

# Before the Board of Supervisors County of Placer, State of California

**In the matter of:** A RESOLUTION  
DECLARING RESULTS OF MAJORITY  
PROTEST PROCEEDINGS AND  
RENEWING THE OLYMPIC VALLEY |  
ALPINE MEADOWS MICROTRANSIT  
DISTRICT (OV | AM MD)

Resolution No.: 2022-263

The following Resolution was duly passed by the Board of Supervisors of the County of Placer  
at a regular meeting held December 6, 2022, by the following vote:

Ayes: GORE, WEYGANDT, HOLMES, JONES, GUSTAFSON

Noes: NONE

Absent: NONE

Signed and approved by me after its passage.

  
\_\_\_\_\_  
Chair, Board of Supervisors

Attest:

  
\_\_\_\_\_  
Clerk of said Board

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WHEREAS, the Olympic Valley Alpine Meadows Microtransit District (OV | AM MD), formerly known as the Squaw Valley | Alpine Meadows Micro Mass Transit District (SV|AM MMTD), was officially approved by the Board of Supervisors in 2018 by Resolution No. 2018-140; and

WHEREAS, and Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes the County to renew business improvement districts upon petition by a weighted majority of the business owners located within the boundaries of the district; and

WHEREAS, lodging business owners, including short-term vacation rentals, and ski resort businesses who will pay more than fifty percent (50%) of the proposed assessment, as weighted according to the amount of the assessment to be paid by the petitioner, within the boundaries of the OV | AM MD have petitioned the Board of Supervisors to renew the OV | AM MD; and

WHEREAS, included with the petitions was a Management District Plan (Plan) summary that describes the proposed assessment to be levied on lodging businesses, including short-term vacation rentals, and ski resort businesses within the OV | AM MD, to pay for transportation services, and other improvements and activities set forth in the Plan; and

WHEREAS, the assessed businesses within the OV | AM MD will receive a specific benefit from the activities and improvements set forth in the Plan; and

WHEREAS, on October 11, 2022, the Board of Supervisors adopted a Resolution of Intention, Resolution No. 2022-219 ; and

WHEREAS, the public meeting and public hearing to consider the renewal of the OV | AM MD have been properly noticed in accordance with Streets and Highways Code §36623; and

WHEREAS, on November 8, 2022, the Board of Supervisors held a public meeting regarding the renewal of the OV | AM MD and the Board of Supervisors heard and received objections and protests, if any, to the renewal of the OV | AM MD and the levy of the proposed assessment; and

WHEREAS, on December 6, the Board of Supervisors held a public hearing regarding the renewal of the OV | AM MD, and the Board of Supervisors heard and received all objections and protests, if any, to the renewal of the OV | AM MD and the levy of the proposed assessment; and

WHEREAS, the Clerk of the Board has determined that there was no majority protest. A majority protest is defined as written protests received from owners of businesses in the renewed OV | AM MD which would pay fifty percent (50%) or more of the assessments proposed to be levied. Protests are weighted based on the assessment proposed to be levied on each business; and

WHEREAS, the County bears the burden of proving by a preponderance of the evidence that an assessment imposed for a specific benefit or specific government service is not a tax, that the amount is no more than necessary to cover the costs to the County in providing the specific benefit or specific government service, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the specific benefits or specific government services received by the payor.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS THAT:

1. The recitals set forth herein are true and correct.
2. The OV | AM MD is hereby renewed for a 5-year term, beginning February 1, 2023, or as soon as possible thereafter, and end five (5) years from its start date, unless renewed pursuant to Streets and Highways Code § 36660.
3. The Plan dated August 17, 2022 is hereby adopted and approved.
4. The activities to be provided to benefit lodging businesses, including short-term vacation rentals, and ski resort businesses in the OV | AM MD will be funded by the levy of the assessment. The revenue from the assessment levy shall not be used: to provide activities that directly benefit businesses outside the OV | AM MD; to provide activities or improvements outside the OV | AM MD; or for any purpose other than the purposes specified in this Resolution, the Resolution of Intention, and the Plan. Notwithstanding the foregoing, improvements and activities that must be provided outside the OV | AM

MD boundaries to create a specific benefit to the assessed businesses may be provided, but shall be limited to marketing or signage pointing to the OV | AM MD.

5. The Board of Supervisors finds as follows:
  - a) The activities funded by the assessment will provide a specific benefit to lodging businesses, including short-term vacation rentals, and ski resort businesses within the OV | AM MD that is not provided to those not paying the assessment.
  - b) The assessment is a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.
  - c) The assessment is a charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.
  - d) Assessments imposed pursuant to the OV | AM MD are levied solely upon the assessed business, and the business owner is solely responsible for payment of the assessment when due. If the owner chooses to collect any portion of the assessment from a transient or customer, that portion shall be specifically called out and identified for the transient or customer in any and all communications from the business owner as the "OV | AM MD Assessment" or "Tourism Assessment" as specified in the Plan.
6. The assessments levied for the OV | AM MD shall be applied towards transportation services within the OV | AM MD, and other improvements and activities as set forth in the Plan.
7. Assessments levied on lodging businesses, including short-term vacation rentals, and ski resort businesses pursuant to this resolution shall be levied on the basis of benefit. Because the services provided are intended to transport assessed businesses' guests within the boundaries of the OV | AM MD to improve traffic conditions, the guests' experience, and safety, an assessment based on room rentals and daily lift ticket and pack product revenue is the best measure of benefit.
8. The assessments for the entire the OV | AM MD will total approximately \$1,073,000 in year one (1).
9. Bonds will not be issued to fund the OV | AM MD.
10. The OV | AM MD shall include all lodging businesses, including short-term vacation rentals, and ski resort businesses located within the boundaries of Olympic Valley and Alpine Meadows in unincorporated Placer County. A boundary map is attached hereto and incorporated herein by reference.
11. The assessments shall be used for the purposes set forth above and any funds remaining at the end of any year may be used in subsequent years in which the OV | AM MD assessment is levied as long as they are used consistent with the requirements set forth herein.
12. The assessments to fund the activities and improvements for the OV | AM MD will be collected by the County on a monthly or quarterly basis, and in accordance with Streets and Highways Code §36631.

13. The Board of Supervisors, through adoption of this Resolution and the 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 OV | AM MD as defined in Streets and Highways Code §36612. The OV | AM MD has determined that SATCo dba Mountaineer Transit Company (MTC) shall be the OV | AM MD Owners' Association.
14. MTC, pursuant to Streets and Highways Code §36650, 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 improvement and activities described in the report. The first report shall be due after the first year of operation of the OV | AM MD.
15. The OV | AM MD established pursuant to this resolution will be subject to any amendments to the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §36600 et. seq.).
16. The Clerk of the Board, or his or her designee, is directed to take all necessary actions to complete the establishment of the OV | AM MD and to levy the assessments.
17. This Resolution shall take effect immediately upon its adoption by the Board of Supervisors.