IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, April 17, 2012

PRESENT: Supervisors Frank Mecham, Bruce S. Gibson, Adam Hill, Paul A. Teixeira and Chairperson James R. Patterson

ABSENT: None

RESOLUTION NO. 2012-93

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN LUIS OBISPO DECLARING ITS INTENTION OF RENEWING THE SAN LUIS OBISPO COUNTY TOURISM BUSINESS IMPROVEMENT DISTRICT (CBID) ORDINANCE, DECLARING ITS INTENTION TO CONTINUE TO LEVY AN ASSESSMENT ON LODGING BUSINESSES WITHIN SUCH DISTRICT BEGINNING FISCAL YEAR 2012-13, AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING THEREON AND GIVING NOTICE THEREOF

WHEREAS, on May 12, 2009, the Board of Supervisors adopted Ordinance 3177 establishing the San Luis Obispo County Tourism Business Improvement District (CBID) and levied an assessment on lodging businesses within such district; and

WHEREAS, the Parking and Business Improvement Area Law of 1989, California Streets and Highways Code Section 36500 et seq., requires counties to annually renew business improvement areas for the purpose of promoting tourism; and

WHEREAS, the CBID Advisory Board supports the Board of Supervisors of the County of San Luis Obispo (the "Board of Supervisors") renewal of the an ordinance continuing the San Luis Obispo County Tourism Business Improvement District ("CBID") and the continued levying of an annual assessment on lodging businesses, which include hotels, motels, bed and breakfasts, and vacation homes within the proposed CBID.

NOW THEREFORE, the Board of Supervisors of the County of San Luis Obispo does hereby resolve, determine and find as follows:

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

Section 2. The Board of Supervisors declares its intention to renew the San

Luis Obispo Tourism Business Improvement District ("CBID") and to continue to levy and collect annual assessments against lodging businesses within the CBID boundaries pursuant to the Parking and Business Improvement Area Law of 1989, Streets and Highways Code Section 36500 et seq. (the "Law"), in the fiscal year 2012-13 following the approval of renewing the CBID.

Section 3. The boundaries of the CBID shall be all properties in the unincorporated boundaries of the County of San Luis Obispo located within the North Coast, Estero, San Luis Bay Coastal, and South County Coastal planning areas set forth in the Land Use Element - Circulation Element of the San Luis Obispo County General Plan and within the San Luis Bay Inland, South County Inland, Los Padres, Huasna-Lopez and San Luis Obispo planning areas as set forth in Title 22, Chapters 22.106, 22.112, 22.100, 22.96, and 22.108 respectively.

Section 4. The name of the business improvement area shall be the "San Luis Obispo County Tourism Business Improvement District."

Section 5. The Board of Supervisors hereby declares that the types of improvements and activities to be funded by the levy of assessments against lodging businesses within the CBID are tourism promotions and marketing programs to promote the unincorporated San Luis Obispo County, per Section 3 above, as a tourism destination and projects, programs, and activities that benefit lodging businesses located and operating within the boundaries of the district. The proposed improvements and activities shall be targeted at increasing transient stays.

Section 6. Except where funds are otherwise available, an assessment will be levied annually against lodging businesses to pay for the improvements and activities within the CBID beginning July 1, 2012. Assessments will be collected in monthly installments or such other installments as determined by the Board of Supervisors. The proposed assessment is to be levied on all lodging businesses, which include hotels, motels, bed and breakfasts, and vacation homes, within the CBID boundaries based upon two (2%) percent of the rent charged by the operator per occupied room per night for all transient occupancies. Federal government employees on government business will be exempt from the levy of assessment. Extended stays, defined as more than 30 consecutive calendar days, shall be exempt from the levy of assessment. New lodging businesses within the boundaries of the CBID shall not be exempt from the levy of assessment. Assessments levied pursuant to the CBID shall not be included in gross room rental revenue for the purpose of determining the amount of the transient occupancy tax.

Section 7. The Board of Supervisors hereby sets May 22, 2012 as the date for a public meeting on the renewal of the CBID and the levy of assessments. The public meeting will be held at 9:00 a.m., or as soon thereafter as practicable, in the County of San Luis Obispo Board Chambers, 1055 Monterey Street, San Luis Obispo, California.

Section 8. At the public meeting and public hearing the testimony of all interested persons for or against the renewal of the CBID, the extent of the CBID, 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. To count in the determination of a majority protest against the CBID, a protest must be in writing.

Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made.

Written protests must be received by the Clerk of the Board, County of San Luis Obispo before the close of the public hearing scheduled herein and may be delivered or mailed to the Clerk of the Board, County of San Luis Obispo, 1055 Monterey Street, Suite D120, San Luis Obispo, California. 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 signing the protest is interested sufficient to identify the business. If the person signing the protest is not shown on the official records of the County 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 business.

A written protest which does not comply with this section shall not be counted in determining a majority protest.

Section 9. If, at the conclusion of the public hearing, written protests are received from the owners of businesses in the CBID which will pay fifty percent (50%) or more of the assessments levied and protests are not withdrawn so as to reduce the protest to less than fifty (50%) percent (i.e., there is a majority protest), no further proceedings to renewal the CBID, as contained in this resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the Board of Supervisors. If the majority protest is only against the furnishing of a specified type or types of improvement or activity within the CBID, those types of improvements or activities shall be eliminated.

Section 10. Further information regarding the renewal CBID may be obtained from the Clerk of the Board, County of San Luis Obispo, 1055 Monterey Street, Suite D120, San Luis Obispo, California.

Section 11. The Clerk of the Board is instructed to provide notice of the public meeting and public hearing in accordance with Streets and Highway Code Section 36523.

Section 12. This resolution shall take effect immediately upon its adoption by

the Board of Supervisors, and the Clerk of the Board shall certify to the vote adopting this resolution.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Luis Obispo, State of California, held on this 17th day of April, 2012 by the following vote:

Upon motion of Supervisor Gibson, seconded by Supervisor Hill, and on the following roll call, to wit:

AYES: Supervisors Gibson, Hill, Mecham, Teixeira and Chairperson Patterson

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

COUNTY OF SAN LUIS OBISPO

By: /s/James R. Patterson
Chairperson, Board of Supervisors

ATTEST

By: Julie L. Rodewald
Clerk of the Board of Supervisors
By: */s/Sandy Currens*
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL EFFECT
WARREN R. JENSEN
County Counsel

By: */s/Rita A. Neal*
Assistant County Counsel

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, **JULIE L. RODEWALD,** County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors this 20th day of April, 2012.

JULIE L. RODEWALD,
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: sandy currens, Deputy Clerk