

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
ARROYO GRANDE LEVYING AN ANNUAL ASSESSMENT  
FOR THE ARROYO GRANDE TOURISM BUSINESS  
IMPROVEMENT DISTRICT FOR THE 2022-23 FISCAL  
YEAR**

**WHEREAS**, the Parking and Business Improvement Area 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 the promotion of tourism; and

**WHEREAS**, the Arroyo Grande Tourism Business Improvement District (“AGTBID” or “District”) was established in May 2013 and incorporated into the Arroyo Grande Municipal Code in Chapter 3.46; and

**WHEREAS**, in accordance with the requirements of Streets and Highways Code Section 36530 and Arroyo Grande Municipal Code Section 3.46.100, the City Council appointed an Advisory Board to provide oversight, guidance, and recommendations regarding the use of the assessment funds; and

**WHEREAS**, the Arroyo Grande Municipal Code and the Parking and Business Improvement Area Law of 1989 requires the Advisory Board to prepare and submit an annual report stating proposed changes, improvements, and activities for the fiscal year; and

**WHEREAS**, the Advisory Board annual report was considered and approved by the Arroyo Grande City Council at its April 26, 2022 meeting; and

**WHEREAS**, in accordance with the procedures contained in Streets and Highways Code Section 36534, on April 26, 2022, the City Council adopted a Resolution of Intention to levy an annual assessment for the Arroyo Grande Tourism Business Improvement District for the 2022-23 fiscal year and set a public hearing for May 24, 2022, to consider the annual assessment, hear any oral testimony regarding the assessment and receive any written protests; and

**WHEREAS**. The City Council held a duly noticed public hearing on May 24, 2022, to allow for protests, as required by Streets and Highways Code Section 36524, and, sufficient written protests were not received from lodging businesses in the District which pay fifty percent of more of the assessment.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Arroyo Grande, as follows:

1. The foregoing recitals are true and correct and are incorporated herein.

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2. The City Council hereby continues the established Arroyo Grande Tourism Business Improvement District in accordance with Arroyo Grande Municipal Code Chapter 3.46 and California Streets and Highways Code Sections 36500 *et seq.* (Parking and Business Improvement Area Law of 1989) and levies assessments for fiscal year 2022-23 as further described herein.
3. The report of the Arroyo Grande Tourism Business Improvement District Advisory Board is hereby confirmed.
4. The location and boundaries of the Arroyo Grande Tourism Business Improvement District are the boundaries of the City of Arroyo Grande.
5. The assessment levied by the Arroyo Grande Tourism Business Improvement District shall be used for activities and programs promoting lodging businesses in the District through the promotion of scenic, recreational, cultural, and other attractions in the District as a tourist destination, and as further set forth in Arroyo Grande Municipal Code Section 3.46.030.
6. The assessment will be levied and allocated by the City of Arroyo Grande.
7. The assessment is to be levied on all "lodging," as that term is defined in Arroyo Grande Municipal Code Section 3.46.020.
8. The assessment for fiscal year 2022-23 shall be levied on all lodging businesses within the ATBID boundaries and shall be based upon two percent of the rent charged by the operator per occupied room per night for all transient occupancies. The assessment shall be collected quarterly, based on two percent of the rent charged by the operator per occupied room per night in revenues for the previous quarter.
9. New lodging businesses shall not be exempt from immediate assessment.

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, and on the following roll call vote,  
to wit:

**AYES:**

**NOES:**

**ABSENT:**

the foregoing Resolution was passed and adopted this 24<sup>th</sup> day of May, 2022.

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**CAREN RAY RUSSOM, MAYOR**

**ATTEST:**

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**JESSICA MATSON, CITY CLERK**

**APPROVED AS TO CONTENT:**

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**WHITNEY McDONALD, CITY MANAGER**

**APPROVED AS TO FORM:**

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**TIMOTHY J. CARMEL, CITY ATTORNEY**