

ORDINANCE NO. 952.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 Picanco, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk

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