

**From:** Jacob Patterson  
**To:** [Miller, Tabatha](#)  
**Cc:** [Schneider, Scott](#)  
**Subject:** Public Comment -- Item No. 7C, Visit Fort Bragg Committee  
**Date:** Wednesday, May 9, 2018 12:42:53 PM

---

Tabatha,

I reviewed the agenda packet for Item No. 7C for Monday's City Council meeting. I object to the current proposed language in the draft resolution because it is factually inaccurate and recommend that the proposed draft resolution be amended so that it does not contain misstatements of fact. The draft proposed resolution includes material misstatements of fact in the second recital, which currently reads:

"WHEREAS, in November 2016, voters passed Measures AA and AB increasing the Transient Occupancy Tax (TOT) from 10% to 12% and allocating 50% of the increase in TOT taxes received exclusively for promotion increasing the promotional budget from approximately \$80,000 annually to approximately \$280,000 annually; and"

This is factually inaccurate because Measure AB was advisory not mandatory (i.e., the increased TOT funding is not "exclusively" for promotion) and the voters did not approve the budget in November 2016, the City Council did at a later date. The current budget allocation of \$280,000 is the result of the Council electing to continue to budget \$80,000 for tourism promotion and also electing to increase the existing funding by \$200,000 for a new total of approximately \$280,000. This discretionary decision might have been in response to the expressed intent of the 69.65% of the electorate who approved Measure AB but it was not the result of the voter approval of Measure AA and AB on November 8, 2016.

If Measure AB had been mandatory and enforceable, Measure AA would have been a special tax rather than a general tax and would not have passed with a mere 59.55% of voters approving the TOT tax increase because special taxes require approval by 2/3rds of the electorate who participate in the vote on the proposed tax. The advisory and non-enforceable nature of the funding allocations was made clear in the language and materials about Measures AA and AB. I suspect that this was a specific strategy the City used at the time to get the TOT tax increase approved with a simple majority without having to obtain the support of 2/3rds of the electorate as a special tax because such support depended on the advocacy of the local tourism-related community (e.g., lodging and restaurant businesses).

This should be acknowledged in the proposed resolution, which is misleading and inaccurate as currently written. As such, the recital should be revised so it is factually accurate. One suggestion is to revise the existing incorrect language and divide it into two new recitals as follows:

WHEREAS, in November 2016, voters passed Measures AA and AB increasing the Transient Occupancy Tax (TOT) from 10% to 12% and expressing a desire for the City Council to allocate 50% of the increase in TOT taxes received for local tourism promotion; and

WHEREAS, the City Council elected to use the resulting increased TOT funding to supplement the then

existing promotional budget of approximately \$80,000 annually for an increased allocation of approximately \$280,000 annually; and

Regards,

--Jacob