

**BY LAWS OF THE  
SAN LUIS OBISPO COUNTY TOURISM BUSINESS IMPROVEMENT DISTRICT  
LOCAL AREA (FUND) ADVISORY BOARD**

**Local Fund Advisory Board Area: Avila Beach  
(aka Avila Beach Tourism Alliance or ABTA)  
Created as of: July 13, 2011**

**ARTICLE I – GENERAL INFORMATION**

**Section 1: Goal of the San Luis Obispo County Tourism Business Improvement District (CBID)**

The primary goal of the San Luis Obispo County Tourism Business Improvement District (CBID) is to increase occupancy and room nights across all lodging types (motel, hotels, bed and breakfast, vacation rentals) that pay the business improvement assessment (BID) along with transient occupancy tax (TOT) within the SLOCTBID region while placing particular emphasis on programs that positively impact the slower lodging periods (shoulder seasons) and/or expand the impact of the higher occupancy times.

**Section 2: Boundaries of the CBID**

The boundaries of the CBID are 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 3: Purpose of Local Area**

The ordinance establishing the San Luis Obispo County Tourism Business Improvement District (CBID) was originally approved by the Board in May 2009 and subsequently renewed in May of 2010. The ordinance (Section 3.09.050) provides for an assessment on all lodging businesses (hotels, motels, bed and breakfasts, vacation rentals), existing and future, within the boundaries of the CBID based upon 2% of the paid rent charged by the operator per occupied room per night for all transient occupancies. Fifty percent (50%) of the assessment is to be used for marketing and promoting the entire CBID area; the other 50% is to be used to promote tourism in the Local Area from where the funds are collected (Section 3.09.080).

#### **Section 4: Boundaries of the Local Area**

The Local Areas of the CBID have been designated by the CBID Advisory Board as:

- Avila Beach
- Arroyo Grande unincorporated/San Luis Obispo Unincorporated
- Cambria
- Cayucos
- Los Osos/Morro Bay Unincorporated
- Nipomo/Oceano
- San Simeon

#### **ARTICLE II – THE LOCAL AREA (FUND) ADVISORY BOARD (aka: Local Fund Advisory Board)**

##### **Section 1: Board Members**

Lodging business within the Local Areas of the CBID shall form a “Local Fund Advisory Board”.

- a) The Local Fund Advisory Board shall be made up of a minimum of three (3) but not more than seven (7) members, 2/3 of which shall be lodging owners and/or appointed representatives of lodging owners from within the Local Area as designated above. Each individual region of the Local Area must be represented on the Local Fund Advisory Board. It is at the discretion of the Local Fund Advisory Board to appoint “non-lodging” members.
- b) Local Fund Advisory Board members shall be appointed by the Board of Supervisors based upon recommendation of the CBID Advisory Board as required establishing the CBID;
- c) The initial members of the Local Fund Advisory Board shall serve staggered terms, with half of the initial Advisory Board members serving a two-year term, and the remaining members serving a four-year term. The length of the term for each individual member of the initial Local Fund Advisory Board shall be chosen by lot at the first meeting of the Local Fund Advisory Board. Thereafter, all members subsequently appointed to the Local Fund Advisory Board shall serve for four-year terms.
- d) Members of the Local Fund Advisory Board shall serve at the pleasure of the Board of Supervisors and may be removed by the Board of Supervisors at any time;
- e) If the members no longer represent the lodging establishment for which they were selected to the Local Fund Advisory Board or are found not to be in compliance with the County’s transient occupancy tax ordinance or the ordinance establishing the CBID, their seat will be vacated and a new

member will be appointed representing the same jurisdiction in the Local Area.

## **Section 2: Functions and Duties**

The functions and duties of the Local Fund Advisory Board is to promote projects/programs and/or events that effectively promote tourism in a way that optimizes the scenic qualities, geography, history, recreation, attractions and ambiance of the Local Area.

## **Section 3: Termination of Membership**

Membership on the Local Fund Advisory Board shall be terminated in the event that:

- a. The member is not, or shall no longer be, an owner, or designee employed by, of a hotel, motel, bed and breakfast or vacation home rental within the Local Area;
- b. A member is found to be in non-compliance with the County's transient occupancy tax ordinance and/or the ordinance establishing the CBID.
- c. Absences:
  - Unexcused: if a member is absent without the consent of the Local Fund Advisory board from two (2) meetings, whether regular or special, within twelve (12) consecutive calendar months, such absence shall result in the termination of the membership of the absence member.
  - An absence shall be excused if, prior to the meeting from which said member will be absent, said member notifies the Chair/Co-Chair of his/her intent to be absent and the reasons therefore, provided, however, that a member shall be entitled to 25% of all Board meetings can be excused absences within twelve (12) consecutive calendar months.
  - At each meeting, after the roll has been called, the Chair/Co-Chair shall report to the Local Fund Advisory Board the name of any member who has so notified him/her of his/her intent to be absent and the reason for such absence.
- d. The Local Fund Advisory Board, by an affirmative vote of the majority, may recommend removal of a member;
- e. Resignation:
  - Any Local Fund Advisory Board member may resign at any time by giving written notice to the Chair, who shall forward such notice to the CBID Advisory Board and County. Any such resignation will take effect upon receipt by the Chair/Co-Chair or upon any date specified therein.

The acceptance of such resignation shall not be necessary to make it effect.

- Vacancies will be filled according to Section 4 of these By Laws.

#### **Section 4: Member Re-appointments and/or Filling of Vacancies**

All re-appointments of members and/or appointments in the event of a vacancy on the Local Fund Advisory Board shall follow the Maddy Act provisions, the CBID ordinance and any other process established by the Board of Supervisors.

#### **Section 5: Remuneration**

Local Fund Advisory Board members shall serve without pay except for reimbursement for expenses associated with travel outside of San Luis Obispo County on Local Area Advisory Board business, subject to the prior approval of the Local Area Advisory Board.

### **ARTICLE III – OFFICERS**

#### **Section 1: Officers**

- a. The officers of the Local Fund Advisory Board shall be a Chair, Vice-Chair, and Secretary;
- b. No Local Fund Advisory Board member shall serve more than two (2) consecutive four (4) year terms as Chair, Co-Chair/Vice-Chair or Secretary;
- c. Any Local Fund Advisory Board member who is appointed to fill a vacant seat as Chair, Co-Chair/Vice-Chair or Secretary mid-term shall not be precluded from thereafter serving as Chair, Co-Chair/Vice-Chair or Secretary for two (2) consecutive one-year terms, so long as the initial, partial term is less than six (6) months;
- d. Upon the majority vote of the Local Fund Advisory Board present at a regular or special meeting, any officer may be removed from office, and a successor elected.

#### **Section 2: Election**

- a. The Chair, Co-Chair/Vice-Chair and Secretary shall be elected from among the members of the Local Fund Advisory Board annually;
- b. The regular term of appointment for the officers shall be two (2) years;
- c. Officers of the Local Area shall hold office until their successors are elected and in office. Any such officer shall not be prohibited from succeeding him/herself.

- d. Vacancies: should any of the offices of Chair, Co-Chair/Vice-Chair or Secretary become vacant, the Local Area shall elect a successor from among the members of the Local Fund Advisory Board at the next regular or special meeting, and the office shall be held for the unexpired term of said office.

### **Section 3: Chair**

- a. The Chair or Co-Chairs shall preside at all meetings of the Local Fund Advisory Board meetings;
- b. The Chair or Co-Chairs, in consultation with the Vice-Chair and Secretary, will prepare and post all meeting agendas, recommendations and information at such meetings as reasonable and proper for the conduct of business affairs and policies of the Local Fund Advisory Board;
- c. The Chair or Co-Chairs may sign documents necessary to carry out the business of the Local Fund Advisory Board;
- d. The Chair or Co-Chairs will act as liaison between the CBID Advisory Board and the County.

### **Section 4: Vice Chair (the Co-Chair will serve as if applicable)**

- a. The Vice-Chair shall preside at all meetings of the Local Fund Advisory Board meetings in the absence or incapacity of the Chair;
- b. The Vice-Chair will assist the Chair and Secretary in the preparation and posting of all meeting agendas, recommendations and information at such meetings as reasonable and proper for the conduct of business affairs and policies of the Local Fund Advisory Board;
- c. The Vice-Chair may sign documents necessary to carry out the business of the Local Fund Advisory Board in the absence or incapacity of the Chair;
- d. The Vice-Chair will act as liaison between the CBID Advisory Board and the County in the absence or incapacity of the Chair.
- e. In the event of death, resignation, or removal of the Chair, the Vice-Chair shall assume the Chair's duties until such time as the Local Fund Advisory Board shall elect a new Chair.

### **Section 5: Secretary**

- a. The Secretary shall preside at all meetings of the Local Fund Advisory Board meetings in the absence or incapacity of the Chair and Co-Chair/Vice-Chair;

- b. The Secretary will assist the Chair and Co-Chair/Vice-Chair in the preparation and posting of all meeting agendas, recommendations and information at such meetings as reasonable and proper for the conduct of business affairs and policies of the Local Fund Advisory Board;
- c. The Secretary may sign documents necessary to carry out the business of the Local Fund Advisory Board in the absence or incapacity of the Chair and Co-Chair/Vice-Chair;
- d. The Secretary will act as liaison between the CBID Advisory Board and the County in the absence or incapacity of the Chair and Co-Chair/Vice-Chair;
- e. The Secretary shall prepare and distribute minutes for each regular or special meeting for the Local Fund Advisory Board's approval at the next regular or special meeting of the Local Fund Advisory Board.
- f. In the event of death, resignation, or removal of the Chair and Co-Chair/Vice-Chair, the Secretary shall assume the Chair and Vice-Chair's duties until such time as the Local Fund Advisory Board shall elect a new Chair and Co-Chair/Vice-Chair.

#### **Section 6: Additional Duties**

The officers of the Local Fund Advisory Board shall perform such other duties and functions as may from time to time be required by the Local Area, these by-laws, or other rules and regulations, or which duties and functions are incidental to the office held by such officers.

#### **ARTICLE IV – MEETINGS**

- a. The Local Fund Advisory Board shall meet on \_2<sup>nd</sup> Wednesday\_ of each month, at a location accessible to the public, unless otherwise designated;
- b. A notice or agenda of each regular and special meeting shall be posted according to the provisions of the Brown Act (Government Code Section 54954.2); distribution of notices or agendas may occur electronically to Local Fund Advisory Board members;
- c. Minutes of each regular and special meeting of the Local Fund Advisory Board shall be prepared by the Advisory Board's Secretary and made available at the next regular or special meeting of the Local Fund Advisory Board; minutes shall be distributed to the CBID Advisory Board and the County via the CBID Administrator.
- d. Meetings may be canceled upon the majority vote of the Local Fund Advisory Board. A notice of cancellation shall be posted according to the provisions of the Brown Act;

- e. A quorum shall be considered to be a majority of members present of the Local Fund Advisory Board;
- f. Right of the Public to Appear and Speak: at every regular meeting, members of the public shall have an opportunity to address the Local Fund Advisory Board on matters within the Local Fund Advisory Board's jurisdiction. Public input and comment on matters on the agenda, as well as public input and comment on matters not otherwise on the agenda, shall be made during the time set aside for public comment. The Local Fund Advisory Board Chair may direct public input and comment on a specific matter to a time that a matter comes up on the agenda. The Chair/Co-Chairs of the Local Fund Advisory Board may limit the total amount of time allocated for public discussion on particular issues and/or the time allocated for each individual speaker;
- g. Non-Agenda Items: matters brought before the Local Fund Advisory Board at a regular meeting which were not placed on the agenda of the meeting shall not be acted upon by the Local Fund Advisory Board at that meeting unless action on such matters is permissible pursuant to the Brown Act (Government Code Section 54950 et seq.). Those non-agenda items brought before the Local Fund Advisory Board that the Advisory Board determines will require Advisory Board consideration and action shall be placed on the agenda for a future meeting.
- h. All meetings to be Open and Public: All meetings of the Local Fund Advisory Board shall be open and public to the extent required by law. All persons shall be permitted to attend except as otherwise provided by law.