

ORIGINAL

RESOLUTION NO. 15133

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY SUBMITTING TO THE VOTERS AT THE NOVEMBER 8, 2011 GENERAL ELECTION A BALLOT MEASURE INCREASING THE TRANSIENT OCCUPANCY TAX

WHEREAS, proceeds from the City's Transient Occupancy Tax are deposited in the City's general fund and available for any lawful municipal purpose; and

WHEREAS, Government Code Section 53724 authorizes the City Council, by a two thirds vote of all its members, to propose a general tax; and

WHEREAS, Elections Code Section 9222 authorizes the City Council to submit an ordinance directly to the voters; and

WHEREAS, the ordinance attached hereto as **Attachment A** and incorporated herein by reference (the "Ordinance") would increase the rate of the City's Transient Occupancy Tax from 10% to 12%; and

WHEREAS, by its Resolution No. 15111 approved on May 23, 2011, the City Council has called a municipal election on November 8, 2011 (the "Election"), and requested the assistance of the county elections office; and

WHEREAS, the City Council desires to submit the Ordinance by ballot question to the voters at the Election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Redwood City as follows:

1. The City Council proposes to impose the general tax set forth in the Ordinance. The proposed type of tax, the rate of the tax, and the method of tax collection are as set forth in the Ordinance.
2. Pursuant to Elections Code Section 9222, the City Council hereby submits the Ordinance to the voters at the Election and orders the following question to be submitted to the voters at the Election:

To preserve funding for general city services such as libraries, parks, street repairs, and public safety, and support other fundamental City services, shall an ordinance be adopted increasing the Transient Occupancy Tax ("Hotel Tax") charged to hotel guests in Redwood City from the current rate of 10% to a new rate of 12%, with proceeds placed in the City's General Fund which is subject to the City's annual independent financial audit?	YES	
	NO	

This question requires the approval of a majority of those casting votes.

3. The complete text of the proposed ordinance is attached hereto as **Attachment A**, and is not to be printed in the voter pamphlet. The full text of the ordinance shall be made available to any voter on request. (*Cal. Elections Code §§ 9223 and 9280*)
4. The City Clerk is instructed to transmit the Measure to the City Attorney along with a request that an impartial analysis be prepared for inclusion in the Voters' Pamphlet materials. The City Attorney is directed to prepare an impartial analysis, which shall be filed with the City Clerk's office no later than August 29, 2011.

Arguments for and against the Measure may be submitted to the City Clerk's office located at 1017 Middlefield, Redwood City, CA 94063, until 5 p.m. on August 19, 2011. Rebuttal arguments will be permitted and must be received in the City Clerk's office by 5:00 pm on August 29, 2011. The City Council adopts the provisions of Elections Code section 9285(a), a copy of which is attached hereto as **Attachment B**, regarding rebuttal ballot arguments.

If there is any inconsistency between this Resolution and the schedule of the County Clerk for filing the impartial analysis and the arguments, the schedule of the Clerk of the San Mateo County controls.

5. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.
6. Notice of the time and place of holding of the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election in the time, form, and manner as required by law.
7. The proposed Ordinance is not subject to CEQA because it is not a "project" pursuant to Public Resource Code s. 21065 and s. 15378(b)(4) of the CEQA Guidelines; further if the proposed Ordinance were to be found a "project," it is statutorily exempt from CEQA pursuant to Section 15273(a)(1) of the CEQA Guidelines, as the purpose of the increase to the transient occupancy tax is to meet operating expenses.
8. The City Clerk is hereby authorized to do all things necessary and proper to implement the provisions of this Resolution, including certifying the passage and adoption of this Resolution and entering it into the book of original Resolutions.
9. Resolution Number 15126 adopted on June 27, 2011, is hereby rescinded and superseded by this Resolution.

* * *

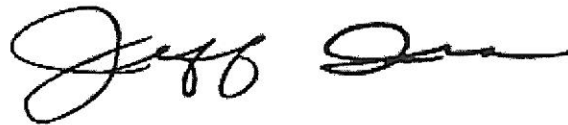
Passed and adopted by the Council of the City of Redwood City at a Joint City Council/Redevelopment Agency Board Meeting thereof held on the 11th of July, 2011 by the following votes:

A YES, and in favor of the passage and adoption of the foregoing resolution,
Council members: Aguirre, Bain, Gee, Pierce, Seybert and Mayor Ira

NOES: None

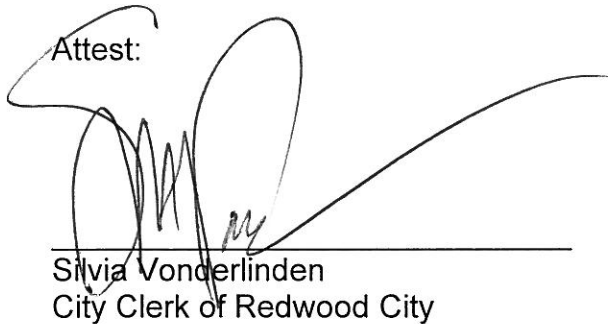
ABSTAIN: None

ABSENT: Foust



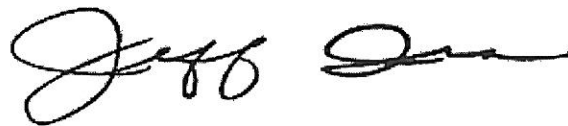
JEFF IRA
Mayor of the City of Redwood City

Attest:



Silvia Vonderlinden
City Clerk of Redwood City

I hereby approve the foregoing
resolution this 12th day of July 2011.



JEFF IRA
Mayor of the City of Redwood City

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF REDWOOD CITY AMENDING SECTION 32.75 OF THE REDWOOD CITY MUNICIPAL CODE TO INCREASE THE TRANSIENT OCCUPANCY TAX ON RENT CHARGED TO HOTEL GUESTS FROM TEN PERCENT (10%) TO TWELVE PERCENT (12%)

The People of the City of Redwood City Ordain as follows:

Section 1. Section 32.75 of the Redwood City Municipal Code is hereby amended to reads as follows:

SECTION 32.75. IMPOSITION; AMOUNT; WHERE PAYABLE

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of twelve percent (12%) of the rent charged by the operator. Said 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 the tax due is not paid to the operator of the hotel, the tax administrator may require that such tax shall be paid directly to the tax administrator.

Section 2. Approval General Municipal Election; Effective Date.

This ordinance amending Section 32.75 of Chapter 32 of the Redwood City Municipal Code shall be in full force and effect ten (10) days after the date on which the City Council has approved the canvass of votes and declared that the voters of the City of Redwood City have approved said ordinance by a vote of no less than a majority of the votes cast by the electors voting on the tax measure set forth in this ordinance at the general municipal election to be held on Tuesday, November 8, 2011. The effective date for purposes of levying the increased tax shall be January 1, 2012.

Section 3. The City Clerk shall publish this Ordinance according to law.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM

City Attorney

Attachment B

§ 9285. Copies of arguments to persons who have filed opposing arguments; Rebuttal arguments

(a)

(1) When an elections official receives an argument relating to a city measure that will be printed in the ballot pamphlet, the elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

(2) The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

(3) No rebuttal argument may exceed 250 words.

(4) A rebuttal argument relating to a city measure shall be filed with the elections official no later than 10 days after the final filing date for primary arguments.

(5) A rebuttal argument relating to a city measure may not be signed by more than five persons and shall be printed in the same manner as a direct argument and shall immediately follow the direct argument which it seeks to rebut.

(b) Subdivision (a) applies only if, not later than the day on which the legislative body calls an election, the legislative body adopts its provisions by majority vote, in which case subdivision (a) applies at the next ensuing municipal election and at each municipal election thereafter, unless later repealed by the legislative body in accordance with the procedures of this subdivision.