

**CITY COUNCIL OF AMADOR CITY
REGULAR MEETING AGENDA
THURSDAY, 18 APRIL 2024
7:00 PM**

The agenda for this regular meeting is distributed to the City Council and posted in public locations in Amador City less than 72 hours prior to the meeting. Any pertinent documents related to Regular Agenda Items will be distributed to Council Members less than 72 hours prior to the meeting and available at City Hall during City Hall hours.

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

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

As presiding officer for this meeting, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disruptive conduct, and to enforce the rules of the Council.

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

1. MEETING CALLED TO ORDER

2. FLAG SALUTE

3. ROLL CALL

Council Members Susan Bragstad, Russel Robinson, Bruce Sherrill,
Vice Mayor Anne Kel-Artinian, Mayor Sandy Staples

4. APPROVAL OF CITY COUNCIL REGULAR MEETING AGENDA, 18 APRIL 2024

5. PUBLIC COMMENT:

Under provisions of the California Code, citizens wishing to address the Council for any matter not on the agenda may do so at this time. Please submit a completed Speaker Submittal Form to the City Clerk. Comments are limited to five minutes or less and speakers are requested to state their name and community of residence. Under provisions of the California Government Code, the City Council is prohibited from materially discussing or acting on any item not on the agenda unless it can be demonstrated to be of an emergency nature or an urgent need to take immediate action arose after the posting of the agenda.

6. PRESENTATIONS/PROCLAMATIONS/APPOINTMENTS: NONE

7. CONSENT AGENDA ITEMS:

All matters listed under the Consent Agenda are to be considered routine by the City Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the City Council votes on the motion to adopt, members of the Council, staff or the public request specific items to be removed from the Consent Agenda for separate discussion and action. Items withdrawn from the Consent Agenda will be heard after the rest of the Consent Agenda is approved.

- 7A. Special Meeting Minutes of 25 March 2024
- 7B. Financial-Fiscal Statement

8. ORDINANCES AND PUBLIC HEARINGS:

- 8A. Reading of Ordinance No. 186 "An ordinance of the people of the city of Amador City, California, adding Chapter 3.12 to the Amador City Municipal Code to establish a one-quarter percent (1/4%) transactions and use tax for a period of ten years, said tax to be administered by the State Board of Equalization" - *City Manager Groth*
Attachment: Ordinance No. 186

9. REGULAR AGENDA ITEMS:

- 9A. Review of Resolution #161, "Resolution of the City Council of Amador City, State of California, granting consent to the County of Amador to form the Amador County Wine Heritage District (ACWHD)". - *City Manager Groth*
Attachment: Resolution #161;
Board of Supervisors of the County of Amador,
Resolutions No. 24-029 and 24-030
Recommended action: Determine whether City Council wishes to grant consent to Amador County for the establishment of the ACWHD by motion with Council vote.
- 9B. Revisit proposal from Amador County Recreation Agency (ACRA) - *Council Member Sherrill*
Attachment: none
Recommended Action: Determine whether City Council wishes to pursue a contract with ACRA for School House Park maintenance and upkeep by motion with Council vote.
- 9C. Report on progress rehabilitating City Hall Apartments. -- *Vice Mayor Kel-Artinian*
Attachment: none
Recommended Action: none
- 9D. Request for the development of a sewer committee to address details such as Amador County Code Enforcement, monitoring, ADUs, etc. - *Council Member Bragstad*
Attachment: none
Recommended Action: Determine whether City Council wishes to establish an Amador City Sewer Committee by motion with Council vote.
- 9E. Review requests from new tenants at Old City Hall Building regarding exterior paint and a window on the north facing side of the building - *Kat Leon and Corrine Moore*
Attachment: none
Recommended Action: Determine whether City Council wishes to address items requested by tenant by motion with Council vote.

10. COUNCIL COMMITTEE REPORTS. *Brief reports on matters of general interest.*

<i>Amador Regional Sanitation Agency</i>	<i>Bruce Sherrill</i>
<i>Amador Air District</i>	<i>Bruce Sherrill</i>
<i>Amador County Recreation Agency</i>	<i>Russell Robinson</i>
<i>Amador County Transportation Commission/RTMF</i>	<i>Susan Bragstad, Dave Groth</i>
<i>Local Area Formation Commission</i>	<i>Anne Kel-Artinian</i>
<i>Fire Dept</i>	<i>Sandy Staples</i>
<i>Homeless Task Force</i>	<i>Sandy Staples</i>
<i>Bicycle Path Advisory Committee</i>	<i>Susan Bragstad, Sandy Staples</i>
<i>City Parks</i>	<i>Anne Kel-Artinian, Sandy Staples</i>
<i>Short Term Rentals</i>	<i>Anne Kel-Artinian, Sandy Staples</i>
<i>Historical City Properties</i> <i>(Cemetery; Museum; Powder House; Monument; Fire House)</i>	

11. ADMINISTRATIVE REPORTS AND COMMENTS

- 11A. CITY MANAGER'S REPORT AND COMMENTS
- 11B. CITY ATTORNEY'S REPORT AND COMMENTS
- 11C. MAYOR AND COUNCIL MEMBERS' REPORTS AND COMMENTS
- 11D. PERMIT LOG

12. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

13. CLOSED SESSION. *NONE*

14. ADJOURNMENT

The next regularly scheduled City Council meeting is Thursday, 16 May 2024, at 7:00 .

**City Council Regular Meeting
18 April 2024**

Item 7A

AMADOR CITY COUNCIL
MINUTES OF THE SPECIAL MEETING
OF THE AMADOR CITY COUNCIL
MARCH 25, 2024
8:00 PM

1. Meeting Called to Order
2. Flag Salute
3. Roll Call – Sandy Staples, Susan Bragstad, Anne Kel-Artinian, Russ Robinson, Bruce Sherrill present
4. Approval of City Council Special Meeting Agenda, March 25, 2024, Bragstad moved, 2nd by Sherrill, approved unanimously
5. Public Comment - None
6. Presentations/Proclamations/Appointments – None
7. Consent Agenda Items – A. Regular Meeting Minutes of 2-15-24
B. Regular Meeting Minutes 3-21-24
C. Financial Statement of 3-2024
Sherrill moved, second by Robinson, approved unanimously
8. Ordinances and Public Hearings – None
9. Regular Agenda Items
 - A. Status of City arrangements with H&R Block, recent meeting with County Controller re: needs of Amador City. Holly Groth met with Tracey Oneto Rouen who told her that over \$750,000 Federal Funds requires an audit. Holly Groth can prepare monthly financial statements but recommends hiring an auditor. Mary Louise Nixon prepared monthly compilation reports. Bragstad suggested we ask other cities what they do. County auditor recommends audit every 5 years, Financial Review every other year. Bragstad moved, 2nd by Sherrill that City prepare a Request for Proposal to be published in newspaper to secure a bid from a qualified CPA to perform audit, approved unanimously. Council to gather more information for CPA.

- B. Proposed Dissolution of Amador Regional Sanitation Authority – Discussion Only - What are implications for Amador City? Amador City rate payers paying for primary services and for technician and only send effluent to Sutter Creek. Martel also sends solids but we do not. Jackson left ARSA they gave \$450,000 to Sutter Creek/ARSA. What did their contract involve? Tertiary plant discussed. In conclusion, Amador City needs a plan and written contract. Tom DuBois reported ARSA comprised of County, Sutter Creek and Amador City. Money used proportionately between County, Sutter Creek and Amador City approximately \$450,000. Bragstad asked if we would receive our share in cash or as a credit. Sutter Creek would need at least \$750,000 to build new sewer plant. If loan is dissolved our share would only be \$13,000. We represent 2.5% of flow. If everybody received credit, it would result in higher rates. ARSA has outlived its usefulness, and Sutter Creek is taking on a liability.
- C. ACRA – Money that ACRA has proposed to spend on Amador City Park can be used for other items in city such as downtown planters, pocket park, etc. Bruce Sherrill will discuss with ACRA to acquire more information.
- D. Design Review – Code requires Council approval. Bragstad presented Lyons proposal for “Container” to be painted dark brown with light brown trim. Randy Parsons plans for O’Neil Alley approved with vertical articulated windows, porches, 2 car garage and office. Moved by Robinson, 2nd by Sherrill, approved by Staples, Bragstad, Robinson, Sherrill, abstention by Kel-Artinian.
- E. Remote Participation in Council Meetings – To be discussed at April meeting. Plymouth has a “Tech Person” and their meetings are public on YouTube.
- F. Resignation of Russ Robinson effective April Meeting and new Council Member will have to be appointed.
- Items 10 through 14 – Nothing.

Meeting Adjourned at 9:35 p.m.

Cemetery – Future marking in April.

**City Council Regular Meeting
18 April 2024**

Item 8A

ORDINANCE NO. 186

AN ORDINANCE OF THE PEOPLE OF THE CITY OF AMADOR CITY, CALIFORNIA
ADDING CHAPTER 3.12 TO THE AMADOR CITY MUNICIPAL CODE TO ESTABLISH
A ONE-QUARTER PERCENT (1/4%) TRANSACTIONS AND USE TAX FOR A PERIOD
OF TEN YEARS, SAID TAX TO BE ADMINISTERED BY THE STATE BOARD OF
EQUALIZATION

THE PEOPLE OF THE CITY OF AMADOR CITY DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 3.12 is hereby added to Title 3 of the Amador City Municipal Code ("Revenue and Finance") and shall read as follows:

“3.12.010 TITLE. This chapter shall be known as the Amador City Transactions and Use Tax Ordinance. The City of Amador City hereinafter shall be called "City." This chapter shall be applicable in the incorporated territory of the City.

3.12.020. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the effective date of this chapter, the effective date being as set forth below.

3.12.030 PURPOSE. This chapter is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Cal. Revenue and Taxation Code and § 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax chapter which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax chapter that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code.

C. To adopt a retail transactions and use tax chapter that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax chapter that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code, minimize the cost of collecting the transactions

and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

3.12.040 CONTRACT WITH STATE. Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax chapter; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.12.050 TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one-quarter percent (1/4%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this chapter.

3.12.060 PLACE OF SALE. For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.12.070 USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this chapter for storage, use or other consumption in said territory at the rate of one-quarter percent (1/4%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.12.080 ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Cal. Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

3.12.090 LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES.

In adopting the provisions of Part 1 of Division 2 of the Cal. Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

and not taxed, and at the same time, maintain the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

2.12.010. COUNTY-WIDE STATE Prior to the operative date, the City shall continue with the same Board of Equalization to perform all functions incident to the administration and operation of this ordinance, and use the chapter provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar month following the execution of such a contract.

2.11.050. TRANSACTIONS TAX RATE For the privilege of selling tangible personal property at retail, a tax shall be imposed upon all retailers in the incorporated territory of the City at the rate of one-quarter percent (1/4%) of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this chapter.

2.11.060. PLACE OF SALE For the purposes of this chapter, all retail sales are considered at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from retail sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

2.11.070. USE TAX RATE An excise tax is hereby imposed on the transfer, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this chapter for storage, use or other consumption in said territory at the rate of one-quarter percent (1/4%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax, regardless of the place to which delivery is made.

2.11.080. ADOPTION OF PROVISIONS OF STATE LAW Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.0 of Division 2 of the Civil Service and Taxation Code, all of the provisions of Part 1 (contracting with Section 6001) of Division 2 of the Civil Service and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

2.11.090. IMPOSITIONS ON ADVERTISING, PUBLICATIONS AND COLLECTION OF USE TAXES

In adopting the provisions of Part 1 of Division 2 of the Civil Service and Taxation Code, whenever the State of California is named or referred to in the text of any of the provisions of this ordinance, the substitution shall not be made.

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this chapter.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Cal. Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In §§ 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Cal. Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in § 6203 of the Cal. Revenue and Taxation Code and in the definition of that phrase in § 6203.

3.12.100 PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under § 6067 of the Cal. Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

3.12.110 EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his

agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this division (B)(2), delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with § 4000) of Division 3 of the Cal. Vehicle Code, aircraft licensed in compliance with § 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with § 9840) of the Cal. Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this chapter.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this chapter.

5. For the purposes of paragraphs (B)(3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this chapter, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in §§ 6366 and 6366.1 of the Cal. Revenue and Taxation Code.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this chapter.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this chapter.

5. For the purposes of paragraphs (C)(3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in paragraph (C)(7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with § 4000) of Division 3 of the Cal. Vehicle Code, aircraft licensed in compliance with § 21411 of the Cal. Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with § 9840) of the Cal. Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.12.120 ANNUAL AUDIT. By no later than December 31 of each year, the City shall cause an independent auditor to complete a "Amador City Transactions and Use Tax Ordinance Report." Such report shall review whether the tax revenues collected pursuant to this ordinance are collected, managed and expended in accordance with the requirements of this chapter.

3.12.130 AMENDMENTS. All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Cal. Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Cal. Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Cal. Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter.

3.12.140 ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Cal. Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3.12.150 SEVERABILITY. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

3.12.160 OVERSIGHT COMMITTEE. The City Council shall establish the “City of Amador City Transactions and Use Tax Oversight Committee”, which shall review the collection and expenditure of funds generated by the tax established by this Chapter and shall make recommendations to the City Council as appropriate. The number, qualifications and duties of Committee members shall be established by ordinance or resolution of the City Council.

3.12.160. EFFECTIVE DATE Pursuant to California Revenue and Taxation Code Section 7285.9, the tax was approved by supermajority vote of qualified voters of Amador City voting in an election on the issue on March 5th, 2024. This Ordinance shall be effective upon the approval by supermajority vote of two-thirds of City Council.

3.12.160. TERMINATION DATE. The authority to levy the tax imposed by this chapter shall automatically expire on June 30, 2034, without further action by the City Council or the voters of the City. After said date, the tax imposed by this Chapter can only be continued or reestablished by a majority vote of Amador City voters pursuant to California Proposition 218."

The Mayor is hereby authorized to attest to the adoption of this ordinance by signing where indicated below.

Sandra Staples, Mayor

ATTEST:

City Clerk

**City Council Regular Meeting
18 April 2024**

Item 9A

RESOLUTION NO. 624

RESOLUTION OF THE CITY COUNCIL OF AMADOR CITY, STATE OF CALIFORNIA, GRANTING CONSENT TO THE COUNTY OF AMADOR TO FORM THE AMADOR COUNTY WINE HERITAGE DISTRICT (ACWHD)

WHEREAS, the Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes the County of Amador to establish business improvement districts for the purposes of driving increased business sales directly to payors; and

WHEREAS, the Board of Supervisors of the County of Amador has requested consent to form the ACWHD in Amador City with adoption of Amador County Board of Supervisors Resolutions Nos. 24-029 and 24-030, dated March 12, 2024

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

Section 1: The above recitals are true and correct.

Section 2: The County of Amador is hereby granted consent to include Amador City in the ACWHD, for the formation of the ACWHD and future renewals.

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

Section 4: This Resolution is effective upon its adoption.

PASSED AND ADOPTED at a regular meeting of the City Council of Amador City, State of California, held on this 18th day of April, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

Clerk of the City Council

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

IN THE MATTER OF:

RESOLUTION DECLARING ITS INTENTION)	RESOLUTION NO. 24-030
TO ESTABLISH THE AMADOR COUNTY WINE)	
HERITAGE DISTRICT (ACWHD) AND FIXING)	
THE TIME AND PLACE OF A PUBLIC MEETING)	
AND A PUBLIC HEARING THEREON AND GIVING)	
NOTICE THEREOF)	

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

WHEREAS, Amador Vintners Association (AVA), Amador County winery owners, and representatives from the County have met to consider the formation of the ACWHD; and

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

WHEREAS, the proposed ACWHD includes wineries in the cities of Plymouth, Amador and Sutter Creek and

WHEREAS, consent to include wineries in their respective jurisdictions will be requested from the cities of Plymouth, Amador and Sutter Creek; and

WHEREAS, wineries who will pay fifty percent (50%) or more of the assessment under the ACWHD have petitioned the Board of Supervisors of the County of Amador (Board of Supervisors) to establish the ACWHD.

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

1. The recitals set forth herein are true and correct.
2. The Board of Supervisors finds that wineries that will pay more than fifty percent (50%) of the assessment proposed in the Plan have signed and submitted petitions in support of the formation of the ACWHD. The Board of Supervisors accepts the petitions and adopts this Resolution of Intention to form the ACWHD and to levy an assessment on all wineries, existing in the future, within the ACWHD boundaries in accordance with the Property and Business Improvement District Law of 1994.
3. The Board of Supervisors finds that the Plan satisfies all requirements of Streets and Highways Code § 36622.

4. The Board of Supervisors declares its intention to establish the ACWHD and to levy and collect assessments on all wineries within the ACWHD boundaries pursuant to the Property and Business Improvement District Law of 1994.
5. The ACWHD shall include all wineries, existing and in the future, within the boundaries of the County of Amador, including the cities of Plymouth, Amador City and Sutter Creek, as shown in the map attached as Exhibit A.
6. The name of the district shall be Amador County Wine Heritage District (ACWHD).
7. The annual assessment rate is one percent (1%) of gross direct to consumer sales revenue on winery sales. Based on the benefit received, assessments will not be collected on purchases made outside of the County of Amador. Revenue generated from the ACWHD is intended only to provide programs and services for assessed businesses, all of which are located in the County of Amador. Sales made outside of the ACWHD boundaries are not subject to assessment due to a lack of benefit. Assessment dollars will not be spent on any programs or activities to benefit individual winery businesses outside of the County of Amador.

During the five (5) year term, the assessment rate may be increased annually by the ACWHD Owners' Association upon approval from the Board of Supervisors by a maximum of one-half of one percent (0.5%) of gross direct to consumer sales revenue per year. The total assessment rate may not exceed two percent (2%). The assessment rate may also be decreased but shall not drop below the initial assessment rate of one percent (1%). Any proposed assessment rate increase or decrease approved by the Owners' Association shall be included in the annual report and shall not be effective until approved by the Board of Supervisors.

8. The assessments levied for the ACWHD shall be applied toward marketing and brand awareness, and quality and education programs to promote assessed wineries in ACWHD to increase winery sales revenue, as described in the Plan. Funds remaining at the end of any year may be used in subsequent years in which ACWHD assessments are levied as long as they are used consistent with the requirements of this resolution, the Ordinance, and the Plan.
9. The proposed ACWHD will have a five (5) year term, beginning June 1, 2024, or as soon as possible thereafter, and ending five (5) years from its start date, unless renewed pursuant to Streets and Highways Code § 36660.
10. Bonds shall not be issued.
11. The time and place for the public meeting to hear testimony on establishing the ACWHID and levying assessments are set for April 9, 2024, at 9:00 AM, or as soon thereafter as the matter may be heard, at the Board Chambers located at 810 Court Street, First Floor, East Wing, Jackson, CA 95642. Following the public meeting, the Board of Supervisors shall move to introduce the Ordinance to form the ACWHID and continue the levy of assessments.

12. The time and place for the public hearing establish the ACWHID and the levy of assessments are set for May 14, 2024, at 9:00 AM, or as soon thereafter as the matter may be heard, at the Board Chambers located at 810 Court Street, First Floor, East Wing, Jackson, CA 95642. The Clerk of Board of Supervisors is directed to provide written notice to the wineries subject to assessment of the date and time of the meeting and hearing, and to provide that notice as required by Streets and Highways Code § 36623, no later than March 30, 2024.
13. At the public meeting and hearing, the testimony of all interested persons for or against the establishment of the ACWHID may be received. If at the conclusion of the public hearing, there are of record written protests by the owners of the wineries within the proposed ACWHID that will pay more than fifty percent (50%) of the estimated total assessment of the entire ACWHID, no further proceedings to establish the ACWHID shall occur for a period of one (1) year.
14. Following a successful public hearing, at the same Board of Supervisors meeting on May 14, 2024, held at Board Chambers located at 810 Court Street, First Floor, East Wing, Jackson, CA 95642, the Board of Supervisors may conduct a hearing to adopt the Ordinance to form the ACWHID and to continue the levy of assessments. At the conclusion of the hearing, the Board of Supervisors may adopt the Ordinance, forming the ACWHID and levying the assessments.
15. The complete Plan is on file with the Clerk of the Board of Supervisors and may be reviewed upon request.
16. This resolution shall take effect immediately upon its adoption by the Board of Supervisors.

I HEREBY CERTIFY that the foregoing Resolution of Intention was introduced and adopted at a regular meeting of the Board of Supervisors on the 12 day of March 2024 by the following vote:

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 12th day of March 2024, by the following vote:


AYES: Brian Oneto, Patrick Crew, Frank Axe, Jeff Brown

NOES: None

ABSENT: Richard Forster

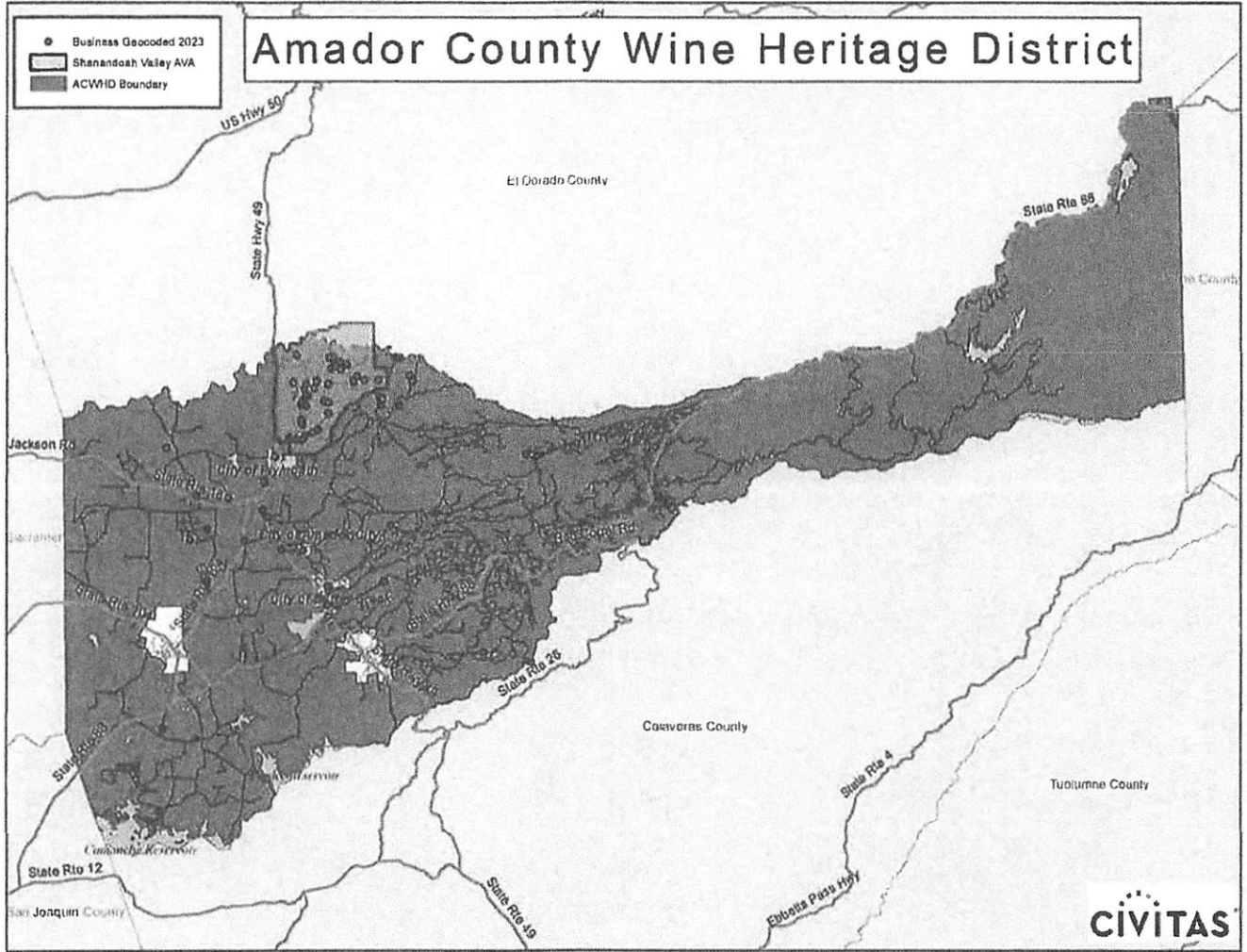

 Brian Oneto, Chairman, Board of Supervisors

ATTEST:

 Deputy

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

EXHIBIT A
District Boundaries



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

IN THE MATTER OF:

RESOLUTION REQUESTING CONSENT OF THE)
CITIES OF PLYMOUTH, AMADOR CITY, AND) RESOLUTION NO. 24-029
SUTTER CREEK TO FORM THE AMADOR COUNTY)
WINE HERITAGE DISTRICT)

WHEREAS, the Board of Supervisors of the County of Amador (the Board) desires to begin proceedings to form the Amador County Wine Heritage District (ACWHD);

WHEREAS, certain business owners have requested that the Board form the ACWHD;
and

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

WHEREAS, the area of the Granting Cities which lies within the boundaries of the proposed ACWHD will, in the opinion of the Board, be benefited by the improvements and activities, and the purpose sought to be accomplished by the work can best be accomplished by a single comprehensive scheme of work.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE CITY OF AMADOR that:

Section 1: The above recitals are true and correct.

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

Section 3: The County Clerk is hereby directed to transmit a certified copy of this Resolution to the clerks of the Granting Cities.

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 12th day of March 2024, by the following vote:

AYES: Brian Oneto, Patrick Crew, Frank Axe, Jeff Brown


NOES: None

ABSENT: Richard Forster



Brian Oneto, Chairman, Board of Supervisors

ATTEST:



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

Exhibit A
Boundary Map

