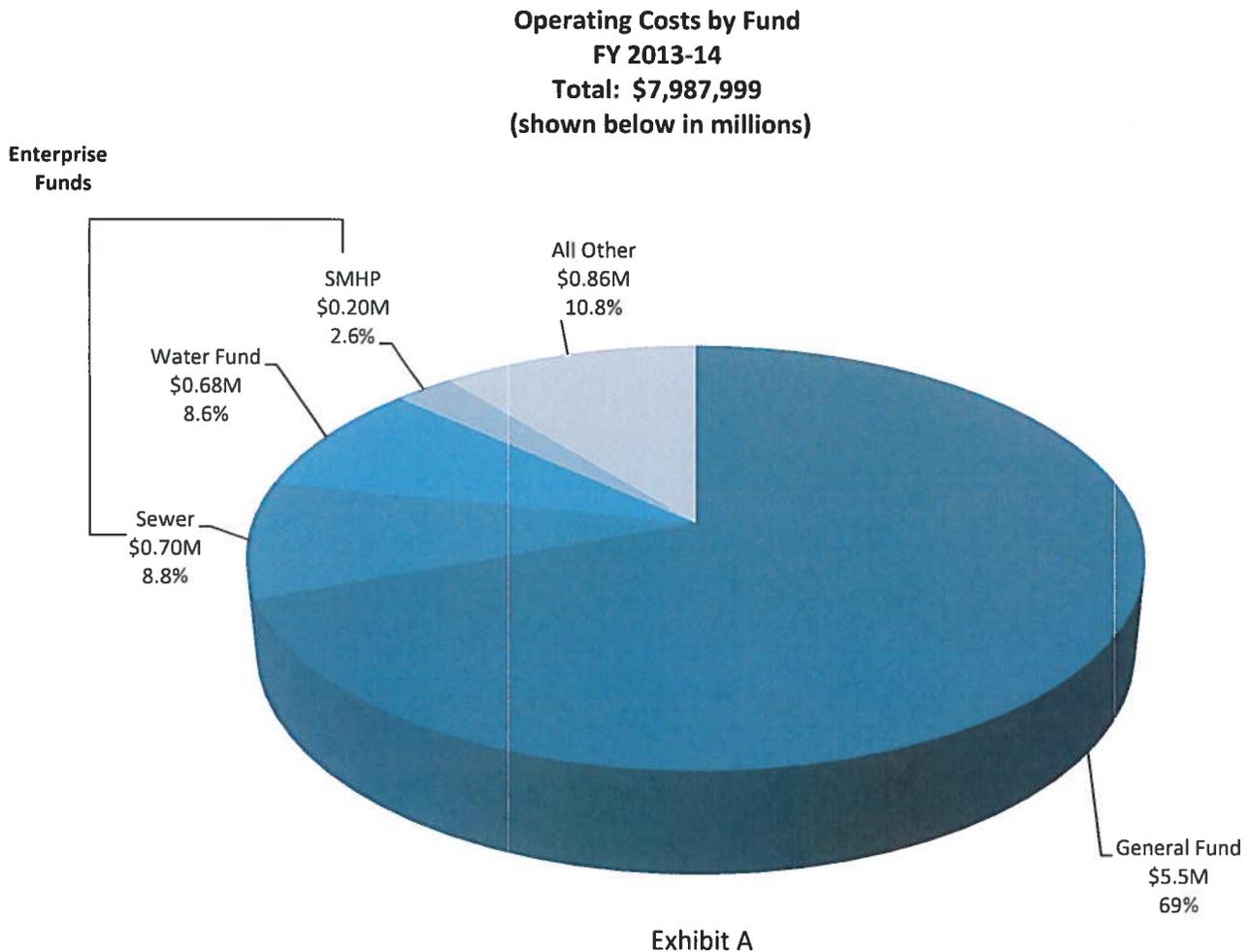
**ADJOURNMENT** – To City Council meeting scheduled at 7:00 p.m. in the City Council Chambers.

### City of Bishop City Cost Plan

The proposed City Cost Plan (CCP) is a mechanism designed to recoup the General Fund costs associated with the delivery of the City's Enterprise Fund services, i.e. Water, Sewer, and the operation of the Sunrise Mobile Home Park.

The formula utilized to calculate the aforementioned costs will require the identification of the following components:

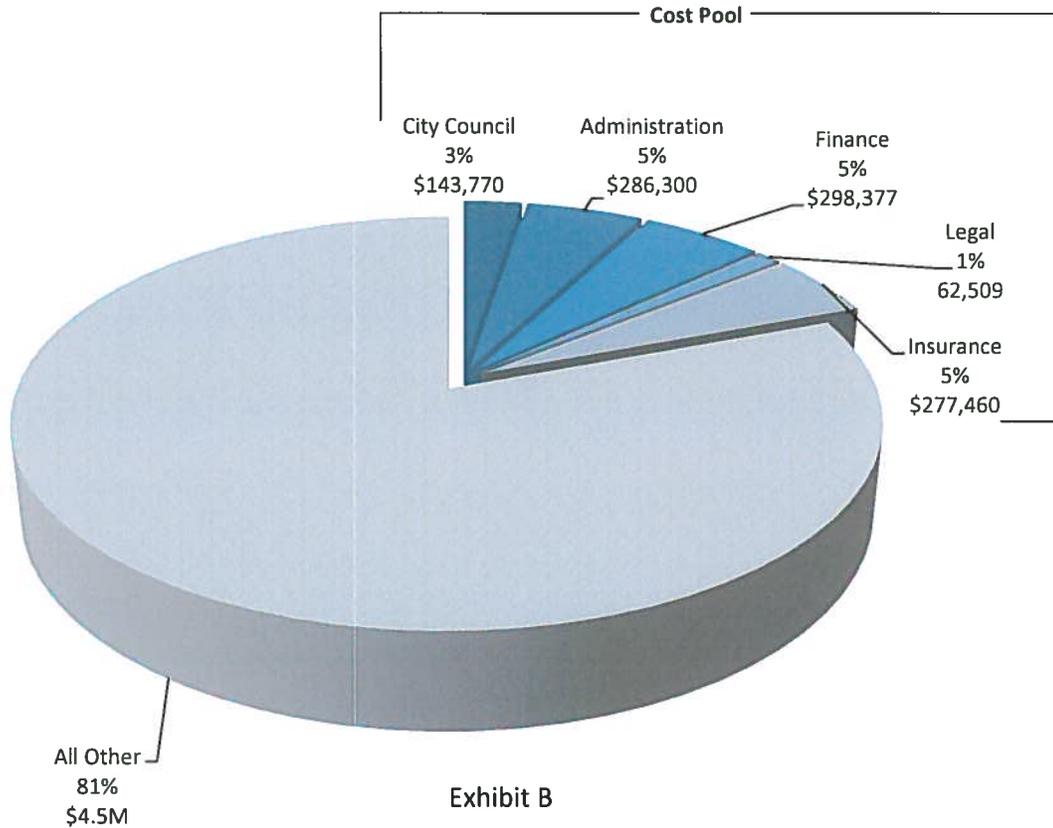
- 1) Total Operating Costs – This component is the sum of all City expenditures less capital costs (including loan payments), depreciation, and litigation specific to non-enterprise funds. (Shown below)



- 2) Percentage of the total operating costs of each Enterprise Fund. (Shown above)  
Calculated by dividing the operating costs for a specific Enterprise Fund by the Total Operating Costs

- 3) Cost Pool – General Fund operating costs associated with the core operations of the City including City Council, Administration, Finance, Legal, and Insurance. (Shown below).

**Cost Pool  
Operating Costs  
FY 2013-14**



- 4) Cost Allocation – the amount of the Cost Pool associated with the operation of a specific Enterprise Fund. Calculated by multiplying the Total Cost Pool by the Enterprise’s percentage of the Total Operating Budget.
- 5) Office Rent for Water & Sewer departments.
- 6) Water & Sewer services for City properties.

Final Cost Allocation Formula

Total Cost Pool Operating Costs x Enterprise % of Total Operating Cost plus Office Rent minus Water & Sewer Fees. See Exhibit C for detailed calculation.

CITY OF BISHOP  
 FY 2014-2015 COST ALLOCATION PROPOSAL  
 (BASED ON ACTUAL EXPENDITURES FOR FY ENDING JUNE 30, 2014)

**Exhibit C**

2013-2014 Actuals	Total Expenditures	Capital Expenditures	Loan Payments	Depreciation	Finance Salary	Excluded Costs	Operating Costs	% of Budget
General Fund	5,543,153	(19,814)	(57,418)		93,249	(19,629)	5,539,541	69%
Sewer Fund	815,302			(69,014)	(46,625)		699,663	8.8%
Gas Fund	140,995						140,995	2%
Water Fund	897,027		(41,942)	(124,982)	(46,624)		683,479	8.6%
Bond and Trust	389						389	0.005%
Traffic Safety	14,279						14,279	0.2%
TUT Fund	568,206						568,206	7%
Asset Foreiture	3,111						3,111	0.04%
Sunrise MHP	207,758			(2,184)			205,574	2.6%
Canine Donation	2,523						2,523	0.03%
COPS	130,240						130,240	2%
	<b>8,322,983</b>	<b>(19,814)</b>	<b>(99,360)</b>	<b>(196,180)</b>	<b>-</b>	<b>(19,629)</b>	<b>7,987,999</b>	

**C**

**Components**

- A** Total Operating Costs – This component is the sum of all City expenditures less capital costs (including loan payments), depreciation, and litigation specific to non-enterprise funds.
- B** Cost Pool Operating Costs
- C** Percentage of Operating Budget
- D** Office Rent
- E** W & S Service

Cost Pool (extracted from GF)	Total Expenditures	Capital Expenditures	Excluded Costs	Operating Costs
City Council	148,050	(4,280)		143,770
Admin	286,300			286,300
Finance	298,377			298,377
Legal	82,137		(19,629)	62,509
Insurance	277,460			277,460
	<b>1,092,324</b>	<b>(4,280)</b>	<b>(19,629)</b>	<b>1,068,415</b>

**A**

**B**

<u>Cost Allocation</u>	Operating Costs	% of total budget	Cost Allocation	Plus Office Rent	Less W&S	Final Cost Allocation
Enterprises						
Sewer	699,663	8.8%	93,582	5,184	(10,711)	88,055
Water	683,479	8.6%	91,417	5,184	(17,036)	79,565
SMHP	205,574	2.6%	27,496			27,496
						<b>195,116</b>

**D**

**E**

**Final Cost Allocation Formula:**

Calculate amount of Cost Pool associated with Enterprise  
 $(B \times C) + D - E = \text{Cost Allocation}$

Example:  
 Cost Allocation for Sewer  
 $\$1,068,415 \times 8.8\% + 5,184 - 10,711 = \$88,055$

**CalPERS Side Fund Refinance  
for Miscellaneous Plan**

Currently, payoff of the CalPERS Side Fund is accomplished by increasing the percentage of the employer contribution which is based on full-time employee payroll. Contributions are paid monthly. Recent payment information:

2010-2011	151,733
2011-2012	156,285

For presentation purposes, we have used a straight line amortization schedule with the with the following assumptions:

Principal: \$550,000  
Loan Term: 5 Years

Below are comparisons exhibiting both the annual savings to the City and the overall annual interest savings to be realized by refinancing the CalPERS Side Fund from the current 7.5% interest rate to a 1.24% interest rate over a 5 year period.

	Annual Payments		Annual Savings
	@ 7.5%	@ 1.24%	
Year 1	132,250	113,502	18,748
Year 2	132,250	113,502	18,748
Year 3	132,250	113,502	18,748
Year 4	132,250	113,502	18,748
Year 5	132,250	113,502	18,748
	661,252	567,510	93,742

	Annual Interest Calculation		Interest Savings
	@ 7.5%	@ 1.24%	
Year 1	38,056	6,212	31,844
Year 2	30,743	4,874	25,870
Year 3	22,863	3,519	19,344
Year 4	14,371	2,147	12,224
Year 5	5,220	759	4,461
	111,252	17,510	93,742

## CITY OF BISHOP

Statement of Revenues, Expenditures and Changes in Fund Balances  
Governmental Funds  
For the Fiscal Year Ended June 30, 2014

	General	Special Revenue Fund		Capital Project Fund		Debt Service Fund	Other Nonmajor Funds	Total Governmental Funds
		Home Funds Willow Street	Measure A	Hwy 6 & Wye Rd	Pine to Park	Debt Service		
<b>Revenues</b>								
Taxes	\$ 4,875,558	\$ -	\$ 573,700	\$ -	\$ -	\$ -	\$ -	\$ 5,449,258
Licenses and permits	155,943							155,943
Intergovernmental	405,456		82,073	655,152	18,948		399,973	1,561,602
Fines, forfeitures and penalties	6,078						65,514	71,592
Charges for current services	111,615							111,615
Use of money and property	124,037							124,037
Other	175,851							175,851
<b>Total Revenues</b>	<b>5,854,538</b>	<b>-</b>	<b>655,773</b>	<b>655,152</b>	<b>18,948</b>	<b>-</b>	<b>465,487</b>	<b>7,649,898</b>
<b>Expenditures</b>								
Current:								
General government	997,912		568,206.00					1,566,118
Public ways and facilities/ transportation	710,363						140,996	851,359
Public safety	3,288,229						147,630	3,435,859
Community development	464,638							464,638
Capital Outlay	24,594		-	653,959	220,755		190,079	1,089,387
Debt service								
Principal						52,174		52,174
Interest						5,243		5,243
<b>Total Expenditures</b>	<b>5,485,736</b>	<b>-</b>	<b>568,206</b>	<b>653,959</b>	<b>220,755</b>	<b>57,417</b>	<b>478,705</b>	<b>7,464,778</b>
Excess (Deficit) of Revenues over Expenditures	368,802	-	87,567	1,193	(201,807)	(57,417)	(13,218)	185,120
Other Financing Sources (Uses)								
Operating transfers in						57,417		57,417
Operating transfers out	(57,417)							(57,417)
<b>Total Other Financing Sources (Uses)</b>	<b>(57,417)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>57,417</b>	<b>-</b>	<b>-</b>
Excess (Deficit) of Revenues and Other Financing Sources over Expenditures and Other Financing Uses	311,385		87,567	1,193	(201,807)		(13,218)	185,120
Fund Balances, July 1, 2013	2,603,249		63,058	(1,193)	(12,480)		(6,927)	2,645,707
Prior period adjustment	116,161						(7,525)	108,636
<b>Fund Balances, June 30, 2014</b>	<b>\$ 3,030,795</b>	<b>\$ -</b>	<b>\$ 150,625</b>	<b>\$ -</b>	<b>\$ (214,287)</b>	<b>\$ -</b>	<b>\$ (27,670)</b>	<b>\$ 2,939,463</b>

The accompanying notes are an integral part of these financial statements

CITY OF BISHOP

DRAFT

Statement of Revenues, Expenses and Changes in Net Position  
 Proprietary Funds  
 For the Fiscal Year Ended June 30, 2014

	Water	Sewer	Mobile Home Park	Totals
Operating Revenues				
Charges for services	\$ 1,218,124	\$ 1,111,524	\$ -	\$ 2,329,648
Rent			79,973	79,973
Utility reimbursement			28,524	28,524
Other income	27,823	13,841	20,415	62,079
Total Operating Revenues	1,245,947	1,125,365	128,912	2,500,224
Operating Expenses				
Salaries and benefits	585,674	573,883	139,704	1,299,261
Services and supplies	144,430	172,405	65,869	382,704
Depreciation expense	124,982	69,014	2,184	196,180
Total Operating Expenses	855,086	815,302	207,757	1,878,145
Operating Income (Loss)	390,861	310,063	(78,845)	622,079
Non-Operating Revenues (Expenses)				
Interest income	2,700	2,334	303	5,337
Gain on sale of assets			23,260	23,260
Interest expense	(11,043)			(11,043)
Total Non-Operating Revenues (Expenses)	(8,343)	2,334	23,563	17,554
Net Income (Loss)	382,518	312,397	(55,282)	639,633
Net Position, July 1, 2013	3,988,253	2,044,731	505,761	6,538,745
Prior Period Adjustments	-	-	-	-
Net Position, June 30, 2014	\$ 4,370,771	\$ 2,357,128	\$ 450,479	\$ 7,178,378

The accompanying notes are an integral part of these financial statements

# AGENDA PLANNING FOR UPCOMING MEETINGS

SEPTEMBER 22, 2014  
STUDY SESSION  
DISCUSSION ITEM # 5

## **TUESDAY – OCTOBER 14, 2014 MEETINGS**

### **4:00 PM**

- Discuss City Council Roles and Responsibilities
- Discuss Annual Awards Dinner

### **7:00 PM**

- Northern Inyo Hospital Quarterly Update – (Angie Aukee and/or Cheryl Underhill)
- Update from Inyo County District 2 Supervisor – (Jeff Griffiths)
- Award bid – Propane Provider (Effective 11/1/2014)
- Presentation of Fiscal Year 2015-2016 Preliminary Budget - Finance
- Staff Equity - Administration
- Contract with Stantec for on-going SCADA support - Public Works
- Warren Street Improvement Project Construction Support - Public Works
- Inyo-Mono Integrated Regional Water Management Program Memorandum of Understanding - Public Works
- Set Commission Interview Committee - Council
- October 14 or October 27 - Appoint Water and Sewer Commissioners (2) and Planning Commissioner - Council
- Personnel Status Change Report (consent)

## **MONDAY – OCTOBER 27, 2014 MEETINGS**

### **4:00 PM**

- 

### **7:00 PM**

- Chamber of Commerce & Visitors Bureau Update - (Tawni Thomson)
- BTID Public Meeting - Administration
- October 14 or October 27 - Appoint Water and Sewer Commissioners (2) and Planning Commissioner - Council

## **WEDNESDAY, NOVEMBER 5 - Executive Conference Room**

**1:00 PM - BUDGET HEARINGS - FISCAL YEAR 2015-2016 & AMENDMENTS TO FISCAL YEAR 2014-2015 - FOR CITY OF BISHOP DEPARTMENTS & FEES AND SERVICE CHARGES**

## **THURSDAY, NOVEMBER 6 - Executive Conference Room**

**4:00 PM - BUDGET HEARINGS - FISCAL YEAR 2015-2016 & AMENDMENTS TO FISCAL YEAR 2014-2015 - FOR COMMUNITY PROMOTIONS**

9/17/2014 1:12 PM

## **MONDAY – NOVEMBER 10, 2014 MEETINGS**

### **4:00 PM**

- Selection of Quarterly Citizen Award to be presented December 8

### **7:00 PM**

- Update from Inyo County District 2 Supervisor – (Jeff Griffiths)
- BTID Final Hearing/Resolution of Formation - Administration
- PROCLAMATION - 50th Anniversary of the Vietnam War - Daughters of the American Revolution Member Susan Cullen
- State of the City 2013-2014 – Administration (City Administrator)
- Adopt Record Retention Schedule - Administration
- Community Promotions Funding - Council

## **MONDAY – NOVEMBER 24, 2014 MEETINGS**

### **4:00 PM**

- 

### **7:00 PM**

- Chamber of Commerce & Visitors Bureau Update - (Tawni Thomson)
- November 24 or December 8 - Appoint Parks and Recreation Commissioners (2) and Planning Commissioner - Council

## **MONDAY – DECEMBER 8, 2014 MEETINGS**

### **4:00 PM**

- CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Department Heads Bi-Annual Evaluations

### **7:00 PM**

- Presentation of Quarterly Citizen Award
- Update from Inyo County District 2 Supervisor – (Jeff Griffiths)
- Miss City of Bishop and Miss Teen City of Bishop Quarterly Report
- Resolution declaring the results of the November 4, 2014 election for 2 Council Members
- Certificates of Election / Oath of Office
- **Reorganization – Selection of Mayor and Mayor Pro Tem – FOLLOWING 2014 ELECTION**
- **Review of Mayoral Committee Appointments – FOLLOWING 2014 ELECTION**
- Presentation and Adoption of Preliminary 2015-2016 Budget - Finance
- November 24 or December 8 - Appoint Parks and Recreation Commissioners (2) and Planning Commissioner - Council

## **MONDAY – DECEMBER 22, 2014 MEETINGS**

### **TYPICALLY CANCELLED**

### **4:00 PM**

- 

### **7:00 PM**

- Chamber of Commerce & Visitors Bureau Update - (Tawni Thomson)

9/17/2014 1:12 PM

## **MONDAY – JANUARY 12, 2015 MEETINGS**

**4:00 PM**

- 

**7:00 PM**

- Update from Inyo County District 2 Supervisor – (Jeff Griffiths)
- Northern Inyo Hospital Quarterly Update – (Angie Aukee and/or Cheryl Underhill)
- Set schedule for review and adoption of the 2013-2014 Proposition 4 Appropriations Limit - Finance.

## **MONDAY – JANUARY 26, 2015 MEETINGS**

**4:00 PM**

- 

**7:00 PM**

- 

## **MONDAY – FEBRUARY 9, 2015 MEETINGS**

**4:00 PM**

- 

**7:00 PM**

- PUBLIC HEARING - Proposition 4
- Adopt the report prepared by the City Auditor relating to the City of Bishop's Proposition 4 Appropriations Limit for the 2013-2014 fiscal year - Finance.
- Purchase of Parks and Recreation Department Tractor - Community Services
- Purchase of Pool Thermal Covers - Community Services

## **MONDAY – FEBRUARY 23, 2015 MEETINGS**

**4:00 PM**

- 

**7:00 PM**

TO: CITY COUNCIL

FROM: JIM TATUM, CITY ADMINISTRATOR 

SUBJECT: **PROCLAMATION – IN MEMORY OF HON. PATRICK CANFIELD**

DATE: SEPTEMBER 22, 2014

Attachments:

- Proclamation in Memory of Retired Inyo County Superior Court Judge Patrick Canfield

BACKGROUND/SUMMARY

A proclamation has been prepared on behalf of City Council's request to recognize Hon. Patrick Canfield's many contributions to the City of Bishop.

RECOMMENDATION

Read and present the Proclamation declaring the City Council's appreciation and recognition for the many years of dedicated service that the late Hon. Patrick Canfield provided to the City of Bishop.

**BISHOP CITY COUNCIL PROCLAMATION  
IN MEMORY OF HON. PATRICK CANFIELD  
RETIRED INYO COUNTY SUPERIOR COURT JUDGE**

**WHEREAS**, Patrick Canfield was born on October 20, 1946 and was a life-long athlete with a passion for football and rugby. He graduated from Santa Barbara High School in 1964 and attended Stanford University where he joined the Sigma Chi Fraternity. In 1966, he studied abroad for a year at Stanford's Florence, Italy campus; and

**WHEREAS**, Patrick Canfield earned his law degree from Hastings School of Law in San Francisco in 1971, and opened a private practice in his home town Santa Barbara. In 1972 he took the position as a deputy district attorney in the Fresno County District Attorney's Office; and

**WHEREAS**, Patrick Canfield moved to the Eastern Sierra in 1974 to take a Deputy District Attorney position under District Attorney Frank Fowles. During his time at the Inyo County District Attorney's Office, Canfield worked under District Attorney Frank Fowles and future District Attorney L.H. "Buck" Gibbons; and

**WHEREAS**, Patrick Canfield was appointed 1981 by the Inyo County Board of Supervisors to serve as the Inyo County Justice Court Judge. Over the years, Patrick Canfield helped guide the Inyo courts through the transition from Justice Court, to Municipal Court to Superior Court; and

**WHEREAS**, the Hon. Patrick Canfield retired in 2002 as Inyo Superior Court Judge, and continued to serve as a part-time assigned judge in Inyo and Mono Counties as well as across the state when needed; and

**WHEREAS**, In recent years, Patrick Canfield joined the Board of Trustees of the Donald M. Slager - Sunset Foundation which provides scholarships to local students each year, was also very involved in the United Methodist Church Men's Group, and was a long-time member of the Bishop Rotary Club.

**NOW, THEREFORE**, in recognition of Patrick Canfield's legacy to the City of Bishop, which is defined by the lives he has touched, and by the people who have benefited from his character and inspiration, let it be resolved that the Bishop City Council proclaims their appreciation and recognition for the many years of dedicated service that the Hon. Patrick Canfield provided for the City of Bishop.

**In Memory of  
Hon. Patrick Canfield  
October 20, 1946 - August 19, 2014**

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**JIM ELLIS, MAYOR  
September 22, 2014**

TO: CITY COUNCIL

FROM: JIM TATUM, CITY ADMINISTRATOR 

SUBJECT: PROCLAMATION – DOMESTIC VIOLENCE AWARENESS MONTH

DATE: SEPTEMBER 22, 2014

Attachments:

- Proclamation declaring October 2014 as Domestic Violence Awareness Month

BACKGROUND/SUMMARY

A proclamation from the City Council has been requested by Wild Iris to recognize and support efforts to end domestic violence in all local communities.

RECOMMENDATION

Read and present the Proclamation declaring October 2014 as Domestic Violence Awareness Month in the City of Bishop.

**BISHOP CITY COUNCIL PROCLAMATION  
DESIGNATING THE MONTH OF OCTOBER 2014 AS  
DOMESTIC VIOLENCE AWARENESS MONTH**

**WHEREAS**, the family is the base of a safe and healthy community; and

**WHEREAS**, the Bishop City Council continues to consider the safety and health of their residents of the utmost importance; and

**WHEREAS**, the physical, financial and psychological impact of domestic violence has devastating, long term effects on our neighbors and community; and

**WHEREAS**, the epidemic of domestic violence affects all citizens of the City of Bishop, crossing all social, economic, religious, ethnic, geographic, and racial groups; and

**WHEREAS**, domestic violence is a serious problem in Inyo County, where in Fiscal Year 2013/14, 248 Inyo County victims of domestic violence received services;

**WHEREAS**, when even one man, woman, or child is hurt at the hands of someone they trust, it is one too many; and

**WHEREAS**, it is our responsibility to treat victims of domestic violence with dignity, compassion, and respect;

**NOW, THEREFORE**, in recognition of the impact that domestic violence has on the health and well being of our community, let it be resolved that the Bishop City Council proclaims October 2014 as Domestic Violence Awareness Month.

Further we reaffirm the commitment of the Bishop City Council to healthy relationships in our community. We urge all citizens and employees to engage the resources necessary to protect victims of domestic violence and their families. Citizens should commit to becoming familiar with the resources and programs available. This month let us remember the victims of domestic violence, celebrate those who choose to take a stand, and work together to eliminate violence in our families, homes, and community.

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**JIM ELLIS, MAYOR  
October 14, 2014**

CITY OF BISHOP  
CITY COUNCIL STUDY SESSION MINUTES  
SEPTEMBER 8, 2014

- CALL TO ORDER** Mayor Ellis called the meeting to order at 4:00 p.m. in the City Council Chambers at 301 West Line Street, Bishop, California.
- COUNCIL PRESENT** Council Members Laura Smith, David Stottlemire, Keith Glidewell  
Mayor Pro Tem Pat Gardner  
Mayor Jim Ellis
- COUNCIL ABSENT** None
- OTHERS PRESENT** Jim Tatum, City Administrator  
Robin Picken, Assistant City Clerk  
Ryan Jones, City Attorney  
Lorraine Ray, Assistant Finance Director  
Ray Seguine, Fire Chief  
Chris Carter, Police Chief  
David Grah, Public Works Director/City Engineer
- PUBLIC COMMENT** The Mayor announced the public comment period.
- Bishop resident and business owner Alex "Skandar" Reid shared his opinions on the Inyo County Adventure Trails project with City Council. Public Works Director Grah informed the Council of the County's current environmental work being done on the Adventure Trails project. After a brief discussion, Council asked that Public Works Director Grah continue updating the Council on the status of the Adventure Trails project.
- No further public comments were provided.
- SCHEDULED DISCUSSION** Discussion was held on the following Study Session agenda items:
1. Discuss and Set Dates for Budget Hearings  
City Administrator Tatum reviewed with Council his suggested schedule for the upcoming budget hearings based on their current review of the City's budget and current audit. He suggested that the hearings move from October to early November. After a brief discussion, it was agreed to schedule the first budget hearings on Wednesday, November 5, 2014 to discuss the Fiscal Year 2015-2016 Budget and any amendments to the Fiscal Year 2014-2015 Budget for the City Departments and the City's fees and service charges. Council also agreed to schedule the second budget hearings on Thursday, November 6, 2014 to discuss Fiscal Year 2015-2016 Budget and any amendments to Fiscal Year 2014-2015 Budget for Community Promotions.

- |   |  |
|---|--|
| 2. Set Date for Council Roles and Responsibilities Discussion | City Administrator Tatum reviewed his understanding of the request made by Council to discuss Council's roles and responsibilities and suggested that this discussion take place at the October 14, 2014 Study Session. Council agreed with the proposed date. Councilmember Stottlemyre added that this scheduled discussion will give the Council the opportunity to discuss each of their thoughts on Council's roles and expectations. |
| 3. Current 7:00 p.m. agenda items                             | Discussion was held on the upcoming agenda items for the evening meeting. Questions were answered by staff as needed.  |
| 4. Future agenda items  | The list of future agenda items was reviewed.  |
| 5. Department Head Reports                                    | Each Department Head reported that they will present their report at the 7:00 p.m. Regular Council Meeting.  |
| COUNCIL DISCUSSION  | Council Members gave committee reports, community announcements and/or made comments or inquiries to staff. No action was taken.   |
| ADJOURNMENT   | The meeting was adjourned at 4:30 p.m. to the regular meeting scheduled at 7:00 p.m.   |

\_\_\_\_\_  
JIM ELLIS, MAYOR

ATTEST: Jim Tatum, City Clerk

By: \_\_\_\_\_  
Robin Picken, Assistant City Clerk

CITY OF BISHOP  
CITY COUNCIL MINUTES  
SEPTEMBER 8, 2014

CALL TO ORDER	Mayor Ellis called the meeting of the Bishop City Council to order at 7:01 p.m. in the City Council Chambers, 301 West Line Street, Bishop, California.
INVOCATION	The invocation was given by Pastor Kelly Larson of Bishop Creek Community Church followed by the Pledge of Allegiance led by Councilmember Stottlemyre.
COUNCIL PRESENT	Councilmembers Laura Smith, David Stottlemyre, Keith Glidewell Mayor Pro Tem Pat Gardner Mayor Jim Ellis
COUNCIL ABSENT	None
OTHERS PRESENT	Jim Tatum, City Administrator/City Clerk Robin Picken, Assistant City Clerk Ryan Jones, City Attorney Lorraine Ray, Assistant Finance Director Ray Seguine, Fire Chief Chris Carter, Police Chief David Grah, Public Works Director/City Engineer Gary Schley, Planning Director/Public Services Officer Waylon Cleland, Recreation Supervisor Dan McElroy, Parks & Recreation Supervisor
PUBLIC COMMENT	The Mayor announced the public comment period.  No public comments were provided.
PRESENTATIONS	
PRESENTATION OF THE QUARTERLY CITIZEN AWARD – BISHOP LIONS CLUB (1)	Council presented the Quarterly Citizen Award to the Bishop Lions Club. The award was accepted by Bishop Lions Club representative Stephen Winzenread.
PRESENTATION TO ALEX "SKANDAR" REID (2)	Council presented Alex "Skandar" Reid with a Certificate of Recognition for his outstanding community service.
DEPARTMENT HEAD REPORTS	Reports from the Fire Department, Police Department, Public Works Department, Administration and Community Services Departments were given on the

departments' activities including upcoming and ongoing projects.

COUNTY OF INYO UPDATE

Second District Supervisor Jeff Griffiths provided an update on Inyo County business and activities.

MISS CITY OF BISHOP AND  
MISS TEEN CITY OF  
BISHOP QUARTERLY  
REPORTS

Pageant Program Coordinator Kristina Roberts introduced Miss City of Bishop Chelsea Smart. Miss Teen City of Bishop Callie Kruse is attending college and was not able to attend. Ms. Smart provided an update on her ambitions to create a Boys and Girls Club in the City of Bishop.

CONSENT CALENDAR  
(3)  
Motion/Glidewell

A motion was made by Councilmember Glidewell to approve the Consent Calendar as presented. Motion passed 5-0.

Ayes: Councilmember Smith, Stottlemire, Glidewell, Mayor Pro Tem Gardner, and Mayor Ellis

Noes: None

Abstain: None

Absent: None

FOR APPROVAL/FILING

(a) Council Study Session - 8/25/2014

(b) Council Meeting - 8/25/2014

FOR INFORMATION/FILING

(c) Water and Sewer Commission Agenda – 9/9/2014

(d) Parks & Recreation Commission Minutes -  
6/4/2014

(e) Public Works Building Permits Report –  
August 2014

NEW BUSINESS

PROPANE SUPPLIER  
(4)  
Motion/Stottlemire

A motion was made by Councilmember Stottlemire to approve the initiation of the bidding process for the provision of liquefied propane gas (LPG) for all City of Bishop locations. Motion passed 5-0.

Ayes: Councilmember Smith, Stottlemire, Glidewell, Mayor Pro Tem Gardner, and Mayor Ellis

Noes: None

Abstain: None

Absent: None

AWARD WARREN UTILITIES  
PROJECT CONSTRUCTION  
CONTRACT  
(5)  
Motion/Smith

A motion was made by Councilmember Smith to award the Warren Utilities Project construction contract to Marzano and Sons, authorize the execution of the construction contract with Marzano and Sons, and authorize the expenditure of up to \$506,625.00 through the construction contract. Motion passed 5-0.

Ayes: Councilmember Smith, Stottlemyre, Glidewell, Mayor Pro Tem Gardner, and Mayor Ellis

Noes: None

Abstain: None

Absent: None

COUNCIL REPORTS

Council Members reported on committee meetings and announced upcoming community events.

ADJOURNMENT

The Mayor adjourned the meeting at 8:12 p.m. to the Study Session scheduled for Monday, September 22, 2014 at 4:00 p.m. in the City Council Chambers.

---

JIM ELLIS, MAYOR

Attest: Jim Tatum, City Clerk

By: \_\_\_\_\_  
Robin Picken, Assistant City Clerk

3c



# CITY OF BISHOP

377 West Line Street - Bishop, California 93514  
Post Office Box 1236 - Bishop, California 93515  
760-873-8458 publicworks@ca-bishop.us  
www.ca-bishop.us

## Public Works Report

July 2014

### Water

1. Relocated a fire hydrant in front of the new County Agriculture building on Wye Road. This work was done to accommodate the new sidewalk. The hydrant was also replaced with a hydrant that meets our water specifications.
2. Imported locations and information on all back flow valves within the city into GPS.
3. Prepared Plans and Specifications for the Warren, South and Academy Utility Improvements Project. Project will go to bid in August.
4. Continued with annual exercising of all Main line and Hydrant valves.
5. Continued with the testing of back flow valves.
6. Performed grounds maintenance at Wells 2 and 4 as well as the tank site.
7. Took monthly readings of all water meters.
8. Took routine bacteria samples.
9. Participated in the Regional Water Management Group teleconference.

### Sewer

1. Cleaned sewer mains under Main Street and West Line Street.
2. Cleaned trouble main line sewers in Aspendel for Inyo County.
3. Completed the process of surveying all manholes within the city. This work is being done to enhance the GIS.
4. Performed routine maintenance to the Johnston Drive Lift Station.
5. The Frost Company continues the installation of the Grit Removal equipment.
6. Performed grounds maintenance at the Waste Water Treatment Plant.
7. Continued with the Collaboration effort with Eastern Sierra Community Services District (ESCSD).
8. Attended a special meeting of the ESCSD board.

9. Cleaned sludge drying beds.
10. Made routine inspections of grease interceptors.
11. Performed routine main line cleaning in trouble areas.
12. Discussed potential re-permitting of the Wastewater Treatment Plant and possible updated discharge standards with Lahontan staff.
13. Requested assistance for the California Department of Fish and Wildlife to obtain channel catfish to help remove sludge from the sewer ponds.

### **Streets**

1. Patched along concrete valley gutter in alleys adjacent to Sterling Heights to eliminate tripping hazards.
2. Cleaned Drop Inlets on East Pine Street.
3. Removed weeds and debris at the east end of Clarke Street that posed a fire hazard and impeded drainage.
4. Repaired sink hole in Home Street adjacent to the Bishop Creek bridge.
5. Trimmed trees at intersections to increase line of sight for drivers and pedestrians.
6. Provided weed control on city streets and alleys.
7. Patched potholes in City streets that posed potential safety issues.
8. Repaired and or replaced damaged street signs.
9. Participated in Inyo Local Transportation Commission meeting.
10. Continued work on Plans and Specifications for the Warren Street Project.
11. Work to arrange short term financing for the Warren Street Improvements project.
12. Held ribbon cutting ceremony for the Pine to Park Path project.
13. Participated in teleconference regarding the Eastern Sierra Adventure Trails and the related environmental document.

### **Miscellaneous**

1. Assisted the Fire Department by placing "No Parking" signs along Spruce Street and Wye Road on the Fourth of July.
2. Performed maintenance and serviced Public Works vehicles.
3. Provided weekly tail gate safety for the Public Works crew.

4. Hauled trash and debris from Fowler Pit to the Sunland Landfill.
5. Attended Inyo County Board of Supervisor's workshop concerning bacteria in the waters of Bishop Creek.
6. Worked with Inyo County Environmental Health on signs to be placed near East Line Street and the canal to warn about potential bacteria levels in the canal.
7. Met with Mono County staff concerning the potential of the county providing Information Technology support to the City of Bishop.
8. Worked on Information Technology Support contract with Carmichael Business Technology.
9. Participated in the monthly Eastern Sierra Energy Foundation conference call.
10. Participated in meetings regarding the update to the Economic Development Element of the General Plan.
11. Commented on Southern California Edison's plan for a power outage during the summer.
12. Provided guidance to the Public Works Intern on a significant update of the city Geographic Information System.
13. Worked with firm interested in solar power generation development, probably at Wastewater Treatment Plant.

TO: CITY COUNCIL

FROM: JIM TATUM, CITY ADMINISTRATOR 

SUBJECT: **RESOLUTION OF INTENTION TO ESTABLISH THE BISHOP TOURISM IMPROVEMENT DISTRICT (BTID)**

DATE: SEPTEMBER 22, 2014

Attachments:

- Proposed Resolution of Intention
- Proposed Notice of Public Meeting and Public Hearing
- Management District Plan - Bishop Tourism Improvement District

BACKGROUND/SUMMARY

Please find attached the proposed resolution declaring the City of Bishop's intention to establish the Bishop Tourism Improvement District (BTID) and fixing the time and place of a public meeting and a public hearing thereon and giving notice thereof.

Also attached is the proposed Notice of Public Meeting and Public Hearing that will be published and sent to all of the lodging businesses located within the City limits if the proposed resolution is passed and approved.

The Bishop Area Chamber of Commerce and Visitors Bureau has worked very hard on developing the BTID with all of the lodging businesses located within the boundaries of the City of Bishop. As mentioned in the Management District Plan for the BTID, the BTID is an assessment district proposed to provide specific benefits to payors, by funding marketing and sales promotion efforts for assessed businesses. This approach has been used successfully in other destination areas throughout the country to provide the benefit of additional room night sales directly to payors.

As part of the process to establish the BTID, the City Clerk advises the City Council that a petition has been received and reviewed by the City Clerk and found to have the necessary signatures for the City to move forward with a Resolution of Intention.

This proposed resolution, if approved by Council, will initiate the noticing of a public meeting and a public hearing to establish the BTID and to levy an assessment on certain lodging businesses within the BTID as set forth in the proposed resolution.

RECOMMENDATION

City Council considers approving the proposed resolution by title only.

**RESOLUTION NO. 14-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BISHOP  
DECLARING ITS INTENTION TO ESTABLISH THE BISHOP TOURISM  
IMPROVEMENT DISTRICT (BTID) 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; and

**WHEREAS**, the Bishop Area Chamber of Commerce and Visitors Bureau, lodging business owners, members of the business community and representatives from the City of Bishop have met to consider the formation of the Bishop Tourism Improvement District (BTID); and

**WHEREAS**, Bishop Area Chamber of Commerce and Visitors Bureau has drafted a Management District Plan which sets forth the proposed boundary of the BTID, a service plan and budget, and a proposed means of governance.

**WHEREAS**, a majority of the lodging business owners subject to assessment under the BTID have petitioned the City Council to establish the BTID; and

**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 BTID. The City Council accepts the petitions and adopts this resolution of intention to establish the BTID and to levy an assessment on certain lodging businesses within the BTID 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 BTID and to levy and collect assessments on lodging businesses within the BTID boundaries pursuant to the Property and Business Improvement District Law of 1994.
5. The boundaries of the BTID shall be the City of Bishop. Please see the attached map, incorporated herein as Exhibit A.
6. The name of the district shall be the Bishop Tourism Improvement District (BTID).

7. The annual assessment rate is two percent (2%) of gross short-term (stays less than 31 days) room rental revenue. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on government employees on government business. Assessments pursuant to the BTID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to January 1, 2015, nor stays provided to an employee by a lodging business for the sole convenience of the lodging business.
8. The BTID is designed to provide specific benefits directly to payors by increasing room night sales. The assessments levied for the BTID shall be applied toward sales and marketing programs to market assessed lodging businesses in Bishop as tourist, meeting, and event destinations, as described in the Plan. Funds remaining at the end of any year may be used in subsequent years in which BTID assessments are levied as long as they are used consistent with the requirements of this resolution.
9. The BTID will have a five (5) year term, beginning January 1, 2015 through December 31, 2019, unless renewed pursuant to Streets and Highways Code § 36660.
10. Bonds will not be issued.
11. The time and place for the public meeting to hear testimony on establishing the BTID and levying assessments are set for October 27, 2014, at 7:00 PM, or as soon thereafter as the matter may be heard, at the Council Chambers located at 377 West Line Street, Bishop, CA 93514.
12. The time and place for the public hearing to establish the BTID and the levy of assessments are set for November 10, 2014, at 7:00 PM, or as soon thereafter as the matter may be heard, at the Council Chambers located at 377 West Line Street, Bishop, CA 93514. 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 meeting and hearing the testimony of all interested persons for or against the establishment of the BTID 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 BTID that will pay more than fifty percent (50%) of the estimated total assessment of the entire BTID, no further proceedings to establish the BTID shall occur for a period of one year.
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.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Bishop held on the \_\_\_\_ day of \_\_\_\_\_, 2014.

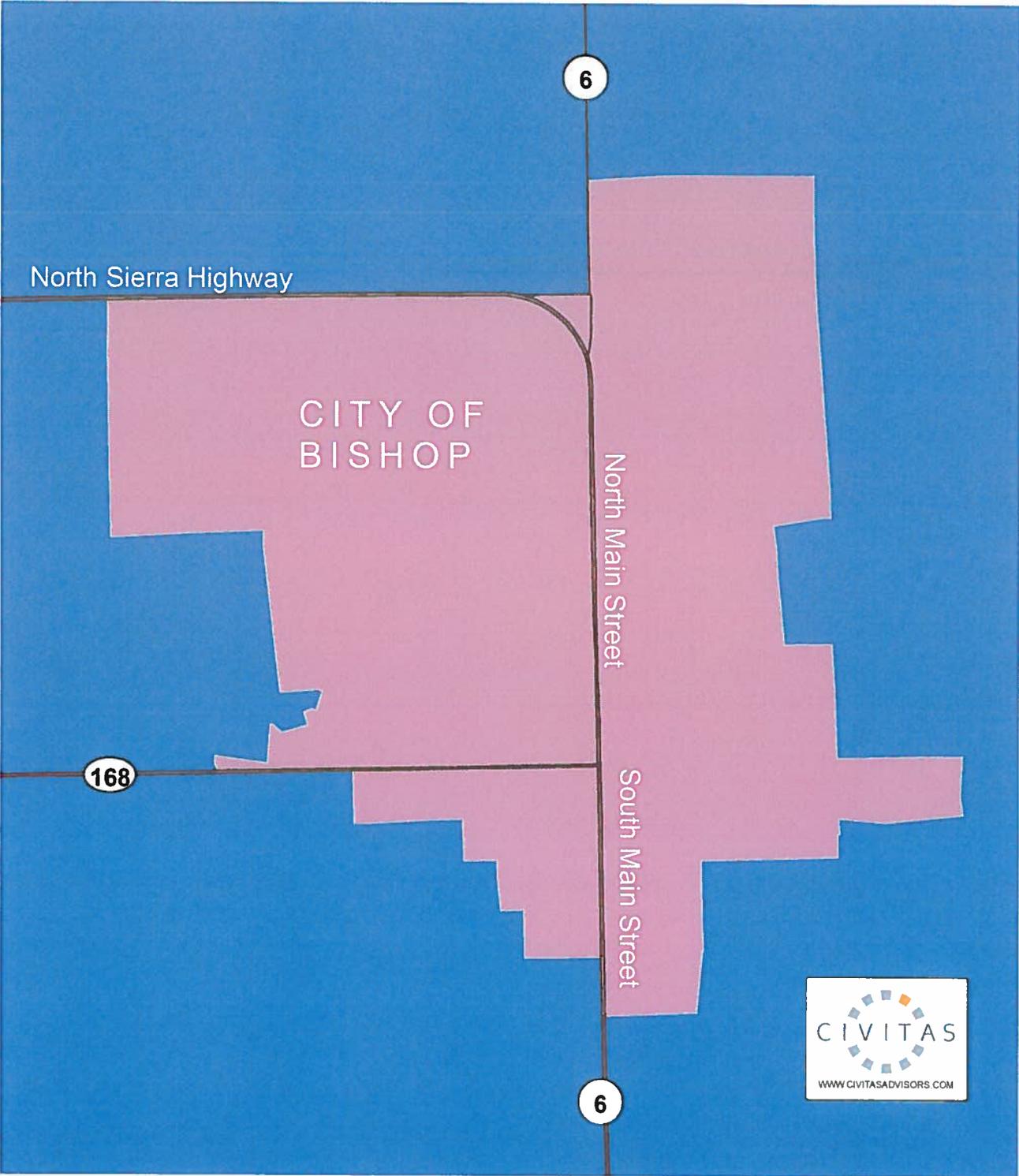
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JIM ELLIS, MAYOR

ATTEST: Jim Tatum, City Clerk

By: \_\_\_\_\_  
Robin Picken, Assistant City Clerk

**EXHIBIT A**  
**District Boundaries**



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

**NOTICE IS HEREBY GIVEN** that on September 22, 2014, the City Council (the "Council") of the City of Bishop (the "City") adopted a Resolution of Intention to establish the Bishop Tourism improvement District (the "BTID") and to levy an assessment on certain lodging businesses within the BTID as set forth in the attached Resolution of Intention.

**NOTICE IS HEREBY FURTHER GIVEN** that at 7:00 PM on October 27, 2014, at the City of Bishop Council Chambers, 377 West Line Street, Bishop, CA 93514, a public meeting shall be held pursuant to Government Code section 54954.6 to allow public testimony regarding the establishment of the BTID 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 7:00 PM on November 10, 2014, at the City of Bishop Council Chambers, 377 West Line Street, Bishop, CA 93514, has been set as the time and place for a public hearing at which time the Council proposes to establish the BTID and to levy the proposed assessment as set forth in the Resolution of Intention.

**Boundaries:** The proposed BTID includes all lodging businesses located within the boundaries of the City of Bishop.

**Assessment:** The annual assessment rate is two percent (2%) of gross short-term (stays less than 31 days) room rental revenue. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on government employees on government business. Assessments pursuant to the BTID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to January 1, 2015, nor stays provided to an employee by a lodging business for the sole convenience of the lodging business.

**Budget:** The total BTID annual budget for the initial year of its five-year operation is anticipated to be approximately \$296,000. This budget is expected to fluctuate as room sales do, but is not expected to significantly change over the BTID's term.

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

**Collection:** The City will be responsible for collecting the assessment on a quarterly basis (including any delinquencies, penalties and interest) from each lodging business located in the boundaries of the BTID. The City shall take all reasonable efforts to collect the assessments from each lodging business. The City shall forward the assessments collected to the Owners' Association, except for such assessment funds necessary to pay for City's collection efforts and defense of any challenge to the BTID or BTID related issues.

**Protest:** Any owner of a lodging business within the proposed BTID that will be subject to the assessment may protest the establishment of the BTID. If written protests are received from the owners of lodging businesses in the proposed BTID who represent fifty percent (50%) or more of the estimated annual assessments to be levied, the BTID 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 Bishop  
377 West Line Street  
Bishop, CA 93514

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 BTID or assessment contact:

Tawni Thomson  
Bishop Area Chamber of Commerce and Visitors Bureau  
690 Noth Main Street  
Bishop, CA 93514  
(760) 873-8405

Dated: \_\_\_\_\_

\_\_\_\_\_  
Robin Picken, Assistant City Clerk

Publish: 9/25/14; 10/2/14; 10/9/14

# Management District Plan

## Bishop Tourism Improvement District



August 6, 2014



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

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Prepared by  
Civitas



(800)999-7781  
[www.civitasadvisors.com](http://www.civitasadvisors.com)

## I. OVERVIEW

Developed by Bishop Area Chamber of Commerce and Visitors Bureau (the Chamber), the Bishop Tourism Improvement District (BTID) is an assessment district proposed to provide specific benefits to payors, by funding marketing and sales promotion efforts for assessed businesses. This approach has been used successfully in other destination areas throughout the country to provide the benefit of additional room night sales directly to payors.

**Location:** The proposed BTID includes all lodging businesses located within the boundaries of the City of Bishop.

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

**Budget:** The total BTID annual budget for the initial year of its five-year operation is anticipated to be approximately \$296,000. This budget is expected to fluctuate as room sales do, but is not expected to significantly change over the BTID's term.

**Cost:** The annual assessment rate is two percent (2%) of gross short-term (stays less than 31 days) room rental revenue. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on government employees on government business. Assessments pursuant to the BTID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to January 1, 2015 nor stays provided to an employee by a lodging business for the sole convenience of the lodging business.

**Duration:** The proposed BTID will have a five-year life. The BTID assessment will be implemented beginning January 1, 2015 through December 31, 2019. 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 fifty percent (50%) of the assessment may protest and initiate a City Council hearing on district termination.

**Management:** The Bishop Area Chamber of Commerce and Visitors Bureau will serve as the BTID's Owners' Association, with a new committee being created to oversee marketing programs. The Owners' Association is charged with managing funds and implementing programs in accordance with this Plan, and must provide annual reports to the City Council.

## **II. IMPETUS**

The Bishop Chamber enjoys a positive working relationship with both the County of Inyo and the City of Bishop; however, we recognize that both entities are facing serious budget challenges. Grant funding provided for tourism promotion by the County and City is not guaranteed; however the Bishop Chamber will continue to encourage the County and City to invest in our promotional projects and events. Bishop hotel owners and the Chamber want to increase visitation, especially in the slower months of November through May. They understand that marketing efforts are necessary and that the current funding model, which relies heavily on the City and County, is not sufficient to even maintain the status quo promotional efforts. The funds provided by the City and County are not guaranteed.

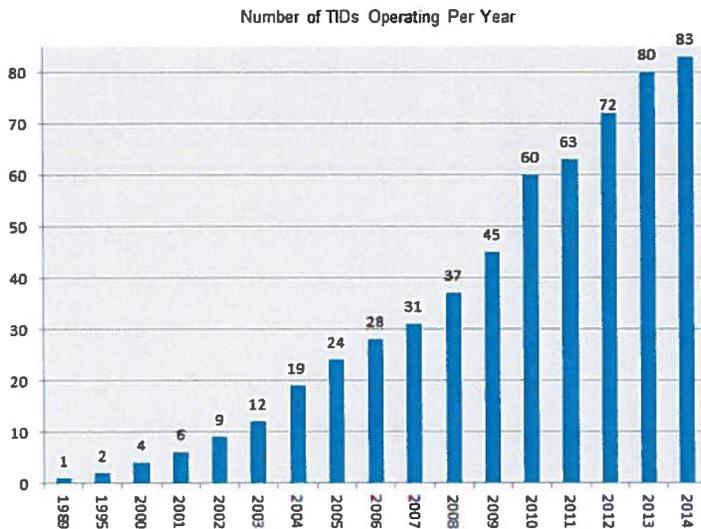
It is important to note that neither the City of Bishop nor the County of Inyo has any dedicated tourism development department or staff. Essentially, the Chamber is the only formally organized entity that is working to promote Bishop lodging businesses.

Bishop draws visitors from around the world. The Chamber has done an outstanding job of maintaining programs, projects and events by reducing overhead costs, increasing non-grant revenues, and calling on supporters for volunteerism and in-kind donations. Most lodging businesses agree that the Chamber's marketing programs have been working well to keep their businesses occupied during the high season; they have suggested that new marketing efforts should be targeted at the off seasons.

The BTID will fund new marketing programs aimed at increasing off season visitation, and room night rates and sales in the high seasons. Individual hotels cannot engage in the type and scope of regional, national, and international marketing that will be undertaken. The BTID will allow for continuation of existing tourism promotion programs as well as providing stable funding for new marketing programs. Creating more desire to visit Bishop is complex – it's a big job! The BTID will provide the necessary, stable funds to successfully undertake that big job.

### III. BACKGROUND

TIDs are an evolution of the traditional Business Improvement District. The first TID was formed in West Hollywood, California in 1989. Since then, over eighty California destinations have followed suit. In recent years, other states have begun adopting the California model – Washington, Montana, and Texas have adopted TID laws. Several other states are in the process of adopting their own legislation. And, some cities, like Portland, Oregon, have utilized their charter powers to create TIDs without a state law.



California's TIDs collectively raise over \$150 million for local destination marketing. With competitors raising their budgets, and increasing rivalry for visitor dollars, it is important that Bishop lodging businesses invest in stable, lodging-specific marketing programs.

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

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

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

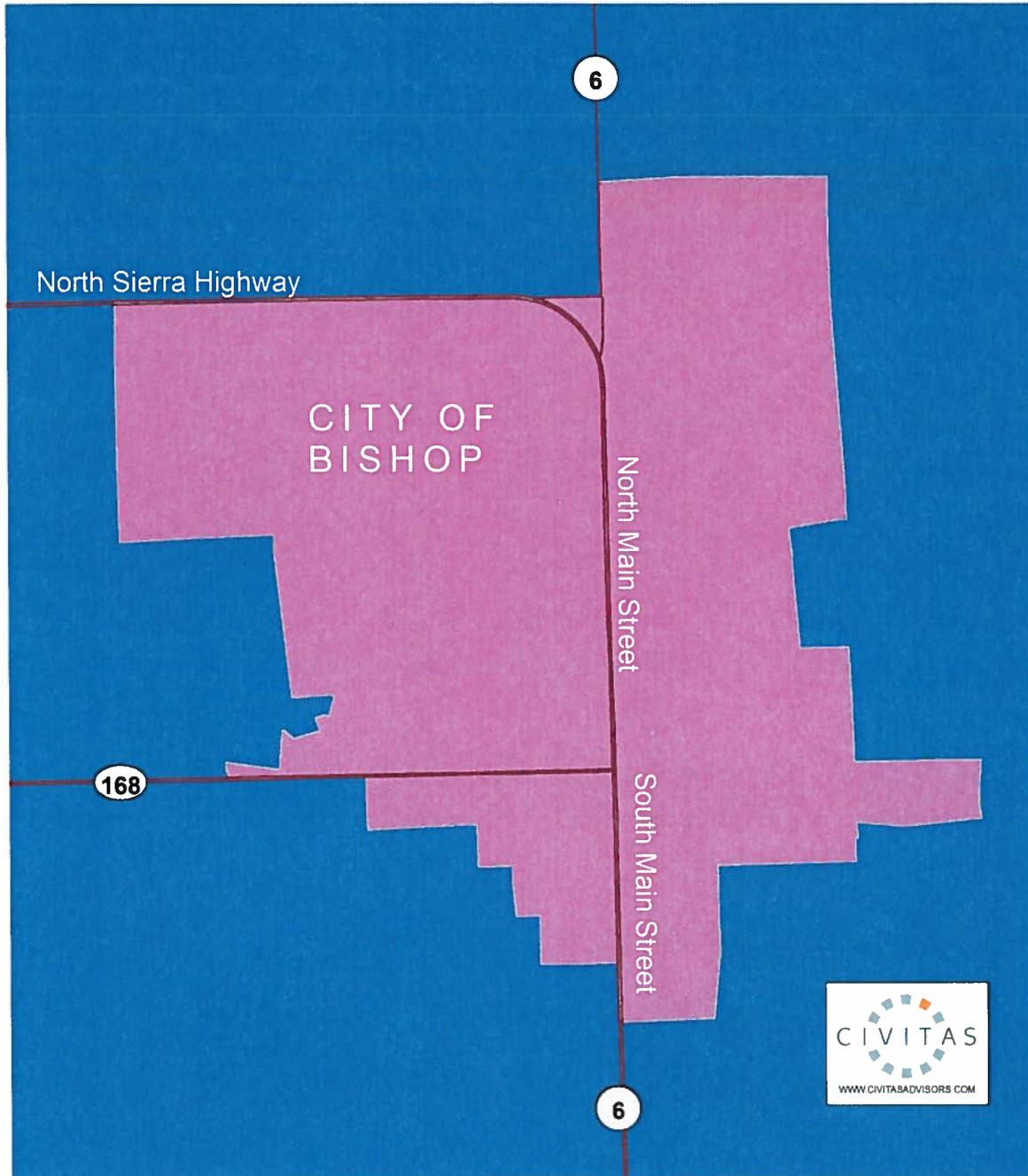
There are many benefits to TID:

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

#### IV. BOUNDARY

The BTID will include all lodging businesses, existing and in the future, available for public occupancy within the boundaries of the City of Bishop.

The boundary, as shown in the map below, currently includes twenty-two (22) lodging businesses. A complete listing of lodging businesses within the proposed BTID can be found in Appendix 2.



## V. BUDGET AND SERVICES

### A. Annual Service Plan

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

A service plan budget has been developed to deliver services that benefit businesses throughout the District. A detailed annual budget will be developed and approved by the Owners' Association. The table below illustrates the initial annual budget allocations.

Category	Percent of Budget	Dollar Amount
<b>Sales and Marketing</b>	85%	\$251,600
<b>Administration</b>	10%	\$29,600
<b>Contingency/Renewal</b>	5%	\$15,000
<b>Total Annual Budget</b>	<b>100%</b>	<b>\$296,000</b>

Although actual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain the same. However, the City and the Chamber shall have the authority to adjust budget allocations between the categories by no more than twenty percent (20%) of the category budget per year. A description of the proposed improvements and activities for the initial year of operation is below. The same activities are proposed for subsequent years. In the event of a legal challenge against the BTID, any and all assessment funds may be used for the costs of defending the BTID.

The City shall have the right and obligation to use any and all assessment funds necessary to pay for the City's efforts to collect delinquent assessments and defense of any challenge to the BTID or BTID related issues. Such costs include, but are not limited to, attorneys' fees, expert witness fees, costs of staff time, collection expenses, and court costs. In the event of a collections effort wherein the City is pursuing payment on delinquencies other than and in addition to the BTID, only that proportion of the cost attributable to the BTID collection shall be funded by the assessment.

#### *Sales and Marketing*

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

- Year-Round Visitor Center in downtown Bishop operated by professionally trained staff.
- Membership in state and national tourism organizations, such as the National Tour Association, to drive overnight visitation
- Attendance of industry conferences to promote overnight visitation at Bishop hotels
- Advertising lodging businesses with Group Tour Media print and online programs

- Production or sponsorship of events that draw overnight visitors, particularly in the off seasons
- Billboard advertising along Highway 395 and other roads to promote overnight visitation
- Attendance of travel consumer shows to promote overnight visitation
- Online marketing, including banner advertising, a mobile website, and foreign-language versions of the website featuring assessed lodging businesses
- Print, television, and radio advertising featuring assessed lodging businesses
- Collaboration with other agencies and businesses to promote overnight visitation

### *Administration and Operations*

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

### *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. Up to \$75,000 may be retained in the contingency/renewal fund; when the fund is at that balance, this line item will be re-allocated to programs. If near 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.

### **B. Determination of Specific Benefit**

State law requires that assessment funds be expended on specific benefits conferred directly to the payors that are not provided to those not charged, and which do not exceed the reasonable cost to the City of conferring the benefits. The services in this Management District Plan are designed to provide targeted benefits directly to assessed lodging businesses. These services are tailored not to serve the general public, but rather to serve the specific lodging businesses within the District, e.g., the proposed activities are specifically targeted to increase room night sales for assessed lodging businesses within the boundaries of the District, and are narrowly tailored. BTID funds will be used exclusively to provide the specific benefit of increased room night sales directly to the assessees. For example, non-assessed businesses will not be featured in BTID programs and will not receive sales leads from them. The activities paid for from assessment revenues are business services constituting and providing specific benefits to the assessed businesses.

Further, the assessment may be utilized to provide specific government services directly to the payors that are not provided to those not charged, and which do not exceed the reasonable costs to the City of providing the services. The legislature has recognized that marketing and promotions services like those to be provided by the BTID are, in the context of assessment districts, government services. Further, the amount of the assessment is no more than necessary to cover the reasonable costs of the proposed activities, and the manner in which the costs are allocated to a business owner bear a fair share or reasonable relationship to the businesses' benefits received from the proposed activities.

District services will be implemented carefully to ensure they do not exceed the reasonable cost of such services. Funds will be managed by the Owners' Association, and reports submitted on an annual basis to the City. Only assessed 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, nor any other, district-funded services and benefits.

### **C. Assessment**

The assessment levied pursuant to this Plan shall be levied on the basis of benefit. Because the services provided are intended to increase room night rental revenue, which varies among the assessed businesses, an assessment based on room night revenue is the best measure of proportional benefit. The annual assessment rate is two percent (2%) of gross short term (stays less than 31 days) room rental revenue. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on government employees on government business. Assessments pursuant to the BTID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to January 1, 2015, nor stays provided to an employee by a lodging business for the sole convenience of the lodging business.

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

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. The assessment shall be disclosed as the “BTID Assessment.” The assessment shall not be considered revenue for any purposes, including calculation of transient occupancy taxes.

Bonds shall not be issued.

### **D. Penalties and Interest**

1. Any business which fails to remit any assessment within the time required shall pay a penalty of ten percent (10%) of the amount of the assessment in addition to the amount of the assessment.
2. If the City determines that the nonpayment of any assessment is due to fraud, a penalty of twenty-five percent (25%) of the amount of the assessment shall be added thereto in addition to the penalty stated in section 1 above.
3. In addition to the penalties imposed, any business which fails to remit any assessment shall pay interest at the rate of one-half of one percent (0.5%) per month or fraction thereof on the amount of the assessment exclusive of penalties from the date on which the assessment first became delinquent until paid.
4. Every penalty imposed and such interest as accrues shall become part of the assessment required to be paid.

### **E. Time and Manner for Collecting Assessments**

The BTID assessment will be implemented beginning January 1, 2015 and will continue for five years through December 31, 2019. The assessment shall be collected at the same time and in the same manner as transient occupancy tax. The City will be responsible for collecting the assessment on a quarterly basis (including any delinquencies, penalties and interest) from each lodging business

located in the boundaries of the BTID. The City shall take all reasonable efforts to collect the assessments from each lodging business. The Bureau will assist the City as needed in obtaining business information for collection and enforcement efforts. The City shall forward the assessments collected to the Owners' Association.

**F. Annual Budget**

The total five year improvement and service plan budget is projected at approximately \$296,000 annually, or \$1,480,000 through 2019. This amount may fluctuate as sales and revenue increase at assessed businesses, but is not expected to change significantly over the term.

**VI.**  
**VII. 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 BTID as defined in Streets and Highways Code §36614.5. The City Council has determined that the Bishop Area Chamber of Commerce and Visitors Bureau will serve as the Owner's Association for the BTID.

At least three members of the Chamber's Board of Directors shall be representatives of lodging businesses paying the BTID assessment. The Chamber shall establish a marketing committee, to be composed primarily of lodging businesses representatives, which shall be responsible for overseeing BTID programs.

**B. Brown Act and California Public Records Act Compliance**

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

**C. Annual Report**

The the Chamber 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).

## **APPENDIX 1 – LAW**

### **Property And Business Improvement District Law of 1994**

*Cal Sts & Hy Code § 36600 (2013)*

\*\*\* This document is current through the 2014 Supplement \*\*\*  
(All 2013 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.

**B 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.

**B 36605. [Section repealed 2001.]**

**B 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.

**B 36607. "Business"**

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

**B 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.

**B 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.

**B 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. If the improvements and activities proposed for each year of operation are the same, a description of the first year's proposed improvements and activities and a statement that the same improvements and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.

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

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

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

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.

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

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

(k) 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.

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

### **§ 36623. Procedure to levy assessment**

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

(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with *Section 54954.6 of the Government Code*, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a

person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

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

#### **§ 36624. Changes to proposed assessments**

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements 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 property and business improvement district.

**§ 36630. Expiration of district; Creation of new district**

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

**B 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.

**B 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.

**B 36641. [Section repealed 2001.]**

**B 36642. [Section repealed 2001.]**

**B 36643. [Section repealed 2001.]**

**B 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.

**B 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.

**B 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.

**B 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 assessees may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the area who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.

(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

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

(a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

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

## **APPENDIX 2 – ASSESSED BUSINESSES**

<b>HOTEL NAME</b>	<b>SITE ADDRESS</b>
America's Best Value Inn	192 Short Street, Bishop, CA 93514
Best Western Bishop Lodge	1025 N. Main Street, Bishop, CA 93514
Bishop Village Motel	286 W. Elm Street, Bishop, CA 93514
Comfort Inn	805 N. Main Street, Bishop, CA 93514
Creekside Inn	725 N. Main Street, Bishop, CA 93514
Days Inn	724 W. Line Street, Bishop, CA 93514
El Rancho Motel	274 Lagoon Street, Bishop, CA 93514
Holiday Inn Express	636 N. Main Street, Bishop, CA 93514
Joseph House Inn Bed & Breakfast	376 W. Yaney Street, Bishop, CA 93514
La Quinta Inn	651 N. Main Street, Bishop, CA 93514
Motel 6	1005 N. Main Street, Bishop, CA 93514
Mountain View Motel	730 West Line Street, Bishop, CA 93514
Travelodge	155 E. Elm Street, Bishop, CA 93514
Super 8 Motel	535 South Main Street, Bishop, CA 93514
Trees Motel	796 West Line Street, Bishop, CA 93514
Townhouse Motel	625 N. Main Street, Bishop, CA 93514
Thunderbird Motel	190 West Pine Street, Bishop, CA 93514
Econolodge	150 East Elm Street, Bishop, CA 93514
Elms Motel	233 East Elm Street, Bishop, CA 93514
Hostel California	213 Academy Avenue, Bishop, CA 93514
Vagabond Inn	1030 North Main Street, Bishop, CA 93514

TO: CITY COUNCIL

FROM: JIM TATUM, CITY ADMINISTRATOR 

**SUBJECT: DECLARATION OF SURPLUS PROPERTY – 1975 GMC PICKUP**

DATE: SEPTEMBER 22, 2014

ATTACHEMENT:

- Staff Memo

BACKGROUND/SUMMARY

The City's recent purchase of a new pickup truck for use by the Public Works department has eliminated the need for a 1975 GMC pickup, originally utilized by the Bishop Volunteer Firefighters.

Historically, the City of Bishop has made equipment of this type available to other local governmental entities for the sum of \$1.00. The Eastern Sierra Tri-County Fair - 18<sup>th</sup> District Agricultural Association has expressed interest in this vehicle.

RECOMMENDATION

Declare the 1975 GMC pickup surplus and Transfer title to the Eastern Sierra Tri-County Fair – 18<sup>th</sup> District Agricultural Association for the sum of \$1.00.



**To:** Jim Tatum, City Administrator  
**From:** David Grah, Director of Public Works  
**Subject:** Declare Truck Surplus  
**Date:** 16 September 2014  
**Previous:** 10 July 2014  
**Funding:** None

**General:**

Public Works proposes to declare its oldest pickup truck surplus.

**Background:**

Public Works recently purchased a new pickup for use by the Public Works crew. The new pickup truck was purchased with the understanding that one of the existing pickups would be surplused in conjunction with the purchase. Because of significant mechanical problems it was having at the time, it was planned to surplus the crew's newest truck, a 2005 Ford 550.

The most significant of the 550's current problems is a significant oil leak that will be expensive to repair (the cab of the truck needs to be removed to perform many types of work on the truck). Over the last few years the 550 has needed a series of expensive repairs, often requiring the removal of the truck's cab. This trend of needing expensive repairs doesn't seem to be changing.

Although probably not good for the long term health of the 550, the oil leak was largely stopped by the addition of a stop-leak compound to the crankcase. As a result, although the 550 is proposed to be the next truck to be replaced, it is proposed to surplus the crew's oldest truck at this time, a red 1975 GMC Sierra inherited from the Bishop Fire Department, license 665078.

The Tri County Fairgrounds has expressed interest in the red truck. Often in these cases where city items are surplused to another public agency, a \$1 payment is received.

**Recommendation:**

Declare the old red truck surplus and approve its disposal to the Tri County Fairgrounds for \$1.

TO: CITY COUNCIL

FROM: JIM TATUM, CITY ADMINISTRATOR

SUBJECT: SET INTERVIEW COMMITTEE – WATER & SEWER COMMISSION AND  
PLANNING COMMISSION

DATE: SEPTEMBER 22, 2014

ATTACHMENTS:

- Notice of Advertisement

#### BACKGROUND/SUMMARY

Two upcoming term expirations on the Water and Sewer Commission and one upcoming term expiration on the Planning Commission has been advertised according to procedure with the deadline for applications scheduled on Friday, October 3, 2014.

It is anticipated that we will need to establish two interview committees to interview potential candidates for the Water and Sewer Commission and the Planning Commission.

Two Council members and two members from the Water and Sewer Commission will make up the interview committee to interview for the two term expirations on the Water and Sewer Commission and two Council members and two members from the Planning Commission will make up the interview committee to interview for the one term expiration on the Planning Commission.

Potential dates for these interviews will be during the second and third week in October (October 6-17, 2014) to accommodate the candidates and members of the interview committee. These committees could possibly make their recommendation to the full Council as early as the meeting of October 14, 2014. Staff plans to schedule and complete the interviews no later than Friday, October 17, 2014, in order to make a recommendation to the full council by the October 27, 2014 meeting.

#### RECOMMENDATION

Appoint two Council members to serve on the interview committees to fill two vacancies on the Water and Sewer Commission and one vacancy on the Planning Commission.

CITY OF BISHOP  
WATER AND SEWER COMMISSION VACANCIES  
AND  
PLANNING COMMISSION VACANCY

Two seats on the Water and Sewer Commission and one seat on the Planning Commission will expire in November. The City of Bishop is seeking persons interested in serving on these commissions. All interested persons may contact Bishop City Hall at (760) 873-5863. Applications and descriptions of duties and responsibilities of the commission are available at City Hall, located at 377 West Line Street in Bishop, or on the City's website at <http://www.ca-bishop.us>. Applications will be accepted until 4:00 p.m. on Friday, October 3, 2014.

Publish: 9/13/14; 9/20/14; 9/27/14