

RESOLUTION 22-096

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
CALLING FOR THE PLACEMENT OF A TRANSIENT OCCUPANCY TAX MEASURE ON THE
BALLOT AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY,
NOVEMBER 8, 2022 FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF AN
ORDINANCE TO ENACT A ONE PERCENTAGE POINT
INCREASE IN TRANSIENT OCCUPANCY TAX

WHEREAS, the City Council of the City of El Paso de Robles (“City”) is authorized to levy a Transient Occupancy Tax (“TOT”) for general purposes pursuant to California Revenue and Taxation Code §7280, subject to approval by a majority vote of the electorate pursuant to Article XIII C, §2 of the California Constitution (“Proposition 218”); and

WHEREAS, pursuant to Title 3, Chapter 3.26, Section 3.26.30 of the Paso Robles Municipal Code, the City of Paso Robles currently levies a TOT of 10 percent (10%) on persons who occupy hotel, motel, short-term rentals and other lodging establishments in the City for thirty (30) consecutive calendar days or less;

WHEREAS, pursuant to California Elections Code §9222, the City Council has authority to place local measures on the ballot to be considered at a Municipal Election; and

WHEREAS, the City Council would like to submit to the voters at the November 8, 2022 General Municipal Election a measure enacting an increase in TOT at a rate of one percentage (1%) on the occupancy in any applicable lodging establishment until ended by voters; and

WHEREAS, the proposed increase to the TOT is more completely described in the ordinance attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, if approved, TOT will increase from 10 percent to 11 percent; and

WHEREAS, TOT is a general tax, the revenue of which will be placed in the City’s general fund and will be used to pay for important general City services; and

WHEREAS, on November 6, 1996, the voters of the State of California approved Proposition 218, an amendment to the State Constitution which requires that all general taxes which are imposed, extended or increased must be submitted to the electorate and approved by a majority vote of the qualified electors voting in the election; and

WHEREAS, pursuant to Proposition 218 (California Constitution Article XIII C, §2(b)), the general rule is that any local election for the approval of an increase to a general tax must be consolidated with a regularly scheduled general election for members of the governing body of the local government; and

WHEREAS, the next regularly scheduled general election at which City Council members are to be elected is November 8, 2022; and

WHEREAS, pursuant to Government Code §53724 (“Proposition 62”) and Revenue and Taxation Code §7285.9, a two-thirds (2/3) vote of all members of the City Council is required to place the Measure on the November 8, 2022 ballot; and

WHEREAS, the ordinance to be considered by the qualified voters and the terms of approval, collection and use of TOT are described and provided for in the ordinance/measure attached hereto as Exhibit “A” (the “Measure”) and by this reference made an operative part hereof, in accordance with all applicable laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. Submission of Ballot Measure. Pursuant to California Elections Code §9222, Government Code §53724, Revenue and Taxation Code §7280 and any other applicable requirements of the laws of the State of California relating to the City, the City Council, by a two-thirds (2/3) vote of all members, hereby orders the Measure to be submitted to the voters of the City at the General Municipal Election to be held on Tuesday, November 8, 2022.

Section 3. The City Council, pursuant to California Elections Code §9222, hereby orders that the Measure shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the General Municipal Election to be held on Tuesday, November 8, 2022, in addition to any other matters required by law, there shall be printed substantially the following ballot question:

MEASURE #___: PASO ROBLES QUALITY OF LIFE/COMMUNITY SAFETY MEASURE	YES
“Shall the measure to help maintain quality of life for residents; retain local small businesses, jobs; address homelessness; maintain wildfire prevention; keep public areas/ Downtown Paso Robles safe/clean; upgrade infrastructure; other general services, by increasing the transient occupancy tax (paid by hotel, motel, short-term rental guests) from 10% to 11%, providing \$750,000 annually until ended by voters, requiring public spending disclosure, all funds for Paso Robles, be adopted?”	NO

Section 4. That the proposed complete text of the measure Ordinance submitted to the voters is attached as Exhibit A.

Section 5. That the vote requirement for the measure specified above to pass is a majority (50%+1) of the votes cast.

Section 6. Conduct of Election. The City Clerk is authorized, instructed, and directed to coordinate with the San Luis Obispo County Clerk-Recorder to procure and furnish any and all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 7. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure, and transmit such impartial analysis to the City Clerk not later than the deadline for submittal of primary arguments for or against the Measure.

Section 8. The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: “The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the Office of the City Clerk at (805)237-3960 and a copy will be mailed at no cost to you.”

Section 9. Notice of the election is hereby given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 10. Placement on the Ballot. The full text of the Measure shall not be printed in the voter information guide, and a statement shall be printed in the ballot pursuant to Elections Code §9223 advising voters that they may obtain a copy of this Resolution and the Measure, at no cost, upon request made to the City Clerk.

Section 11. Filing with County. The City Clerk shall, not later than the 88th day prior to the General Municipal Election to be held on Tuesday, November 8, 2022, file with the Board of Supervisors and the San Luis Obispo County Clerk-Recorder, State of California, a certified copy of this Resolution.

Section 12. Public Examination. Pursuant to California Elections Code §9295, this Measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The City Clerk shall post notice in the Clerk's office of the specific dates that the examination period will run.

Section 13. The City Council hereby finds and determines that the Measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, section 15378(b)(5).

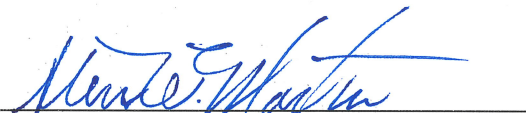
Section 14. Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

Section 15. This Resolution shall become effective upon its adoption.

Section 16. The City Clerk shall certify to the adoption of this Resolution.

APPROVED this 21st day of June, 2022 by the following vote:

AYES: Strong, Hamon, Garcia, Gregory, Martin



Steven W. Martin, Mayor

ATTEST:



Melissa Boyer, City Clerk

Exhibit A: Ordinance XXXX

Exhibit "A"

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, AMENDING TITLE 3, CHAPTER 3.26, SECTION 3.26.30 OF THE PASO ROBLES MUNICIPAL CODE TO ENACT A ONE PERCENTAGE POINT (1%) INCREASE TO TRANSIENT OCCUPANCY TAX TO BE RESERVED IN ITS ENTIRETY FOR THE CITY GENERAL FUND

WHEREAS, pursuant to California Revenue and Taxation Code Section 7280 the City of El Paso de Robles ("City") is authorized to levy a Occupancy Tax for general purposes, subject to majority voter approval; and

WHEREAS, the People of the City desire to levy a Occupancy Tax for general purposes to fund important general City services, at a rate of 11 percent (11%); and

WHEREAS, if approved by the City Council and El Paso de Robles voters, the Transient Occupancy Tax ordinance will be incorporated into Title 3, Chapter 3.26, Section 3.26.30 of the Paso Robles Municipal Code

NOW, THEREFORE, THE PEOPLE OF THE CITY OF EL PASO DE ROBLES DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 3, Chapter 3.26, Section 3.26.30 of the Paso Robles Municipal Code is hereby amended to read as follows:

"3.26.030 Tax imposed.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ~~ten~~ eleven percent of the rent charged by the operator. The tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason that tax is not paid to the operator of the hotel, the tax collector may require that such tax be paid directly to the tax collector."

Section 2. Approval by the City Council. Pursuant to California Government Code Section 53724 and Revenue and Taxation Code Section 7280, this Ordinance was duly approved for placement on the ballot by a minimum two-thirds (2/3) supermajority of all members of the City Council on June 21, 2022.

Section 3. Approval by the Voters. Pursuant to California Elections Code Section 9217, this Ordinance shall be deemed adopted and take effect only if approved by a majority of the eligible voters of the City of Paso Robles voting at the General Municipal Election of November 8, 2022. It shall be deemed adopted when the City Council has certified the results of that election by resolution and shall take effect ten (10) days thereafter.

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Exhibit A

INTRODUCED at a regular meeting of the City Council held on June 21, 2022, and passed and adopted by the City Council of the City of El Paso de Robles on the ____ day of _____, 2022 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Steven W. Martin, Mayor

ATTEST:

Melissa Boyer, City Clerk