



Legislation Details (With Text)

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| File #: | 23-1569 | Version: | 1 |
| Type: | Agenda Item | Status: | Approved |
| File created: | 8/9/2023 | In control: | Board of Supervisors |
| On agenda: | 8/22/2023 | Final action: | 8/22/2023 |
| Title: | Chief Administrative Office recommending the Board: 1) Approve the use of the Transient Occupancy Tax Subrecipient Agreement templates (Attachments A & B) for Board-approved uses of Discretionary Transient Occupancy Tax in Fiscal Year 2023-24; 2) Authorize the Chief Administrative Officer to execute Subrecipient Agreements with entities approved for Discretionary Transient Occupancy Tax funds by prior or future Board direction during Fiscal Year 2023-24; and 3) Authorize the Chief Administrative Officer to execute amendments to Transient Occupancy Tax subrecipient agreements, contingent upon approval by County Counsel and Risk Management, that do not increase compensation beyond Board-approved allocation amounts. | | |
| | FUNDING: Discretionary Transient Occupancy Tax. | | |
| Sponsors: | | | |
| Indexes: | | | |
| Code sections: | | | |
| Attachments: | 1. A - TOT Contract Template With Levine Act, 2. B - TOT Contract Template Without Levine Act, 3. C - Counsel Approval TOT Templates | | |

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|----------|--------|
| 8/22/2023 | 1 | Board of Supervisors | Approved | Pass |

Chief Administrative Office recommending the Board:

- 1) Approve the use of the Transient Occupancy Tax Subrecipient Agreement templates (Attachments A & B) for Board-approved uses of Discretionary Transient Occupancy Tax in Fiscal Year 2023-24;
- 2) Authorize the Chief Administrative Officer to execute Subrecipient Agreements with entities approved for Discretionary Transient Occupancy Tax funds by prior or future Board direction during Fiscal Year 2023-24; and
- 3) Authorize the Chief Administrative Officer to execute amendments to Transient Occupancy Tax subrecipient agreements, contingent upon approval by County Counsel and Risk Management, that do not increase compensation beyond Board-approved allocation amounts.

FUNDING: Discretionary Transient Occupancy Tax.

DISCUSSION / BACKGROUND

On June 13, 2023, with Legistar item 23-1120 the Board approved the Fiscal Year (FY) 2023-24 Recommended Budget. The Recommended Budget included the allocation of \$1.3 million in Discretionary Transient Occupancy Tax to six outside agencies. In September the Board will consider the use of any additional Discretionary Transient Occupancy that is available for allocation as part of the FY 2023-24 Adopted Budget.

For FY 2022-23, the Board approved the use of a Transient Occupancy Tax Subrecipient Agreement Template with Legistar item 22-0715. The subrecipient agreement allowed the Chief Administrative

Office to expedient processing of the agreements for the allocations that the Board had approved through the budget process.

The Chief Administrative Office is requesting that the Board approve the use of two Transient Occupancy Tax Subrecipient Agreement templates for Board-approved uses of Discretionary Transient Occupancy Tax in Fiscal Year 2023-24. There is a template for governmental organizations that does not include the Levine Act Statement and a template for non-governmental organizations that does include the Levine Act Statement. The Chief Administrative Office is requesting the Board delegate authority to the Chief Administrative Officer to execute the agreements after the Board has approved the allocations through the budget process utilizing the approved templates. If a subrecipient requests significant changes to the template or has a Levine Act finding the agreement will be brought to the Board for approval, instead of being executed by the Chief Administrative Officer.

Lastly, staff are requesting the Board delegate authority to the Chief Administrative Officer to execute amendments to Transient Occupancy Tax subrecipient agreements, contingent upon approval by County Counsel and Risk Management, that do not increase compensation beyond Board-approved allocation amounts, including term extensions for agreements authorized in FY 2022-23 and FY 2023-24.

ALTERNATIVES

The Board could choose not to approve the templates or delegate authority to the Chief Administrative Officer and each agreement would be brought to the Board for approval.

PRIOR BOARD ACTION

See above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

The templates were reviewed and approved by County Counsel.

FINANCIAL IMPACT

There is no financial impact as a result of this Board item. The Board allocated Discretionary Transient Occupancy Tax to subrecipients as part of the FY 2023-24 Budget, and this item does not change those allocations.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

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