

RESOLUTION NO. _____ (2021 SERIES)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, DECLARING ITS INTENTION TO CONTINUE THE SAN LUIS OBISPO TOURISM BUSINESS IMPROVEMENT DISTRICT, TO CONTINUE THE BASIS FOR AND TO LEVY THE ASSESSMENT FOR THE DISTRICT, AND TO SET A DATE FOR THE PUBLIC HEARING ON THE DISTRICT AND THE ASSESSMENT FOR 2021-22

WHEREAS, the Parking and Business Improvement Law of 1989, sections 36500 *et seq.* of the Streets and Highways Code, authorizes cities to establish business improvement districts for several purposes, one of which is promotion of tourism; and

WHEREAS, the lodging businesses within the proposed City of San Luis Obispo Tourism Business Improvement District had requested the City of San Luis Obispo establish such a self-assessment improvement district in 2008; and

WHEREAS, the San Luis Obispo Tourism Business Improvement District was established in July 2008 and incorporated into the Municipal Code under Chapter 12.42; and

WHEREAS, the assessment went into effect on October 1, 2008; and

WHEREAS, the City Council appointed an advisory board to provide oversight, guidance, and recommendations regarding the use of the assessment funds; and

WHEREAS, the City Municipal Code and the Parking and Business Improvement Law require the advisory board to prepare and submit an annual report stating proposed changes, improvements and activities for the fiscal year; and

WHEREAS, an annual report was prepared pursuant to Section 36533 of the Streets and Highway Code; and

WHEREAS, notices regarding the approval of the annual report were sent on September 9, 2021 to all assessed properties.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Luis Obispo as follows:

- a) That the Tourism Business Improvement District Annual Report for fiscal year 2020-21 as filed by the advisory body is hereby approved.

- b) The San Luis Obispo City Council proposes to continue the established Tourism Business Improvement District in the City of San Luis Obispo in accordance with City Municipal Code Chapter 12.42 and the California Streets and Highways Code, sections 36500 *et seq.* (Parking and Business Improvement Law of 1989).
- c) The assessment levied by the Tourism Business Improvement District shall be used to promote lodging at the hotels within the district and administer a marketing program that increases overnight hotel stays pursuant to the set goals.
- d) The assessment will be levied and allocated by the City of San Luis Obispo.
- e) The assessment is proposed to be levied on all “hotels”, as that term is defined in San Luis Obispo Municipal Code section 3.04.020, to wit: any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.
- f) The assessment shall be based on two percent (2%) of gross room rent.
- g) New hotels shall not be exempt from immediate assessment.
- h) The public hearing, held pursuant to the City Municipal Code Chapter 12.42 and the Parking and Business Improvement Law of 1989, section 36535 of the Streets and Highways Code, is to allow for comments on the District and proposed assessment, and is hereby set for 6 P.M., Tuesday, November 2, 2021, before the City Council of San Luis Obispo.
- i) At the public hearing, the testimony of all interested persons for or against the continuation of the District, the boundaries of the District, or the furnishing of specified types of improvements or activities will be heard.
- j) Any protest against the continuation of the City of San Luis Obispo Tourism Business Improvement District and the levying of the assessment, or any aspect thereof, may be made in writing. A protest may be withdrawn at any time before the conclusion of the public hearing. Any written protest shall contain a description of the business in which the person signing the protest is not shown on the official records of the City of San Luis Obispo as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the authorized representative of the business. Any protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to the City of San Luis Obispo at 990 Palm Street, San Luis Obispo, CA 93401.

- k) If, at the conclusion of the public hearing, there are of record, written protests by the owners of businesses within the proposed San Luis Obispo Tourism Business Improvement District that will pay fifty percent (50%) or more of the total assessments of the entire San Luis Obispo Tourism Business Improvement District, no further proceedings to continue the San Luis Obispo Tourism Business Improvement District shall occur. New proceedings to form the San Luis Obispo Tourism Business Improvement District shall not be undertaken again for a period of at least one (1) year from the date of the finding. If the majority of written protests are only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the San Luis Obispo Tourism Improvement District.

BE IT FURTHER THEREFORE RESOLVED, the City Clerk is instructed to provide notice as required by the City Municipal Code Chapter 12.42 and the Parking and Business Improvement Law of 1989, section 36534, subpart (a)(7) of the Streets and Highways Code, to wit: the City Clerk shall give notice of the public hearing by causing the resolution of intention to be published once in a newspaper of general circulation in the City no less than seven days before the public hearing.

Upon motion of _____, seconded by _____, and on the following roll call vote:

AYES:

NOES:

ABSENT:

The foregoing resolution was adopted this _____ day of _____ 2021.

Mayor Heidi Harmon

ATTEST:

Teresa Purrington
City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington
City Clerk

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