

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ARROYO GRANDE AMENDING THE ARROYO GRANDE
TOURISM BUSINESS IMPROVEMENT DISTRICT ADVISORY
BOARD BYLAWS**

WHEREAS, in accordance with the provisions of Streets and Highways Code Section 36530 and Arroyo Grande Municipal Code Section 3.36.100, the City Council of the City of Arroyo has previously adopted Resolution No. 4516 to establish a Tourism Business Improvement District Advisory Board ("AGTBID") Advisory Board, which makes recommendations to the City Council on the expenditure of revenues derived from the levy of assessments and on the method and basis of levying the assessments related to the AGTBID; and

WHEREAS, Resolution No. 4516 established the AGTBID, and as adopted by Resolution No. 4535, provides that the AGTBID Advisory Board consists of a minimum of three (3) but not more than seven (7) members, 2/3rds of which shall be owners of lodging businesses and/or appointed representatives of the owners of lodging businesses from within the AGTBID; and

WHEREAS, Resolution No. 4835 amended Resolution No. 4516 and the AGTBID Advisory Board Bylaws providing that the AGTBID Advisory Board can consist of up to nine (9) members, and allowing others with knowledge of tourism and/or the lodging industry to serve on the AGTBID Advisory Board; and

WHEREAS, Resolution No. 4835 amended the AGTBID Advisory Board Bylaws to replace the quarterly regular meeting schedule with monthly regular meetings; and

WHEREAS, the City Council now desires to amend Resolution No. 4835 and also the AGTBID Advisory Board Bylaws to replace the monthly regular meetings with at least quarterly meetings established according to a schedule approved by the Advisory Board; and

WHEREAS, the City Council now desires to amend Resolution No. 4516, 4535 and 4835 so that the AGTBID Advisory Board consists of five (5) members who are appointed by each City Council member and approved by a majority of Council members, with a preference that three of the five Board members be owners of lodging businesses in the AGTBID or persons with knowledge of the tourism or lodging industry, and whose term would coincide with the appointing Council member;

WHEREAS, the City Council desires to make further changes to certain administrative provisions of the Advisory Board Bylaws as depicted in Exhibit A.

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

1. The recitals set forth herein are true, correct and incorporated herein by this reference.
2. The Bylaws for the AGTBID Advisory Board are hereby amended in their entirety as set forth in Exhibit A which is attached hereto and incorporated herein by this reference.
3. This Resolution shall be deemed effective upon its adoption.
4. Approving changes to the Bylaws of the AGTBID is not subject to the California Environmental Quality Act ("CEQA") because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. Moreover, the action merely constitutes an administrative activity of the City and is additionally exempt from CEQA on that basis. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.).

On motion by Council Member _____, seconded by Council Member _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

The foregoing Resolution was passed and adopted this 25th day of July, 2023.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

WHITNEY McDONALD, CITY MANAGER

APPROVED AS TO FORM:

ISAAC ROSEN, CITY ATTORNEY

EXHIBIT A

**ARROYO GRANDE TOURISM BUSINESS IMPROVEMENT DISTRICT
ADVISORY BOARD BY-LAWS**

Section 1: Purpose

The Arroyo Grande Tourism Business Improvement District (AGTBID) Advisory Board (Board) advises the City Council in the administration and use of the assessment funds. The Board recommends projects to the City of Arroyo Grande to promote tourism to directly benefit the City's lodging industry.

Section 2: Membership

Board members shall be appointed by the City Council. The total membership of the Board shall consist of five (5) members, with a preference that at least three (3) members shall be owners of lodging businesses within the AGTBID, or others with knowledge of tourism and/or the lodging industry. The Mayor and each Council Member shall appoint one representative to the AGTBID Board, subject to approval by a majority of the Council.

Membership on the Board shall be exempt from City residency requirements otherwise applicable to other City advisory bodies. 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.

Those seeking appointment to the Board must submit an application to the City Clerk's Office. Those Board members whose terms have expired must submit a new application (terms are not automatically renewed), and the City Clerk will notify said Board members with a letter and new application form. Applications shall remain valid and on file for one year.

All appointees to the Board are also subject to the City's Ethics Policy and training requirements.

Section 3: Term

Members of the Board shall serve for a term ending the January 31st following the expiration of the term of their appointing Mayor or Council Member, as applicable, unless re-appointed.

Section 4: Remuneration

The Board shall serve without compensation.

Section 5: Termination of Membership

Any member of the Board serving as an owner of a lodging business within the AGTBID shall be terminated in the event the member is no longer an owner of a lodging business or someone with knowledge of tourism and/or the lodging industry.

Section 6: Removal of Members

Members of the Board may be removed prior to expiration of their term by a majority vote of the Council.

Section 7: Resignation

Any Board Member may resign at any time by giving written notice to the Chairperson, who shall forward such notice to the Board. Any such resignation will take effect upon receipt by the Chairperson 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 Board, the City Council shall appoint an individual to fill such vacancy as soon as reasonably practicable. New members must meet the membership qualifications.

Section 9: Functions and Duties

The functions and duties of the Board shall include, but not be limited to, the following:

- a. To study, investigate and determine the need for the Arroyo Grande Tourism Business Improvement District on an annual basis.
- b. To advise the City Council regarding the expenditure of assessment funds on an annual and ongoing basis.
- c. To prepare and file the annual report as described in Streets and Highways Code Section 36533. Such report shall be submitted to the City Council no later than April 30 of each year.
- d. To study, investigate and make proposals regarding the need for any changes to the Arroyo Grande Tourism Business Improvement District on an annual basis be included in the annual report.
- e. To perform any other functions as directed by the City Council from time to time.

Section 10: Officers

- a. At the first regular meeting of the Board wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice Chairperson who shall hold office for a period of one year.
- b. The Chairperson shall preside over all meetings of the Board, and otherwise perform such duties as directed by the Board or Council. The Chairperson may sign documents necessary to carry out the business of the Board.
- c. The Vice Chairperson shall serve in the absence or incapacity of the Chairperson.

Section 11: Meetings.

- a. Regular Board meetings shall be held at least quarterly according to a schedule established by the Board at the beginning of the calendar

- year at a location accessible to the public, in Arroyo Grande, California.
- b. Special meetings may be called at any time by the Chairperson or by a majority of the Board.
 - c. A notice, agenda and other necessary documents shall be posted on the City's website and delivered by mail or email to Board members, at least seventy-two (72) hours prior for a regular meeting and 24 hours prior for a special meeting.
 - d. The meetings shall be open to the public.
 - e. A quorum shall consist of a majority of the Board Members then serving on the TBID Board.
 - f. All actions of the TBID Board shall be by a majority vote or consensus and shall be directed through the Chairperson.
 - g. Minutes of each meeting shall be taken, shall be available as a public record and forwarded to the Council if needed.

Section 12: Staff Representation

- a. The City of Arroyo Grande City Manager, or the designee of the City Manager, shall be responsible for preparing agendas and reports pertaining to Committee business and shall attend the Board meeting.
- b. A designee of the City of Arroyo Grande City Manager will prepare and maintain accurate minutes of the official activities of the Board.

Section 13: Amendments

All amendments to the Bylaws shall be approved by the City Council.