

RESOLUTION NO. 13-166

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES ESTABLISHING
A NOTICE OF INTENT TO HOLD A PUBLIC HEARING FOR
THE PURPOSE OF CONSIDERING THE 2014/15 ANNUAL
RENEWAL OF LEVY FOR THE PASO ROBLES TOURISM AND LODGING
PROMOTIONS BUSINESS IMPROVEMENT DISTRICT
PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989

WHEREAS, the Paso Robles Tourism and Lodging Promotions Business Improvement District (BID) was formed via Ordinance 952 N.S. by the City Council in December 2008, and the BID became effective January 16, 2009; and

WHEREAS, the BID is now commonly known as the Travel Paso Robles Alliance (TPRA); and

WHEREAS, at its November 26, 2013 meeting, the TPRA Advisory Committee recommended the release of the annual report for the 2013/14 fiscal year, proposed a scope/budget for the upcoming 2014/15 year, and recommended the continued levy of the BID assessment; and

WHEREAS, the annual report of the professional marketing services and financials associated with the 2013/14 marketing year is available for public inspection; and

WHEREAS, under the projected scope of service and budget for fiscal year 2014/15, the amount of the BID assessment is recommended to continue at the two percent (2%) amount and be collected in the same manner for another year; and

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; and

Section 2. The boundaries of the area to be included in the District are to remain unchanged and are the boundaries of the City of El Paso de Robles; and

Section 3. The types of activities proposed to be funded by the continued levy of assessments on businesses in the District are those activities that will promote tourism and the local tourist lodging establishments; and

Section 4. The City Council intends to levy an annual assessment on all tourist lodging establishments within the District, to pay for all improvements and activities of the District, except where funds may otherwise be available, continuing for the District's fiscal year February 1, 2014 – January 31, 2015. As used herein, the term "tourist lodging establishments" shall mean hotels, as defined in Section 21.08.250 of the Paso Robles Municipal Code, but not bed and breakfast establishments, as defined in Section 21.15.220 of the Paso Robles Municipal Code, nor campgrounds or recreational vehicle parks. The method and the basis for levying the assessment on such tourist lodging establishments within the District shall be as follows: An assessment will be levied annually against tourist lodging establishments to pay for the improvements and activities within the District and will be collected in monthly installments or such other installments as determined by the City Council. The proposed assessment is to be levied on all tourist lodging establishments within the District boundaries based upon two percent (2%) of the rent charged by the operator per occupied room per night for all transient occupancies. "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 the District shall not be included in gross room rental revenue for the purpose of determining the amount of the transient occupancy tax.

Section 5. New tourist lodging establishments shall not be exempt from assessment.

Section 6. A public hearing to renew the annual levy for the District is hereby set for January 7, 2014 at 7:30 p.m. before the City Council of the City of El Paso de Robles at the Paso Robles Library/City Hall Conference Center, 1000 Spring Street, El Paso de Robles, California.

Section 7. The City Clerk is instructed to provide notice to the public hearing as follows:

- a). Publish this Resolution of Intention in a newspaper of general circulation in the City of El Paso de Robles once, at least seven (7) days before the hearing.

Section 8. At the public hearing, the testimony of all interested persons, for or against the establishment of the District, the boundaries of the District, the area of benefit within the District, the assessments to be levied, or the furnishing of specified types of improvements or activities, will be heard. A protest may be made orally or in writing by any interested person. Any written protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which the objection is made. Written protests must be received by the City Clerk at or before the time set for the public hearing. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person subscribing the protest is interested sufficient to identify the business. If the person subscribing is not shown on the official records of the City 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 business.

Section 9. If at the conclusion of the public hearing, there are of record, written protests by the owners of the tourist lodging establishments within the District that would pay fifty percent (50%) or more of the total assessments of the entire District, no further proceedings to renew the annual levy for the District shall occur. New proceedings to form the District shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protests by the City Council. 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 District.

PASSED AND ADOPTED by the City council of the City of El Paso de Robles this 17th day of December 2013 by the following roll call vote:

AYES: Hamon, Strong, Martin, Steinbeck, Picanco

NOES:

ABSENT:

ABSTAIN:

ATTEST:


Caryn Jackson, Deputy City Clerk


Duane Picanco, Mayor