

TO: James L. App, City Manager

FROM: Jim Throop, Administrative Services Director

SUBJECT: Formation of a Citywide Tourism Business Improvement District (BID) and Amendment to By-Laws of the BID to conform to conflict of interest code

DATE: December 2, 2008

Needs: For the City Council to consider the formation of a citywide tourism business improvement district and to amend the by-laws of the BID to conform to conflict of interest code.

Facts:

1. The formation of a Business Improvement District for Tourism and Lodging was formally requested by several hoteliers within the City of Paso Robles.
2. The City has held discussions with several hotel owners, resulting in a proposal to create a BID, funded by annual assessments upon all lodging establishments located in the City. Hotel requested exclusions to the proposed BID include bed-and-breakfast establishments, campgrounds, recreational vehicle parks, vacation rentals as well as extended stays (more than 30 consecutive days).
3. The boundaries of the area to be included in the Business Improvement District are the geographic boundaries of the City.
4. Pursuant to Section 36530 of the California Streets and Highways Code, a resolution of intention to establish the Paso Robles Tourism and Lodging Promotions BID was adopted by the City Council on October 7, 2008 an advisory board was also created to make recommendations to the City Council on the expenditure of revenues for proposed improvements and activities of the BID.
5. The BID will levy an annual assessment of two percent (2%) of gross room rental revenue charged by all existing and new tourist lodging establishments, per room per night, for all transient occupancies. The assessment would be levied annually against only tourist lodging establishments. Collection of the assessment would occur on a monthly basis, similar to the Transient Occupancy Tax.
6. Activities that promote tourism and the local tourist lodging establishments are proposed to be funded by the assessments. The hoteliers' proposed initial 12-month budget is attached as Attachment B.
7. The BID formation has completed the following steps: Established an advisory board; published and mailed a joint notice of public meeting and public hearing; and a public meeting at which the City Council adopted a resolution of intention.
8. No protests against the BID, from any of the lodging facilities that are affected by the formation of the BID, have been submitted to the City.
9. The following steps are necessary to complete the formation of the BID; a public hearing at which the Council receives public comment and protests; and, adoption of the BID Ordinance.

10. The by-laws for the BID need to be amended to conform to the conflict of interest code for the City.

ANALYSIS &
CONCLUSION:

The City is responding to a request from the tourism, hospitality and lodging establishments within the City to form a Business Improvement District. This district would be for the benefit of the industry in terms of advertising and marketing of Paso Robles as a destination location.

The collection of all BID revenue would be held in a separate fund that would be used only for the purposes of tourism and lodging, as stated in the Ordinance and Bylaws. All funds would be audited during the City's annual audit by an independent third-party audit firm.

Tourism is an important contributor to the economy of the City and the promotion of the City's tourist lodging businesses will serve an important public purpose.

The By-laws of the BID need to be amended to conform to the conflict of interest code for the City.

No protests have been received concerning the BID.

POLICY
REFERENCE:

The BID formation process is governed by the Parking and Business Improvement Area Law of 1989 contained in Streets and Highway Code sections 36500, et seq.

2006 Economic Strategy

FISCAL
IMPACT:

All assessments shall be held by the City in a separate account established for the District. There is no fiscal impact upon the City.

OPTIONS:

- a.** By separate motions:
 - i. Resolution No. 08-xxx amending the by-laws for the Paso Robles Tourism and Lodging Promotions Business Improvement District Advisory Committee to conform to the City's conflict of interest code; and
 - ii. Introduce for first reading Ordinance No. XXX establishing the Paso Robles Tourism and Lodging Promotions Business Improvement District pursuant to the Parking and Business Improvement Law of 1989, and set December 16, 2008 for adoption, or
- b.** Amend, modify, or reject the option above.

Enclosures:
Attachment A – Resolution of Intent
Attachment B – BID Noticing

**AFFIDAVIT
OF MAIL NOTICES
CITY COUNCIL NOTICING**

I, Deborah Robinson, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for **Formation of Paso Robles Tourism and Lodging Promotions Business Improvement District** on this 10th day of October, 2008.

City of El Paso de Robles
Administrative Services Department

Signed: 
Deputy City Clerk

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PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

CITY COUNCIL
PROJECT NOTICING

Newspaper: Paso Robles Press

Date of Publication: November 21, 2008

Meeting Date: December 2, 2008

Project:
Public Hearing Notice
Formation of the Paso Robles Tourism
& Lodging Promotions
Business Improvement District

I, Deborah Robinson, employee of the of the City of El Paso de Robles do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed: 

CITY OF EL PASO DE
ROBLES
NOTICE OF PUBLIC
HEARING ON
FORMATION OF THE
PASO ROBLES
TOURISM AND
LODGING
PROMOTIONS
BUSINESS
IMPROVEMENT
DISTRICT

The City of El Paso de Robles will conduct a Public Meeting and a Public Hearing on the proposed formation of a Paso Robles Tourism and Lodging Promotions Business Improvement District. The Public Hearing will be held at 7:30 p.m. on December 2, 2008, at the Paso Robles Library/City Hall Conference Center, 1000 Spring Street, El Paso de Robles, California.

ACTION: The City Council is being asked to adopt an ordinance establishing the Paso Robles Tourism and Lodging Promotions Business Improvement District ("BID") to promote tourism and local tourist lodging establishments within the City. Pursuant to the ordinance, the BID will levy an annual assessment of ~~two percent (2%)~~ the gross room rental revenue charged by all existing and new tourist lodging establishments per room per night for all transient occupancies. The assessment would be levied annually only against tourist lodging establishments to pay for improvements and activities of and within the BID.

At the Public Hearing on December 2, 2008 the City Council will consider any written or verbal protests against the establishment of the BID, the extent of the BID, or the furnishing of specified types of improvements or activities within the BID. Following the public hearing, the City Council will be asked to introduce the ordinance establishing the BID and levying the annual assessment.

Deborah Robinson,
Deputy City Clerk

Pub: 11/21/2008
Legal #2025

RESOLUTION NO. 08-_____

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF EL PASO DE ROBLES AMENDING BYLAWS FOR THE PASO ROBLES
TOURISM AND LODGING PROMOTIONS BUSINESS IMPROVEMENT DISTRICT
ADVISORY COMMITTEE

WHEREAS, the City Council has established the Paso Robles Tourism and Lodging Promotions Business Improvement District Advisory Committee (the "Committee") pursuant to California Streets and Highways Code Section 36530; and

WHEREAS, by Resolution No. 08-____, the City Council adopted Bylaws for the Committee; and

WHEREAS, the members of the Committee are required to represent the interests of the tourism and lodging industry in order to be eligible to serve on the Committee; and

WHEREAS, the Committee serves solely in an advisory capacity to the City Council and therefore the Committee's members should not be subject to the City's conflict of interest code;

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of El Paso de Robles does hereby resolve, determine and find as follows:

Section 1. The recitals set forth herein are true and correct.

Section 2. The City Council has determined that it is appropriate to revise the Bylaws for the Committee and hereby adopts them in the manner attached hereto as Exhibit A and incorporated herein by reference.

Section 3. This Resolution is effective on its adoption.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 2nd day of December 2008 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah Robinson, Deputy City Clerk

BYLAWS

PASO ROBLES TOURISM AND LODGING
PROMOTIONS BUSINESS IMPROVEMENT DISTRICT
ADVISORY COMMITTEE

ARTICLE I - THE COMMITTEE

Section 1: Name of Committee

The name of the Committee shall be the "Paso Robles Tourism and Lodging Promotions Business Improvement District Advisory Committee" (hereinafter referred to as the "BID Committee").

Section 2: Purpose

The BID Committee serves at the pleasure of the City Council as a means to aid the City Council in gathering public input by providing a forum through which private citizens may advise the City Council of the City of Paso Robles ("Agency") on matters relating to the Paso Robles Tourism and Lodging Promotions Business Improvement District ("District") in the City of Paso Robles. In order to accomplish that purpose, the BID Committee may consult with and advise the Agency on those matters which deal with:

- a. the method and basis of levying assessments within the District;
- b. expenditures of revenues derived from such assessments; and
- c. programs, services, improvements, and activities intended to promote tourism and local tourist lodging establishments within the District.

The BID Committee shall be and remain established following the adoption of these Bylaws unless otherwise abolished by an affirmative vote of the majority of the City Council.

Section 3: Membership

a. Membership Categories and Qualifications

To be eligible for membership on the BID Committee, a person must be either a:

- (1) Hotelier Member of the Promotions Coordinating Committee: To qualify under this category, the person must currently serve as one of the two hotelier members appointed to the Promotions Coordinating Committee.
- (2) Hotelier: To qualify under this category, the person, or the legal entity that the person represents, must present satisfactory evidence of ownership and/or operation of a tourist lodging establishment within the City.

b. Open Membership

Criteria and selection for membership shall not discriminate based upon sex, race, religion, creed, color, age, national or ethnic origin, or any other classification protected by law.

c. Total Membership & Term Of Appointment

The total membership of the BID Committee shall be seven (7) members. The total membership shall be allocated among the two membership categories, defined above, as follows: two (2) members from the Hotelier Member of the Promotions Coordinating Committee membership category, and five (5) members from the general Hotelier membership category.

A member's regular term of appointment shall be three (3) years. However, the initial term for one (1) member from the Hotelier Member of the Promotions Coordinating Committee membership category and for two (2) members from the general Hotelier membership category shall be for only two (2) years. Following this initial two (2) year term, the regular term of appointment for each of these members shall then be three (3) years.

- (1) No person shall be eligible for appointment for more than three consecutive terms, exclusive of prior appointment to fill an unexpired term of office.
- (2) Persons who have served three full consecutive terms may be reappointed following a one-term absence.
- (3) Appointees shall serve on only one Council Advisory Body/Commission at a time, with the exception of the appointees who are also members of the Promotions Coordinating Committee, who may continue to serve on both bodies.

d. Member Code of Ethics

Committee members shall adhere to the City Council's Code of Ethics (Appendix).

Section 4: Conflict of Interest

- a. Committee members shall refrain from using their position to unduly influence the deliberations or decisions of the City Council or other City commission, board or committee.

Section 5: Termination of Membership

Membership in the BID Committee shall terminate in the event that:

- a. The member shall not be, or shall no longer be, a member of that membership category from and for which he or she was elected or appointed; or
- b. The member shall have acted in violation of Section 9 of Article III of these Bylaws.
- c. The member shall have served three consecutive full terms.
- d. The Paso Robles Tourism and Lodging Promotions Business Improvement District has been terminated by the City Council.

Section 6: Removal of Members

A member may be removed by an affirmative vote of a majority of the City Council, if, after a hearing, it is found and determined that any one of the grounds for termination specified in Section 5 of this Article I exists.

Section 7: Resignation

Any BID Committee member may resign at any time by giving written notice to the Chairperson, who shall forward such notice to the BID Committee and the Agency. Any such resignation will take effect upon receipt or upon any date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

Section 8: Filling of Vacancies

In the event of a vacancy on the BID Committee, the City Council shall select an individual to fill such vacancy as soon as reasonably practicable. New members must meet the qualifications set forth in Section 3 of Article I.

Section 9: Remuneration

Members shall serve without pay except for reimbursement for travel expenses to meetings outside of the City.

ARTICLE II - OFFICERS

Section 1: Officers

The officers of the BID Committee shall consist of a Chairperson and a Vice Chairperson, who shall be elected in the manner set forth in this Article II.

Section 2: Chairperson

The Chairperson shall preside at all meetings of the BID Committee, and may submit such agenda, recommendations and information at such meetings as are reasonable and proper for the conduct of the business affairs and policies of the BID Committee. The Chairperson may sign documents necessary to carry out the business of the BID Committee.

Section 3: Vice-Chairperson

The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In the event of the death, resignation or removal of the Chairperson, the Vice Chairperson shall assume the Chairperson's duties until such time as the BID Committee shall elect a new Chairperson.

Section 4: Additional Duties

The officers of the BID Committee shall perform such other duties and functions as may from time to time be required by the BID Committee, these Bylaws, or other rules and regulations, or which duties and functions are incidental to the office held by such officers.

Section 5: Election

The Chairperson and Vice Chairperson shall initially be elected from among the members of the BID Committee at the BID Committee's first regular meeting. Thereafter, the Chairperson and Vice Chairperson shall be elected from among the members of the BID Committee annually. The regular term of appointment for both officers shall be one (1) year. Officers of the BID Committee shall hold office until their successors are elected and in office. Any such officer shall not be prohibited from succeeding him or herself.

Section 6: Removal of Officers

Upon an affirmative vote by a majority of the members of the BID Committee present at a regular or special meeting of the BID Committee at which a quorum is present, any officer may be removed from office, and a successor elected pursuant to Section 7 of this Article II.

Section 7: Vacancies

Should the offices of the Chairperson or Vice Chairperson become vacant, the BID Committee shall elect a successor from among the BID Committee members at the next regular or special meeting, and such office shall be held for the unexpired term of said office.

ARTICLE III - MEETINGS

Section 1: Regular Meetings

The BID Committee shall meet quarterly, at a location accessible to the public, in Paso Robles, California. A notice, agenda and other necessary documents shall be delivered to the members, personally or by mail, at least seventy-two (72) hours prior to the meeting.

Section 2: Special Meetings

Special meetings may be held upon call of the Chairperson, or an affirmative vote by a majority of the members of the BID Committee present at a regular or special meeting of the BID Committee at which a quorum is present, for the purpose of transacting any business designated in the call, after notification of all members of the BID Committee by written notice personally delivered or by mail at least twenty-four (24) hours before the time specified notice for a special meeting. At such special meeting, no business other than that designated in the call shall be considered.

Section 3: Adjourned Meetings

Any meeting of the BID Committee may be adjourned to another meeting date, time and place without the need for notice requirements of a special meeting, provided the adjournment indicates the date, time and place of the adjourned meeting. BID Committee members absent from the meeting at which the adjournment decision is made shall be notified by the Chairperson of the adjourned meeting.

Section 4: All Meetings to be Open and Public

All meetings of the BID Committee shall be open and public to the extent required by law. All persons shall be permitted to attend except as otherwise provided by law.

Section 5: Posting Agendas/Notices

The City Staff member assigned to the BID Committee, or his or her authorized representative, shall post an agenda for each regular BID Committee meeting or a notice for each special BID Committee meeting containing a brief description of each item of business to be transacted or discussed at the meeting together with the time and location of the meeting. Agendas/notices shall be posted at the Paso Robles City Library at least seventy-two hours in advance of each regular meeting and at least twenty-four (24) hours in advance of each special meeting. The Staff Member shall maintain a record of such posting.

Section 6: Right of Public to Appear and Speak

At every regular meeting, members of the public shall have an opportunity to address the BID Committee on matters within the BID Committee's subject matter jurisdiction. Public input and comment on matters on the agenda, as well as public input and comment on matters not otherwise on the agenda, shall be made during the time set aside for public comment; provided, however, that the BID Committee may direct that public input and comment on matters on the agenda be heard when the matter regularly comes up on the agenda. The Chairperson may limit the total amount of time allocated for public discussion on particular issues and/or the time allocated for each individual speaker.

Section 7: Non-Agenda Items

Matters brought before the BID Committee at a regular meeting which were not placed on the agenda of the meeting shall not be acted upon by the BID Committee at that meeting unless action on such matters is permissible pursuant to the Ralph M. Brown Act (Gov. Code §54950 et seq.). Those non-agenda items brought before the BID Committee that the BID Committee determines will require BID Committee consideration and action and where BID Committee action at that meeting is not so authorized shall be placed on the agenda for a future meeting once a City staff report concerning the matter is prepared.

Section 8: Quorum

The powers of the BID Committee shall be vested in the members thereof in office. Four (4) of the seven (7) members then in office shall constitute a quorum for the purpose of conducting the BID Committee's business, exercising its powers and for all other purposes, but less than that number may adjourn the meeting until a quorum is obtained. An affirmative vote by a majority of the members of the BID Committee present at a regular or special meeting of the BID Committee at which a quorum is present shall be required for approval of any questions brought before the BID Committee.

Section 9: Unexcused Absences

If a member shall be absent without the consent of the BID Committee from three (3) meetings, whether regular or special, within six (6) consecutive calendar months, such

absence shall result in the termination of the membership of the absenting member. A member's absence shall be excused if, prior to the meeting from which said member will be absent, said member notifies the Chairperson of his or her intent to be absent and the reasons therefore; provided, however, that a member shall be entitled to only two (2) excused absences within twelve (12) consecutive calendar months. At each meeting, after the roll has been called, the Chairperson shall report to the BID Committee the name of any member who has so notified him or her of his or her intent to be absent and the reason for such absence.

Section 10: Order of Business

All business and matters before the BID Committee shall be transacted in conformance with the City Council's established practice.

Section 11: Minutes (Action)

Minutes of the BID Committee shall be prepared in writing by the City staff member assigned to the BID Committee. Copies of the minutes of each BID Committee meeting shall be made available to each member of the BID Committee and the Agency. Approved minutes shall be filed in the official book of minutes of the BID Committee and forwarded to the City Council for information.

Section 12: Recommendations to City Council

Recommendations of the BID Committee to the City Council shall be prepared in writing by the City staff member assigned to the BID Committee. Recommendations may be presented to the City Council during a public meeting once the assigned staff prepares a staff report summarizing key facts, analysis, cost/benefit consideration, fiscal impact, and policy implications and options, and the report has been reviewed by the City Manager. The official minutes of the BID Committee documenting the BID Committee recommendation(s) shall be attached to the staff report.

ARTICLE IV - REPRESENTATION BEFORE PUBLIC BODIES

The Chairperson, the Vice-Chairperson in the Chairperson's absence, or a member of the BID Committee may make official representations on behalf of the BID Committee before the City Council only if so specifically designated by the BID Committee. The BID Committee may present information to other public bodies with the affirmative vote of a majority of the City Council. Nothing in this article shall limit the ability of members of the BID Committee to speak before the City Council or any other public body as an individual, provided the member states he or she is not representing or speaking on behalf of the BID Committee.

ARTICLE V - COMMITTEES

The BID Committee may establish any standing and/or special committees it deems necessary consistent with, and to fulfill, its stated purpose as established in Section 2 of these Bylaws.

ARTICLE VI - AMENDMENTS

These Bylaws may be amended upon an affirmative vote by a majority of the City Council.

ORDINANCE NO. XXX.N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
ESTABLISHING THE PASO ROBLES TOURISM AND LODGING PROMOTIONS
BUSINESS IMPROVEMENT DISTRICT PURSUANT TO THE PARKING AND BUSINESS
IMPROVEMENT AREA LAW OF 1989

WHEREAS, on October 7, 2008 the City Council for the City of El Paso de Robles ("City") adopted Resolution No. 08-146 a Resolution of Intention to Establish the Paso Robles Tourism and Lodging Promotions Business Improvement District ("District") pursuant to the Parking and Business Improvement Area Law of 1989; and

WHEREAS, in accordance with Resolution No. 08-146 the City Clerk of the City has caused a complete copy of the Resolution to be mailed, by first-class mail, to each hotel business within the proposed District;

WHEREAS, Resolution No. 08-146 set December 2, 2008, at 7:30 p.m., at the Paso Robles Library/City Hall Conference Center, 1000 Spring Street, El Paso de Robles, California, as the time and place for a hearing to be held by the City Council to consider the establishment of said District; and

WHEREAS, at the hearing, all protests, both written and oral, made or filed, were considered and duly overruled and denied and the City Council determined that there was no majority protest within the meaning of California Streets and Highways Section 36525; and

WHEREAS, in the opinion of the City Council, the hotel establishments within the District will benefit by the expenditure of the funds raised and the assessment levied hereby, in the manner prescribed herein; and

NOW THEREFORE, the City Council of the City of El Paso de Robles does ordain as follows:

Section 1. Chapter 3.22, Tourism and Lodging Promotions Business Improvement District, is hereby added to Title 3 of the El Paso de Robles Municipal Code to read as follows:

**Chapter 3.22 TOURISM AND LODGING PROMOTIONS BUSINESS
IMPROVEMENT DISTRICT.**

3.22.010 Intent and Purpose

This chapter shall be known as the "Paso Robles Tourism and Lodging Promotions Business Improvement District." This chapter recognizes the importance of the tourism industry to the economic well-being of both the region and the City, and in particular, the establishments that provide lodging for tourists, as well as employment for

City residents. The purpose of the formation of the District is to provide revenue to defray the costs of services, activities and programs promoting tourism which will specifically benefit the operators of tourist lodging establishments in the District. It is the intent of this chapter to provide a supplemental source of funding for the promotion of tourism in the District and it is not intended to supplant any other existing sources of revenue which may be used by the City for the promotion of tourism. Therefore, the city council finds and declares that the establishment of the District will help promote the public health, morals, safety and welfare of the City, as provided in this chapter.

3.22.020 Establishment of the District.

Pursuant to the Parking and Business Improvement Area Law of 1989 (California Streets and Highways Code Section 36500 et seq.), a business improvement district area designated as the "Paso Robles Tourism and Lodging Promotions Business Improvement District" ("District") is hereby created and established. The boundaries of the District are the boundaries of the City of El Paso de Robles.

3.22.030 Levy of Assessment.

An assessment shall be imposed and levied annually against all tourist lodging establishments within the District boundaries to pay for the improvements and activities of and within the District. As used in this Chapter, "tourist lodging establishments" shall mean hotels, as defined in Section 21.08.250 of the El Paso de Robles Municipal Code, but not bed and breakfast establishments, as defined in Section 21.15.220 of the El Paso de Robles Municipal Code, nor campgrounds or recreational vehicle parks.

The amount of the assessment shall be TWO PERCENT (2%) of the gross room rental revenue charged by all existing and new tourist lodging establishments per room per night for all transient occupancies. As used in this Chapter, "transient occupancy" shall mean the use or possession, or the right to the use or possession, of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes, for a period of thirty consecutive calendar days or less. Transient occupancies by federal government employees on government business will be exempt from the levy of assessment. Extended stays, defined as more than thirty (30) consecutive calendar days, shall be exempt from the levy of assessment. Assessments levied pursuant to this Chapter shall not be included in gross room rental revenue for the purpose of determining the amount of the transient occupancy tax. The levy shall begin on July 1, 2008.

3.22.040 Reporting and Remitting of Assessment.

Assessments shall be collected monthly, or in such other installments as determined by the City Council, based upon the total room rental revenues of the previous month and paid to the City's Department of Administrative Services. Each operator of a tourist lodging establishment shall on or before the last day of the month

report to the City's Department of Administrative Services the total gross room rental revenue charged in the previous month. At the same time, the operator shall remit to the City the assessment in the amount of TWO PERCENT (2%) of the gross room rental revenue charged per room per night for all transient occupancies not otherwise exempted under this article. Operators shall report the total gross room rental revenue charged and remit the assessment due in the same manner as the operator reports and remits the Transit Occupancy Tax, per Chapter 5.06 of the El Paso de Robles Municipal Code, to the extent possible.

All assessments shall be held by the City in a separate account established for the District.

3.22.050 Penalty for delinquent payment

For failure to pay a benefit assessment when due, the City shall add a penalty of twenty percent (20%) of the assessment amount in addition to the assessment. Any additional collection costs incurred by the City or collection agent acting on behalf of the City shall be added to the assessment amount due. Such additional costs may include, but are not limited to, attorney fees, court costs, agent fees, and servicing fees.

3.22.060 Advisory Board.

The City Council shall appoint an Advisory Board pursuant to Section 36530 of the California Streets and Highways Code in order to make recommendations to the City Council on the expenditure of revenues derived from the levy of assessments, on proposed improvements and activities and on the method and basis of levying assessments. The City Council may, by resolution, adopt bylaws governing the membership and operations of the Advisory Board.

3.22.070 Annual report and review of assessments.

The Advisory Board shall prepare an annual report in accordance with the requirements of Section 36533 of the Streets and Highways Code. Upon approval of the annual report, the City Council shall follow the procedures set forth in Section 56534 *et seq.* of the Streets and Highways Code for the conduct of a public hearing on the assessments for the fiscal year referred to in the report.

3.22.080 Use of assessments.

The Advisory Board shall prepare an annual Marketing Plan, specifying the expenses, services, activities, and programs to be funded by the assessment. Upon the City Council's approval of the Marketing Plan, no portion of the revenues from the assessments within the District shall be used for any purpose other than for the purposes of the expenses, services, activities, and programs specified in the Marketing Plan, as approved by the City Council, and in the Resolution of Intention to form the District, or

as modified by the City Council pursuant to compliance with Sections 36534 and 36535 of the California Streets and Highways Code. No portion of the revenues from the assessments within the District shall be used for activities outside of the District.

Section 2. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

Section 3. Effective Date. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Section 4. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions or prior ordinance, motions, resolutions, rules, and regulations are hereby repealed.

Section 5. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this Ordinance by section, subsection, sentence, clause or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared invalid or unconstitutional.

Introduced at a regular meeting of the City Council of the City of El Paso de Robles held on December 2 2008, and passed and adopted on the 16th day of December, 2008 by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane J. Picanco, Mayor

ATTEST:

Deborah Robinson, Deputy City Clerk