ORDINANCE NO. _________

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA AMENDING CHAPTER 33, SECTION 33-15 OF THE SONOMA COUNTY CODE, REGARDING THE SONOMA COUNTY TOURISM BUSINESS IMPROVEMENT AREA ADVISORY BOARD

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 36530 of the Act provides for the appointment of an Advisory Board to make recommendations on the expenditure of revenues derived from the levy of assessments, on the classification of businesses and on the method and basis of levying the assessments. Section 36530 allows the Board of Supervisors either to designate an existing advisory board or commission to serve as the Advisory Board or to create a new Advisory Board for that purpose. In section 33-15 of the Ordinance, the Board of Supervisors opted to create a new five member Advisory Board.

(c) Section 33-16 of the Ordinance went on to appoint the Sonoma County Tourism Bureau, Inc. (“SCTB”) as the contracting party to carry out the services, activities and programs to be funded by revenues from the assessments. The County entered into an agreement for services with SCTB, which includes responsibilities to be performed by SCTB. One of those responsibilities is that “SCTB shall assist the Advisory Board in the performance of its responsibilities under the Parking and Business Improvement Area Law of 1989 . . .” In the course of performing its duties, SCTB is performing all of the duties of the Advisory Board, leaving no business to be conducted by the five member Advisory Board.

(d) In December of 2010, the Board of Supervisors received the Tourism Bureau Management Audit and Advertisement Award Program Review. One of the Conclusions and Recommendations provided in the audit, at section 6.1 concerning Governance and Operating Systems, was for the Board of Supervisors to “reconsider the functionality and viability of the BOS appointed SCTBIA Advisory Board.”

(e) Given the contractual obligation of SCTB to perform the duties of the Advisory Board, it is no longer necessary to maintain the existence of both bodies and the existing five member Advisory Board should be dissolved.

SECTION II:

Section 33-15 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:
Section 33-15 Advisory Board

The Board of Directors of the Sonoma County Tourism Bureau, Inc. ("SCTB") is hereby designated as the body that shall carry out the functions of an Advisory Board under the Law. The SCTB Board of Directors shall advise the Board of Supervisors on the amount of the Area’s Assessments and on services, programs and activities to be funded by the Assessments, and shall perform such other duties as required by the Law, including preparing the Annual Report required by Section 36533 of the Law.

SECTION III:

The five member Advisory Board created pursuant to the original terms of the Ordinance is hereby dissolved.

SECTION IV:

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 V:

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 introduced on the ______ day of __________ 2011, and finally passed and adopted this ____ day of __________ 2011, on regular roll call of the members of the Board by the following vote:

SUPERVISORS:

Brown ________ Rabbitt ________ Zane ________
McGuire ________ Carrillo ________
Ayes _____ Noes _____ Abstain _____ Absent _____

SO ORDERED

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