

RESOLUTION NO. 6474-2022

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL CONSENTING TO AMENDMENT OF THE SONOMA COUNTY ORDINANCE CREATING THE SONOMA COUNTY TOURISM BUSINESS IMPROVEMENT AREA (“SCTBIA”) AND AUTHORIZING COLLECTION AND REMITTANCE OF ASSESSMENTS

WHEREAS, in 2004 the Sonoma County Board of Supervisors adopted Ordinance number 5525 (enrolled as sections 33-1 to 33-17 of the Sonoma County Municipal Code), forming the SCTBIA in accordance with the Parking and Business Improvement Area Law of 1989 (Streets and Highways Code Sections 36500, et seq. [the “Law”]); and

WHEREAS, prior to adoption of the Ordinance, the City of Sebastopol consented to inclusion of the territory within the City of Sebastopol limits in the SCTBIA. The City of Sebastopol currently has an administrative agreement with the County pursuant to which SCTBIA assessments are collected from lodging facilities and remitted to the County, with reimbursement of City of Sebastopol expenses from assessment proceeds as authorized by the Law; and

WHEREAS, the County is considering adoption of an amendment to the 2004 Ordinance removing the \$350,000 threshold for application of the assessment to a lodging property. A copy of the proposed amendment is attached as Exhibit A. The proposed amendment is referred to as the Responsible Tourism Assessment, and is intended to provide funding for increased destination stewardship efforts to promote sustainable tourism; and

WHEREAS, the Law requires consent of this City Council before the effectiveness of the Responsible Tourism Assessment may be extended to include the territorial limits of this City; and

WHEREAS, this City already collects Transient Occupancy Taxes (“TOT”) from the same lodging establishments within its territorial jurisdiction that will be subject to the amended assessment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sebastopol consents to the amendment of the Ordinance forming the SCTBIA removing the \$350,000.00 threshold for application of the assessment to a lodging property and directs collection and remittance of the assessments authorized by the amended SCTBIA to the County of Sonoma in accordance with the provisions of the attached amendment and the terms and conditions of the administrative agreement.

The above and foregoing Resolution was duly passed, approved and adopted at a meeting by the City Council on the 6th day of September, 2022.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by City of Sebastopol City Council following a roll call vote:

VOTE:

Ayes: Councilmembers Gurney, Rich, and Vice Mayor Hinton

Noes: Mayor Slayter

Absent: None

Abstain: Councilmember Glass

APPROVED:



Mayor Patrick Slayter

ATTEST: 

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: 
Larry McLaughlin, City Attorney

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA AMENDING CHAPTER 33, SECTION 33-5(a) OF THE SONOMA COUNTY CODE, REGARDING SONOMA COUNTY TOURISM BUSINESS IMPROVEMENT AREA ASSESSMENTS

THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION I:

- (a) On November 2, 2004, the Board of Supervisors adopted Ordinance No. 5525 (the "Ordinance"), pertaining to the creation of the Sonoma County Tourism Business Improvement Area, in accordance with the terms of the Parking and Business Improvement Area Law of 1989 (Streets & Highways Code Section 36500, et seq., the "Act").
- (b) Section 33-5(a) of the Ordinance imposed an assessment on lodging establishments equal to 2% of the rent charged. The assessment only applies to lodging establishments that generate over \$350,000 in the preceding fiscal year (July 1 to June 30). Assessment proceeds may only be used to pay for marketing activities that increase overnight visits to Sonoma County. In the 15 years since the assessment began, tourism in Sonoma County has dramatically increased, with TOT funds rising more than 63% surpassing \$48 million annually, economic impact reaching \$2.3 billion, and employment in the tourism and hospitality sectors topping 22,200.
- (c) During the last few years, natural disasters have taken a heavy toll on the tourism industry in Sonoma County. The Tubbs Fire in 2017, Russian River floods and the Kincaid Fire in 2019, and the Corona virus in 2020, have changed travel plans for millions of potential visitors and consequently stressed local hospitality businesses. Moreover, evolving trends in tourism have also stressed resources within Sonoma County, highlighting the importance of attracting responsible visitors that will engage in sustainable tourism, respecting both the natural resources and local residents of Sonoma County. The increased assessment proposed by this amendment will allow the Sonoma County Tourism Bureau to perform its evolving destination stewardship role and is hence referred to as the Responsible Tourism Assessment ("RTA").
- (d) In recognition of the need to increase marketing efforts, the same hoteliers who spearheaded adoption of the original assessment have joined again to propose an amendment to the Ordinance designed to increase available funding. Specifically, this proposed amendment to the Ordinance will remove the \$350,000.00 threshold for collection of the assessment.
- (e) Pursuant to the Act, on October 4, 2022, this Board adopted Resolution No. _____, declaring its intention to amend the Ordinance by removing the \$350,000.00 threshold for collection of the assessment.
- (b) Resolution No. _____ was duly published, and copies thereof were mailed, as provided by the Act.
- (c) As specified in Resolution No. _____, a public meeting concerning the proposed amendment was held on [EITHER OCTOBER 18 or 25], 2022, before this Board in the Board's chambers at 575 Administration Drive, Santa Rosa.
- (d) As further specified in Resolution No. _____, a public hearing concerning the proposed amendment was held on December 13, 2022 before this Board in the Board's chambers at 575 Administration Drive, Santa Rosa. At the hearing, all protests, both written and oral, made or filed, were considered and duly

overruled and denied, and this Board determined that there was no majority protest to the proposed amendment within the meaning of Section 36523 of the Act.

(e) Pursuant to Section 36521.5 of the Act, the County of Sonoma may not collect assessments under a business improvement area formed within the territorial jurisdiction of a city without the consent of the city council of that city. The Board has received resolutions providing consent to the proposed amendment from each of the following cities: [list].

SECTION II:

Section 33-5(a) of Chapter 33 of the Sonoma Code, as adopted in Section II of Ordinance No. 5525, is hereby amended to read in its entirety as follows:

(a) Each operator of a lodging establishment generating rent during the preceding fiscal year (July 1 to June 30) shall pay as an assessment a sum equal to two percent (2%) of the rent charged by the operator.

SECTION III:

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION IV:

This Ordinance shall be, and the same is hereby declared to be in full force and effect from and after 30 days after its passage and shall be published once before the expiration of 15 days after said passage, with the names of the Supervisors voting for or against the same in a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County Sonoma passed and adopted this 13th day of December, 2022, on regular roll call of the members of the Board by the following vote:

SUPERVISORS:

Gorin _____	Rabbitt _____	Coursey _____
Gore _____	Hopkins _____	
Ayes _____	Noes _____	Abstain _____
		Absent _____

SO ORDERED

By: _____
Chair, Board of Supervisors
County of Sonoma
State of California