

The case for the Snowshoe Resort Community District (the RAD)

- The Snowshoe Resort Community as it stands today is comprised of Snowshoe Mountain Resort, several commercial businesses, and approximately 2,000 residential properties located within the greater boundary of the Resort.
- These individual stakeholders share a common interest and financial role in maintaining public safety, fire protection, transportation services, roads maintenance and the maintenance of various common area amenities that serve to benefit community members, both through personal enjoyment and the enhancement and protection of property within the community.
- By their nature as community services, and as is typical in every community be it a city, village, resort, or other, these are services that support everyone in the community and are paid for by the community.
- The funding mechanisms for these services vary by community. Typical examples for funding are Village or City taxes, or Master Association Assessments.
- Presently, the sole source of support for the community is through the collection the "Mountain Top Assessment" (the "MTA"). The MTA is a deed-mandated fee to be paid annually to SMI and is used by SMI to provide the services aforementioned. SMI also contributes MTA funds based on assessed value of SMI's properties.\
- This MTA method of funding and conducting the community services faces several limitations:
 1. The MTA provides no formal means of representation by the assessed in deciding how community services will be conducted. Fees are paid to SMI, and SMI decides how to spend these funds, in its sole discretion, towards the provision of community services.
 2. The MTA's funding is 100% property owner supported. As such, the MTA is not set up to collect user-based fees (similar to a local sales tax or B&O tax) that most communities use to offset the cost of property-ownership.
 3. SMI is unable to provide certified law enforcement personnel to protect the people and assets of the community. In our rural environment, the Resort community relies on private security personnel, who in turn rely on County and State resources to provide law enforcement. Such law enforcement personnel can often be 45 minutes or further away, which at a time of emergent need presents hazards to a community that on many days of the year hosts a weekend population equal to that of the tenth largest municipality in West Virginia. The MTA provides neither the funding nor the authority for adequate law enforcement coverage to the community.

The formation of the Snowshoe Resort Community District (SRCD) provides solutions to these shared issues. The SRCD will be a **Resort Area District (RAD)** as defined in Chapter 7, Article 25 of the Code of West Virginia, and will be a not-for-profit public corporation run by property owners, but without any power to levy or collect ad valorem taxes.

- The SRCD provides for the creation of a board of directors elected by the various stakeholders within the community. The board of directors will govern the District and will be comprised of three representatives elected by owners of improved residential properties, two representatives elected by the Resort Operator, one representative elected by the owners of improved commercial property, and one representative elected by the owners of unimproved property. This elected body provides for the representation needed to ensure that all community interests are represented in the process of running the affairs of the community. In the immediate future, SMI has acknowledged that current property ownership provides that SMI would have a controlling interest in 4 of these seats and as such has committed to use commercial seat to support the 4th representative of homeowner interests.
- A resort service fee will be levied on goods and recreation services sold within the district. This new user-paid funding source helps everyone in the Community while DECREASING the cost of owning property. The creation of this resort service fee, when combined with current MTA funding, provides a user-supported source of funding that will achieve three things:
 1. It will enhance the ongoing operations of the services provided and support owner-petitioned beautification and enhancement projects using Resort Service Fees.
 2. It will create needed reserve accounts which can be used protect the assets that serve the community. Twenty-five percent of all service fees collected will be placed in a reserve account to plan and care for infrastructure serving the entire community. The resort service fee will provide for better road repair and maintenance, bus and bus stop improvements, enhanced law-enforcement and safety protection, and enhanced amenities for community members and guests.
 3. 10% of fees collected in the first year, escalating to 15% in future years will be used to GIVE MONEY BACK directly to those who pay Mountain Top Assessments as a portion of Service Fees collected will be distributed back to property owners.
- The agreement of the Snowshoe SRCD, the County Commission and the Pocahontas County Sheriff for the provision of law enforcement in the Snowshoe SRCD provides the community with an option to protect the members, property, and guests of the community through full-time on-site law enforcement services.
- Under circumstances where a group of property owners petitions the SRCD to do so, and under very restrictive guidelines laid out in WV State Code, the SRCD does have the ability to levy a special assessment against property for the very specific purpose of paying for an individual improvement project (not for ongoing operations). The criteria for special assessments is as follows:
 - The project must be petitioned for by a property owner within the District
 - The project must be approved by 6/7ths of the members of the Board of Directors
 - The assessment can only be levied against those who will benefit from the project.
 - The project must be approved by at least 51% of those to be assessed for the project.
 - The project cannot be opposed by 25% or more of those to be assessed for the project.
 - The maximum possible assessment amount on any given property at any time cannot exceed 2.5% of assessed property value.
- On a final note, the formation of the Snowshoe SRCD creates an organization to interface with State and County leaders with a common voice representing all stakeholder groups within the community.