

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2018- 078

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DECLARING ITS INTENTION TO ESTABLISH THE CARMEL RESTAURANT IMPROVEMENT DISTRICT (CRID) AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF

WHEREAS, the Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes the City to establish business improvement districts for the purposes of promoting the assessed businesses; and

WHEREAS, Visit Carmel, restaurant business owners, and representatives from the City of Carmel-by-the-Sea have met to consider the formation of the Carmel Restaurant Improvement District (CRID); and

WHEREAS, Visit Carmel has drafted a Management District Plan (Plan) which sets forth the proposed boundary of the CRID, a service plan and budget, and a proposed means of governance; and

WHEREAS, restaurant businesses who will pay more than fifty percent (50%) of the assessment under the CRID have petitioned the City Council to establish the CRID.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY DECLARE:

1. The City Council finds that the recitals set forth herein are true and correct.
2. The City Council finds that restaurant businesses that will pay more than fifty percent (50%) of the assessment proposed in the Plan have signed and submitted petitions in support of the formation of the CRID. The City Council accepts the petitions and adopts this Resolution of Intention to establish the CRID and to levy an assessment on certain restaurant businesses within the CRID boundaries in accordance with the Property and Business Improvement District Law of 1994.
3. The City Council finds that the Plan satisfies all requirements of Streets and Highways Code §36622.
4. The City Council declares its intention to establish the CRID and to levy and collect assessments on restaurant businesses within the CRID boundaries pursuant to the Property and Business Improvement District Law of 1994.
5. The CRID shall include all full service and fine dining restaurant businesses located within the boundaries of the City boundaries of Carmel-by-the-Sea, as shown in the map attached as Exhibit A.
6. The name of the district shall be Carmel Restaurant Improvement District (CRID).
7. The annual assessment rate shall be one-quarter of one percent (0.25%) of gross food and drink sales revenue. Based on the benefit received, the assessment shall not be collected on facility rental fees.
8. The assessments levied for the CRID shall be applied toward sales and marketing programs to market assessed restaurant businesses in Carmel to increase restaurant food and drink sales, as described in the Plan. Funds remaining at the end of any year may be used in subsequent years in which CRID assessments are levied as long as they are used consistent with the requirements of this resolution and the Plan.

9. The proposed CRID will have a five (5) year term, beginning January 1, 2019 through December 31, 2023, unless renewed pursuant to Streets and Highways Code §36660.
10. Bonds shall not be issued.
11. The time and place for the public meeting to hear testimony on establishing the CRID and levying assessments are set for September 11, 2018, at 4:30 PM, or as soon thereafter as the matter may be heard, at the Council Chambers located at City Hall, east side of Monte Verde Street between Ocean and Seventh Avenues.
12. The time and place for the public hearing to establish the CRID and the levy of assessments are set for October 2, 2018, at 4:30 PM, or as soon thereafter as the matter may be heard, at the Council Chambers located at City Hall, east side of Monte Verde Street between Ocean and Seventh Avenues. The City Clerk is directed to provide written notice to the restaurant businesses subject to assessment of the date and time of the meeting and hearing, and to provide that notice as required by Streets and Highways Code §36623, no later than August 8, 2018.
13. At the public meeting and hearing the testimony of all interested persons for or against the establishment of the CRID may be received. If at the conclusion of the public hearing, there are of record written protests by the owners of the restaurant businesses within the proposed CRID that will pay more than fifty percent (50%) of the estimated total assessment of the entire CRID, no further proceedings to establish the CRID shall occur for a period of one (1) year.
14. The complete Plan is on file with the City Clerk and may be reviewed upon request.
15. This resolution shall take effect immediately upon its adoption by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 6th day of August 2018, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

SIGNED:

ATTEST:

Steve G. Dallas, Mayor

Thomas A. Graves, MMC
City Clerk

EXHIBIT A
District Boundaries

