

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SANTA BARBARA DECLARING RESULTS OF MAJORITY  
PROTEST PROCEEDINGS AND RENEWING THE SANTA  
BARBARA SOUTH COAST TOURISM BUSINESS  
IMPROVEMENT DISTRICT

WHEREAS, the Property and Business Improvement District Law of 1994 (Streets and Highways Code §§ 36600 et seq.) authorizes the City to renew business improvement districts upon petition by a weighted majority of the lodging business owners located within the boundaries of the district;

WHEREAS, lodging business owners who will pay more than fifty percent (50%) of the proposed assessment, as weighted according to the amount of the assessment to be paid by the petitioner, within the boundaries of the Santa Barbara South Coast Tourism Business Improvement District ("SBSCTBID") have petitioned the City Council to renew the SBSCTBID;

WHEREAS, included with the petitions was a Management District Plan summary that describes the proposed assessment to be levied on lodging businesses within the SBSCTBID to pay for sales promotion and marketing activities, and other improvements and activities set forth in the Management District Plan;

WHEREAS, the assessed lodging businesses within the SBSCTBID will be specifically benefited by the activities and improvements set forth in the Management District Plan;

WHEREAS, the City requested consent from the County of Santa Barbara and the cities of Carpinteria and Goleta to include lodging businesses in their jurisdictions in the SBSCTBID;

WHEREAS, the City received consent from the County of Santa Barbara and the City of Goleta to include lodging businesses in their jurisdictions in the SBSCTBID; and

WHEREAS, the City of Carpinteria did not grant consent for lodging businesses in its jurisdiction to be included in the SBSCTBID;

WHEREAS, on September 9, 2014, at 2:00 p.m. at 735 Anacapa Street, Santa Barbara, California, the City Council adopted a Resolution of Intention, Resolution No. 14-063;

WHEREAS, the public meeting and public hearing to consider the renewal of the SBSCTBID have been properly noticed in accordance with Streets and Highways Code section 36623;

WHEREAS, on September 30, 2014 at 2:00 p.m. at 735 Anacapa Street, Santa Barbara, California, the City Council held a public meeting regarding the renewal of the

SBSCTBID, and the City Council heard and received objections and protests, if any, to the renewal of the SBSCTBID and the levy of the proposed assessment;

WHEREAS, on October 28, 2014 at 2:00 p.m. at 735 Anacapa Street, Santa Barbara, California, the City Council held a public hearing regarding the renewal of the SBSCTBID, and the City Council heard and received all objections and protests, if any, to the renewal of the SBSCTBID and the levy of the proposed assessment; and

WHEREAS, the City Clerk has determined that there was no majority protest. A majority protest is defined as written protests received from owners of businesses in the proposed district which would pay fifty percent (50%) or more of the assessments proposed to be levied. Protests are weighted based on the assessment proposed to be levied on each lodging business.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

1. The recitals set forth herein are adopted by the City Council as findings and they are true and correct.

2. The Santa Barbara South Coast Tourism Business Improvement District is hereby renewed for a six (6) year term, beginning January 1, 2015 through December 31, 2020.

3. Pursuant to Streets and Highways Code sections 36620.5 and 36624, the renewed district will not include lodging businesses within the City of Carpinteria. The Management District Plan dated October 14, 2014, reflecting the reduced boundaries, is on file with the City Clerk and is hereby adopted.

4. The activities to be provided to benefit businesses in the district will be funded by the levy of the assessment. The revenue from the assessment levy shall not be used to provide activities that directly benefit businesses outside the district; to provide activities or improvements outside the SBSCTBID; or for any purpose other than the purposes specified in this Resolution, the Resolution of Intention, and the Management District Plan.

5. The City Council finds as follows, based upon the Management District Plan and such other information as has been presented:

a) The activities funded by the assessment will provide a specific benefit to assessed businesses within the SBSCTBID that is not provided to those not paying the assessment.

b) The assessment is a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.

c) The assessment is a charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.

d) Assessments imposed pursuant to the SBSCTBID are levied solely upon the assessed business, and the business owner is solely responsible for payment of the assessment when due. If the owner chooses to collect any portion of the assessment from a transient occupant, that portion shall be specifically called out and identified for the transient occupant in any and all communications from the business owner as the "SBSCTBID Assessment."

6. The assessments levied for the SBSCTBID shall be applied towards sales, promotions and marketing programs to market Santa Barbara South Coast lodging businesses as tourist, meeting and event destinations, and other improvements and activities as set forth in the Management District Plan.

7. Assessments levied on lodging businesses pursuant to this Resolution shall be levied on the basis of benefit. Because the services provided are intended to increase room rentals, an assessment based on room rentals is the best measure of benefit.

8. The assessments for the entire District will total approximately \$2,945,840 in year one.

9. Bonds shall not be issued to fund the SBSCTBID.

10. The SBSCTBID shall include all lodging business located within the boundaries of the cities of Santa Barbara and Goleta, and portions of unincorporated southern Santa Barbara County. A boundary map is attached hereto and incorporated herein by reference.

11. The assessments shall be used for the purposes set forth above and any funds remaining at the end of any year may be used in subsequent years in which the SBSCTBID assessment is levied as long as they are used consistent with the requirements set forth herein.

12. The assessments to fund the activities and improvements for the SBSCTBID will be collected on a monthly basis by the jurisdictions and in accordance with Streets and Highways Code section 36631.

13. Santa Barbara Conference and Visitors Bureau (DBA "Visit Santa Barbara") shall be the Owners' Association pursuant to Streets and Highways Code section 36614.5 and shall enter into an appropriate agreement with the City of Santa Barbara for administrative services.

14. Visit Santa Barbara, pursuant to Streets and Highways Code section 36650, shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvement and activities described in the report. The first report shall be due after the first year of operation of the district.

15. The SBSCTBID renewed pursuant to this resolution will be subject to any amendments to the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §§ 36600 et seq.).

16. The City Clerk, or his or her designee, is directed to take all necessary actions to complete the establishment of the SBSCTBID and to levy the assessments.

17. This Resolution shall take effect immediately upon its adoption by the City Council.

# Boundary Map

