

JUL 09 2018

MA
By. [REDACTED]

RESOLUTION NO. 2018-061

DEPUTY CLERK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT CALLING A MUNICIPAL ELECTION ON A MEASURE INCREASING THE HOTEL ROOM TAX BY SETTING THE RATE AT TWELVE PERCENT OF THE RENT PAID BY THE GUEST

WHEREAS, Belmont is a family-friendly community with hundreds of children and families enjoying our parks every day; and,

WHEREAS, the Council finds that maintaining essential services such as pothole and road repair, 9-1-1 emergency response, parks, open space, and sports fields maintenance, senior and youth programs, and neighborhood police patrols and crime prevention are critical to protecting the safety and welfare of Belmont residents and to providing residents with a high quality of life, and,

WHEREAS, the Council wishes to ensure that park bathrooms are clean, playgrounds are safe, trash is picked up and graffiti is removed; and

WHEREAS, the City of Belmont has millions of dollars in unmet infrastructure needs, including streets, storm drains, parks and community facilities; and,

WHEREAS, over the last 22 years, the State has taken \$20 million from Belmont to offset the state's budget deficit; and,

WHEREAS, the State recently tried to take another \$10 million in Belmont's locally controlled funds; and,

WHEREAS, the City of Belmont, with the help and support of its citizens, has made significant progress in improving its financial position, but continues to need reliable sources of local revenue where local control is exercised over local funds that cannot be taken by Sacramento; and,

WHEREAS, hotel guests use City services, including roads, 9-1-1 emergency response and parks; and,

WHEREAS, the City of Belmont currently requires persons renting rooms or structures for 30 consecutive days or less for dwelling, lodging or sleeping purposes ("hotel guests") to pay a transient occupancy tax ("hotel room tax") of 10% of the amount charged by the operator; and,

WHEREAS, the City's hotel room tax has not changed since 1978, and the ordinance needs to be updated to treat short term rentals, like AirB&B, the same as hotels, so they all pay their fair share; and,

WHEREAS, the proposed ordinance will increase the hotel room tax rate by setting the rate at twelve percent of the amount paid by the hotel guest, will remain in effect until changed, will be collected by the City, and cannot be taken by Sacramento; and,

WHEREAS, this type of funding mechanism is paid only by hotel and other lodging facility guests staying in Belmont, not Belmont residents who are not staying in hotels; and,

WHEREAS, Revenue and Taxation Code Section 7280 and California Constitution Article XIII C authorize the City to levy a transient occupancy tax for unrestricted general revenue purposes if the ordinance proposing that tax is approved by the voters of the City; and,

WHEREAS, under California Constitution Article XIII C and Belmont's current general municipal election cycle at which councilmembers are elected, Belmont voters may vote on a general tax measure proposed by the Council once every two years in November of even-numbered years.

NOW, THEREFORE, the City Council of the City of Belmont resolves as follows:

SECTION 1. Call for Municipal Election.

(a) A municipal election in the City of Belmont is called for November 6, 2018 for the purpose of submitting to the electorate a ballot measure approving an ordinance increasing the City's transient occupancy a tax by setting the rate at twelve percent of the rent paid by the transient, to continue from the effective date until changed, and to be used for unrestricted general revenue purposes of the City.

(b) The polls for the election shall be open at 7:00 a.m. on the day of the election and shall remain open continuously from that time until 8:00 p.m. that same day, when the polls shall be closed, except as provided in Elections Code Section 14401. The City Clerk is authorized to give further notice of the election, as required by law.

SECTION 2. Consolidation with Statewide General Election

(a) The City Council orders the municipal election consolidated with the statewide general election on Tuesday, November 6, 2018.

(b) In accordance with Elections Code Section 10403, the City Council requests the County of San Mateo Board of Supervisors consolidate the municipal election with the statewide election.

(c) The question to be presented to the voters is as follows:

City of Belmont Hotel Room Tax Measure

Shall a City of Belmont ordinance providing funding, that cannot be taken by the State, for city services including: 6 Fixing potholes, repairing streets and sidewalks; 6 Maintaining neighborhood police patrols and crime prevention; 7 Maintaining 9-1-1 emergency response times; 5 Maintaining parks, open spaces, sports fields; 6 Unrestricted general revenue purposes; 4	11 YES
by permanently raising the transient occupancy tax to 12% of the rent paid by guests, providing an additional \$560,000 annually, with independent audits, be adopted? 1	14 10 NO

This question requires the approval of the majority of qualified electors casting votes.

(d) The City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in Election Code Section 10418.

SECTION 3. Conduct of Election

In accordance with Elections Code Section 10002, the City Council requests the County of San Mateo Board of Supervisors authorize the County Clerk to render all services necessary for the conduct of the election regarding the general tax measure and agrees to reimburse the County of San Mateo for the costs of conducting this election.

SECTION 4. Proposed Ordinance

(a) The ordinance authorizing the transient occupancy tax to be approved by the voters is as set forth in Attachment 1 hereto.

(b) The City Council hereby approves the ordinance, the form thereof, and its submission to the voters of the City at the November 6, 2018 election.

(c) The ordinance increases the transient occupancy tax rate to twelve percent of the rent paid by the transient. The City of Belmont will collect the tax from operators. The proposed tax is for general city purposes and will be deposited in the city's general fund.

(d) The City Council requests the County of San Mateo Board of Supervisors to order the County Clerk to set forth in the voter information portion of all sample ballots to be mailed to the qualified electors of the City the full text of the Ordinance and to mail with the sample ballots to the electors printed copies of the full text of the Ordinance, together with the primary arguments for and against the measure, and to provide absent voter ballots for the election for use by qualified electors of the City who are entitled thereto in the manner provided by law.

SECTION 5. Publication of Synopsis

The City Clerk is directed to publish a synopsis of the measure in the manner required by Elections Code Section 12111 at least one week before the election.

SECTION 6. Submission to County Officials

The City Clerk is directed to file a certified copy of this Resolution, with Attachments, with the County of San Mateo Board of Supervisors and the County Elections Official no later than close of business on August 10, 2018.

SECTION 7. Impartial Analysis

The City Clerk is directed to transmit a copy of the measure to the City Attorney who is directed to prepare an impartial analysis of the measure in accordance with Elections Code Section 9280.

SECTION 8. Ballot Arguments

(a) Ballot arguments for or against the measure may be submitted in accordance with this resolution and applicable provisions of the law.

(b) The City Council will designate by motion a subcommittee of two councilmembers to prepare a written argument not exceeding 300 words in favor of the measure. If a qualified argument against measure is submitted, the subcommittee may prepare a rebuttal argument not exceeding 250 words. At the discretion of the subcommittee, the argument in favor and rebuttal, if any, may be signed by other members of the City Council, bona fide associations of citizens, or by individual voters who are eligible to vote. Arguments and rebuttals shall otherwise conform to and comply with all applicable provisions of the Elections Code and be submitted by the deadline required by the County of San Mateo Elections Official.

* * *

ADOPTED June 26, 2018, by the City of Belmont City Council by the following vote:

Ayes: Hurt, Stone, Mates, Kim

Absent: Lieberman

ATTEST:



City Clerk



Mayor

APPRO



City Attorney

Attachment 1

To Resolution 2018-061

An Ordinance of the City of Belmont Increasing the Hotel Room Tax by Setting the Rate at Twelve Percent of Rent Paid by Hotel Guests

Full text starts

AN ORDINANCE OF THE CITY OF BELMONT INCREASING THE HOTEL ROOM TAX BY SETTING THE RATE AT TWELVE PERCENT OF RENT PAID BY HOTEL GUESTS

WHEREAS, Belmont is a family-friendly community with hundreds of children and families enjoying our parks every day; and

WHEREAS, the Citizens of Belmont find that maintaining essential services such as sidewalk, pothole and road repair, 9-1-1 emergency response, parks, open space, and sports fields maintenance, senior and youth programs, and neighborhood police patrols and crime prevention are critical to protecting the safety and welfare of Belmont residents and to providing residents with a high quality of life, and,

WHEREAS, the City wishes to ensure that park bathrooms are clean, playgrounds are safe, trash is picked up and graffiti is removed; and

WHEREAS, the City of Belmont has millions of dollars in unmet infrastructure needs, including streets, storm drains, parks and community facilities; and,

WHEREAS, the City of Belmont, with the help and support of its citizens, has made significant progress in improving its financial position, but continues to need reliable sources of local revenue where local control is exercised over local funds that cannot be taken by Sacramento; and,

WHEREAS, hotel guests use City services, including roads, 9-1-1 emergency response and parks; and,

WHEREAS, the City of Belmont currently requires persons renting rooms or structures for 30 consecutive days or less for dwelling, lodging or sleeping purposes ("hotel guests") to pay a transient occupancy tax ("hotel room tax") of ten percent of the amount charged by the operator; and,

WHEREAS, the City's hotel room tax has not changed since 1978, and the ordinance needs to be updated to treat short term rentals, like AirB&B, the same as hotels, so they all pay their fair share; and,

WHEREAS, Belmont needs a reliable source of revenue where local control is exercised over local funds that cannot be taken by Sacramento and can only be spent for Belmont; and,

WHEREAS, over the last 22 years, the State has taken \$20 million from Belmont to offset the state's budget deficit; and

WHEREAS, the State recently tried to take another \$10 million in Belmont's locally controlled funds; and

WHEREAS, this ordinance will increase the hotel room tax rate by setting the rate at twelve percent of the amount paid by the hotel guest, will remain in effect until changed, will be collected by the City, and cannot be taken by Sacramento; and

WHEREAS, this type of funding mechanism is paid only by hotel and other lodging facility guests staying in Belmont, not Belmont residents who are not staying in hotels.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF BELMONT DO ORDAIN AS FOLLOWS:

SECTION 1. RECITALS

The People of the City of Belmont find that all Recitals contained in this ordinance are true and correct.

SECTION 2. CITY COUNCIL APPROVAL.

The City Council of the City of Belmont approved this ordinance for placement on the November 6, 2018 ballot by Resolution 2018—061.

SECTION 3. BCC CHAPTER 23, ARTICLE IV, SECTION 23-65 AMENDED

Belmont City Code Chapter 23 (Taxation), Article IV (Transient Occupancy Tax), Section 23-65 (Imposition; amount; where payable) is amended to read:

Sec. 23-65 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 (12) percent of the rent paid by the transient. 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 4. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Belmont hereby declare that they would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 5. EXPENDITURE OF REVENUES

(a) The revenues from the increase in the transient occupancy tax imposed by this ordinance may be spent for unrestricted general revenue purposes of the City of Belmont.

(b) The revenues from the portion of the transient occupancy tax imposed before the effective date this ordinance may be spent for unrestricted general revenue purposes of the City of Belmont.

SECTION 6. AMENDMENT

(a) The tax adopted herein may be extended or increased only by a vote of the people of the City of Belmont in accordance with California Constitution Article XIIC, Section 2(b).

(b) Except as provided in subsection (a), the provisions herein may amended by ordinance adopted by the City Council.

SECTION 7. EFFECTIVE.

This ordinance relates to the levying and collecting of the City transient occupancy tax and shall be in full force and effect 10 days after the certification by the City Council of the election returns indicating passage of the ordinance in the election of November 6, 2018, by the margin of votes required by California Constitution Article XIIC, Section 2(b) for general tax measures.

* * *

This ordinance was submitted to the People of the City of Belmont at the November 6, 2018 election and was adopted by the following vote of the People:

YES:

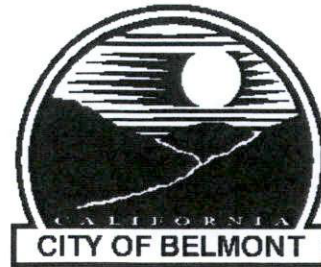
NO:

ATTEST:

City Clerk

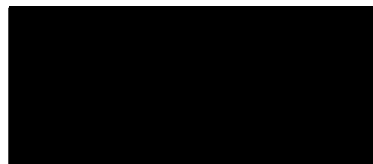
Mayor

Full
Text
ends



I, Terri Cook, City Clerk of the City of Belmont, California, do hereby certify that approved ***Resolution #2018-061 Calling a Municipal Election on a Measure Increasing the Hotel Room Tax by Setting the Rate at Twelve Percent of the Rent Paid by the Guest*** is a true full and correct copy. This was adopted at a regular meeting of the Belmont City Council held on June 26, 2018.

DATE: June 29, 2018



Terri Cook, CMC
City Clerk