**Siskiyou County Economic Development Council**

**TID Management Committee Policy Updated Draft**

*July 1, 2015 original
June 5, 2018 updated*

**ARTICLE I**

**PURPOSE**

**1.1 Background.** On May 12, 2015 the County of Siskiyou created the Siskiyou County Tourism Improvement District (TID). The TID is governed by a written Management District Plan dated April 16, 2015 (Plan). In the Plan, the Siskiyou County Economic Development Council (Council) was named as the TID owners’ association and has contracted with the County to provide services to assessed lodging businesses. The Plan provides that the TID funds and activities will be managed by the TID Management Committee. The committee was created by an affirmative vote of the Council Board of Directors on April 21, 2015 and ratification of nominations on July 27, 2015. The committee has created and adopted this policy in accordance with Article VII of the Council Bylaws.

**1.2 General Purpose.** The purpose of the TID Management Committee is to oversee TID funds and implement programs in accordance with the Plan, the Property and Business Improvement District Act of 1994 (“’94 Law”), County resolutions, and other applicable rules, regulations, and statutes.

**1.3 Specific Purpose.** The TID Management committee will determine the expenditure of TID funds on programs as authorized by the Plan. All activities will be specifically designed to benefit lodging businesses paying the TID assessment by attracting overnight visitors and increasing overnight room sales. Recommended activities are listed in the Plan.

**ARTICLE II**

**COMPOSITION**

**2.1 Committee Members.** The Plan requires that all committee members be representatives of business owners paying the TID assessment. The committee shall be composed of five to seven members. All appointed members will be verified assessment-paying TID members. The committee membership will take into account the several jurisdictions in the TID, and attempt to balance the membership among businesses located in each of the jurisdictions.

**2.2 Term.** The initial committee members shall serve for either a one or two year term. Of the initial members, three members shall serve for a one-year term (the officers) and four for a two-year term (the general board members). Thereafter, committee members shall serve for two-year terms which will begin on July 1 of each year.

**2.3 Selection.** The initial committee members will be appointed by the Council Board. Thereafter, annually, a notice of vacancies and request for nominations will be submitted to the TID lodging businesses. Lodging businesses will have the opportunity to make nominations. The Committee will select members from among the nominations received, taking into account the composition and geography requirements of section 2.1 above, and request confirmation of this nomination from the Council Board. This will occur every year at the beginning of July.

**2.4 Resignation and Vacancies.** A committee member may resign at any time by giving written notice to the remaining members of the committee and the secretary of the Council. The notice shall be effective upon the date of receipt, or at a later date indicated in the notice. A committee member shall immediately cease to be such in the event they are no longer employed by or authorized to represent the business they were selected to represent. Vacancies shall also occur in case of the death, incapacity, or incarceration of a committee member. Vacancies on the committee shall be filled for the duration of the vacant term in accordance with the provisions of paragraph 2.3 of this policy.

A vacancy shall also occur in the event a committee member, without being excused, either fails to attend more than one-half (50%) of the committee’s meetings in any year or fails to attend three consecutive meetings. Committee members may also be removed by a two-thirds super-majority vote of the Council Board or the remaining committee members. Committee members that have three consecutive unexcused absences may be removed from the Committee by a majority request and vote by the Council Board.

**2.5 Officers.** The committee shall elect, on an annual basis, the following officers. Officers shall serve for a one-year term which will begin on July 1 of each year.

 A. Chair. The Chair shall preside at all meetings and have such other powers and duties as the committee may require.

 B. Secretary. The Secretary shall be responsible for noticing and taking minutes of all meetings, maintaining committee records, submitting committee reports, and other duties typically associated with the position that may be required by the committee.

 C. Treasurer. The Treasurer shall be responsible for managing and regularly reporting on TID finances as required by the Committee.

**2.6 Quorum.** A majority of the committee members shall constitute a quorum for transaction of business. There shall be no voting by proxies or voting by absentia.

**ARTICLE III**

**OPERATIONS**

**3.1 Brown Act.** The Property and Business Improvement District Law states:

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 records relating to activities of the district.

Accordingly, all meetings of the Committee, and that portion of any Council Board meetings where TID-related-business is considered, shall be noticed and held in accordance with the requirements of the Ralph M. Brown Act, Government Code §54950 et seq.

Key provisions of the Ralph M. Brown Act require:

 A. Regular Meetings. Notice of regular meetings shall be posted at least seventy-two hours in advance of the meeting. Notice shall be posted in a publicly-accessible place, and on the corporation’s website, if any. The notice shall contain a brief description of the items to be discussed. The committee may only discuss items listed on the notice.

 B. Special Meetings. Notice of special meetings shall be posted at least twenty-four hours in advance of the meeting. Notice shall be posted in a publicly-accessible place, and on the corporation’s website, if any. The notice shall contain a brief description of the items to be discussed. The committee may only discuss items listed on the notice. Certain emergency items may be discussed, even if they are not on the agenda, as allowed by the Brown Act.

 C. Public Comment. All meetings shall be open to the public, and the public shall have the opportunity to comment on items on and not on the agenda. Certain items may be considered in closed session as allowed by the Brown Act.

 D. Telephonic Participation. Teleconferencing, as authorized by §54953 of the Brown Act may be used for all purposes in connection with meetings. All votes taken during a teleconferenced meeting shall be by roll call. If teleconferencing is used, the Committee shall post the agenda at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Committee. Each teleconference location shall be identified in the notice and agenda of the meeting, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the Committee shall participate from locations within the boundaries of Siskiyou County. The agenda shall provide an opportunity for members of the public to address the Committee directly pursuant to §54954.3 at each teleconference location.

 E. Action Without Meeting. There shall be no discussion, deliberation, or action by the Committee without a meeting.

**3.2 Public Records Act.** All records of the committee shall be retained for a period of seven (7) years. Records to be kept include meeting agendas and minutes, resolutions, this policy and any amendments thereto, financial records, contracts, and any other writings related to the TID. Records must be disclosed to the public upon request, within the requirements of the Public Records Act. The Public Records Act prescribes timelines and requirements for disclosure of records. The Public Records Act only applies to TID-related documents and records.

**3.3 Regular Meetings.** Regular meetings of the committee will be held at least quarterly, at such location within the boundaries of Siskiyou County as determined by the committee.

**3.4 Annual Report.** The Council is required to submit an annual report to the County pursuant to Streets and Highways Code section 36650. The committee will prepare and submit the report in a timely manner.

**3.5 Incoming Fund Management.** The County and each city collecting the TID assessment will submit funds collected to the Council on a regular basis. The Treasurer shall coordinate with each jurisdiction on remittance and collection of delinquencies.

**3.6 Outgoing Fund Management.** All expenditures shall be approved by the committee prior to funds being released. The Secretary of the Committee shall provide to the Secretary of the Board the annual budget and any minutes of committee meetings or other documentation regarding expenditures that have been approved by the committee.

**3.7 Staffing.** Existing Council staff will provide operational assistance to the Committee. The Council’s administrative costs shall be paid for with TID funds, as authorized in the Plan. Staff time shall be accounted for at hourly rates consistent with each staff members burdened rate. Rates for staff shall be determined by the Board and submitted to the Committee for approval on an annual basis. The Committee shall submit to the Board for approval a schedule of staff time needed for administrative and program support.

In accordance with Generally Accepted Accounting Procedures (GAAP), staff time purely devoted to administrative tasks will be charged to the TID administrative budget, while staff time related to the provision of sales and marketing programs will be charged to the sales and marketing budget.

**3.8 Contracts.** The Council’s authorized contract signer will coordinate with the Committee Secretary to execute any contracts approved by the Committee.

**ARTICLE IV**

**AMENDMENT**

This policy may be amended by a two-thirds super-majority vote of the committee members and subsequent ratification by the Council Board. Any modifications must be presented to the committee members at least seventy-two hours prior to the meeting at which the modification will be considered.

This policy was ratified by the SCEDC Board of Directors and Board President Linda Willems on August 3, 2015.

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 **Linda Willems, SCEDC Board President**