

RESOLUTION NO. 115-18 (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE ORDERING A GENERAL MUNICIPAL ELECTION TO BE CALLED ON WHETHER TO AMEND SECTION 3-6.303 (TAX IMPOSED) OF ARTICLE 3 (UNIFORM TRANSIENT OCCUPANCY TAX LAW) OF CHAPTER 6 (TAXATION) OF TITLE 3 (FINANCE) OF THE WATSONVILLE MUNICIPAL CODE; REQUESTING SANTA CRUZ COUNTY ELECTIONS TO CONDUCT THE ELECTION; REQUESTING CONSOLIDATION OF THE ELECTION TO BE HELD ON NOVEMBER 6, 2018; AND DIRECTING THE CITY CLERK TO TAKE STEPS TO PLACE SAID MEASURE

WHEREAS, pursuant to Section 3-6.303 of the Watsonville Municipal Code, the City currently levies a Transient Occupancy Tax which has not changed since 1992; and

WHEREAS, the City Council desires to amend the Transient Occupancy Tax Ordinance to increase the transient occupancy tax which is currently charged on persons who occupy hotel or motel rooms in the City from the current 11% to 12%, and requiring any funds generated as a result to be used for general governmental purposes; and

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the City relating to the conduct of an election; and

WHEREAS, the resolution of the City Council of the City shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the city shall reimburse the county in full for the services performed upon presentation of a bill to the City; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day,

in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10400, such election for cities may be either completely or partially consolidated; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a City, for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the City shall at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of the City Council requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot, acknowledging that the consolidation election will be held and conducted in the manner prescribed in Section 10418. Upon such request, the Board of Supervisor may order the consolidation; and

WHEREAS, pursuant to Elections Code Section 10418, if consolidated, the consolidated election shall be held and conducted, election boards appointed, voting precincts designated, candidates nominated, ballots printed, polls opened and closed, voter challenges determined, ballots counted and returned, returns canvassed, results declared, certificates of election issued, recounts conducted, election contests presented, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the statewide or special election, or the election held pursuant to Section 1302 or 1303, as applicable; and

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, various district, county, state, and other political subdivision elections may be or have been called to be held on November 6, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

SECTION 1. That the City Council of the City of Watsonville hereby orders a General Municipal Election be called and consolidated with any and all elections also called to be held on November 6, 2018, insofar as said elections are to be held in the same territory or in territory that is in part of the same as the territory of the City of Watsonville and requests the Board of Supervisor of the County of Santa Cruz to order such consolidation under Elections Code Sections 10401 and 10403 and 10418.

SECTION 2. That the City Council of the City of Watsonville hereby requests the Board of Supervisors to permit the Santa Cruz County Elections Department to provide any and all services necessary for conducting the election if the City agrees to pay for said services.

SECTION 3. That the City Council of the City of Watsonville hereby orders that the Santa Cruz County Elections Department shall conduct the General Municipal Election for the following measure to be voted on at the November 6, 2018: at which election shall be submitted to the qualified electors of the City of Watsonville the following measure:

The ballot measure text will read as follows:

Ballot Question:

To protect the quality of life in Watsonville by supporting police, fire, emergency services, parks and recreation, economic development, job creation, and essential city services; shall the City of Watsonville be authorized to levy an additional one percent of Transient Occupancy Tax on people staying at lodging facilities in the City?

Yes _____

No _____

ORDINANCE NO. 1368-18 (CM)

A CODIFIED ORDINANCE BY THE VOTERS OF THE CITY OF WATSONVILLE AMENDING SECTION 3-6.303 (TAX IMPOSED) OF ARTICLE 3 (UNIFORM TRANSIENT OCCUPANCY TAX LAW) OF CHAPTER 6 (TAXATION) OF TITLE 3 (FINANCE) OF THE WATSONVILLE MUNICIPAL CODE TO BE DONE SOLELY WITH VOTER APPROVAL

Amends Ordinance No. 1332-16 (CM)

ELECTION ON NOVEMBER 6, 2018

EFFECTIVE DATE: JANUARY 1, 2019

**THE PEOPLE OF THE CITY OF WATSONVILLE, CALIFORNIA, DO HEREBY
ORDAIN AS FOLLOWS:**

SECTION 1. ENACTMENT.

Section 3-6.303 (Tax imposed) of Article 3 (Uniform Transient Occupancy Tax Law) of Chapter 6 (Taxation) of Title 3 (Finance) of the Watsonville Municipal Code is hereby amended to read in words and figures as follows:

Sec. 3-6.303 Tax imposed.

For the privilege of occupancy in any transient occupancy facility, each transient shall be subject to and shall pay a tax in the amount of Twelve (12%) percent of the rent charged by the operator. Such tax shall constitute a debt owed by the transient to the

City which debt shall be extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator of the transient occupancy facility 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 transient occupancy facility. If for any reason the tax due is not paid to the operator of the transient occupancy facility, the City Finance Director may require that such tax shall be paid directly to the City Finance Director.

SECTION 2. PUBLICATION.

This ordinance shall be published in the Watsonville Register-Pajaronian and/or Santa Cruz Sentinel in compliance with the provisions of the Charter of the City of Watsonville.

SECTION 3. SEVERABILITY.

If any provision of these Sections or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provision or applications of the Article which can be given effect without the invalid provision or application, and to this end the provision of these Sections are severable.

SECTION 4. EFFECTIVE DATE.

This ordinance shall be in force and take effect ten (10) days after the City Council declares the vote of the November 6, 2018, Statewide General Election pursuant to California Election Code Section 9217 and shall become operative and be imposed on January 1, 2019, and shall not apply prior to said date.

SECTION 4. That the Santa Cruz County Elections Department is hereby requested to print the hereinabove measure text exactly as filed or indicated on the filed document in the Voter's Information Pamphlet section of the Sample Ballot for the November 6, 2018, election. Cost of printing and distribution of the measure text will be paid by the City.

SECTION 5. That the City Clerk of the City of Watsonville is hereby ordered and directed to cause to be published a synopsis of the measure to be submitted at the General Municipal Election in the time, manner and form required by Section 12111 of the Elections Code of the State of California.

SECTION 6. That the General Municipal Election hereby called shall be held and conducted and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, the General Municipal Election shall be held as provided for in the Charter of the City, and in all particulars not provided for therein, the election shall be held as provided by law for the holding of municipal elections in the City of Watsonville and otherwise in accordance with the Elections Code of the State of California.

All persons qualified to vote at municipal elections in the City of Watsonville on the day of the election herein provided for shall be qualified to vote on the measure hereby submitted at the election.

To vote in favor of the measure a voter shall mark the voting square to the right after the word "Yes" on the ballot to the right of such measure, and to vote against the measure a voter shall mark the voting square to the right after the word "NO" on the ballot to the right of such measure. If a majority of the qualified voters voting on the measure vote in favor thereof, such measure shall be deemed ratified.

SECTION 7. That the Board of Supervisors of the County of Santa Cruz is hereby requested to order the County Clerk (1) to set forth on all sample ballots to be mailed to the qualified electors of the City of Watsonville for said consolidated election the text of the ballot measure as set forth hereinabove, arguments (if any) for and against said measure, and other authorized material (if any), and (2) to provide absent voter ballots for said election for use by the qualified electors of the City of Watsonville who are entitled thereto, in the manner provided by law.

The Board of Supervisors of the County of Santa Cruz is hereby further requested to direct the County Elections Official to canvass, or cause to be canvassed, as provided by law, returns of said election and to certify such canvass of the votes cast for and against said measure to the City Council of the City of Watsonville.

SECTION 8. That the City Attorney is hereby directed to prepare an impartial analysis for the hereinabove measure.

SECTION 9. That the Administrative Services Director is hereby directed to prepare an impartial fiscal analysis for the hereinabove measure.

SECTION 10. That the City Clerk is directed to take the necessary steps to request the addition of this ballot measure on the November 6, 2018, consolidated general election ballot for the City of Watsonville.

SECTION 11. Written Arguments by Council. The deadline for filing arguments for the ballot measure with the City Clerk shall be August 17, 2018, by 5:00pm., and the argument shall not exceed 300 words in length. Rebuttal arguments shall be filed with the City Clerk by August 24, 2018, by 5:00pm., and shall not exceed 250 words in length. When the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the

argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor.

SECTION 12. That the City Clerk is hereby authorized and directed to file a copy of this Resolution with the Board of Supervisors and the County Clerk of Santa Cruz County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Watsonville, held on the 10th day of July, 2018, by Mayor Pro Tempore Dutra, who moved its adoption, which motion being duly seconded by Member Garcia, was upon roll call carried and the resolution adopted by the following vote:

AYES: COUNCIL MEMBERS: **Bilicich, Coffman-Gomez, Dutra, Garcia, Gonzalez, Hernandez, Hurst**

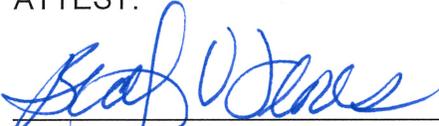
NOES: COUNCIL MEMBERS: **None**

ABSENT: COUNCIL MEMBERS: **None**



Lowell Hurst, Mayor

ATTEST:



City Clerk

July 23, 2018
Date

APPROVED AS TO FORM:



City Attorney

I, Beatriz Vázquez Flores, City Clerk of the City of Watsonville, do hereby certify that the foregoing Resolution No. 115-18 (CM) was duly and regularly passed and adopted by the Watsonville City Council at a meeting thereof held on the 10th day of July, 2018, and that the foregoing is a full, true and correct copy of said Resolution.



Beatriz Vázquez Flores, City Clerk

Date July 23, 2018