CITY OF SAN MATEO
RESOLUTION NO. 81 (2020)

CALLING A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 3, 2020 FOR THE PURPOSE OF SUBMITTING A PROPOSED ORDINANCE TO INCREASE THE CITY'S TRANSIENT OCCUPANCY TAX BY TWO PERCENT AND SUPERSEDING THE PROVISIONS OF RESOLUTION 79 (2020)

WHEREAS, City of San Mateo faces significant budget challenges in the foreseeable future that are expected to be exacerbated by the novel coronavirus pandemic;

WHEREAS, in an effort to address these challenges the City has developed a fiscal sustainability plan which includes seeking voter approval of an increase in the current Transient Occupancy Tax; and

WHEREAS, the City commissioned a study to determine whether the community supported a 2% increase in the current Transient Occupancy Tax rate and the study indicated strong support for such a tax increase; and

WHEREAS, pursuant to authority provided by state law the San Mateo City Council has decided to place a proposition to approve a 2% increase to the tax rate on the November 3, 2020 ballot.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1.   That pursuant to the requirements of the laws of the State of California relating to charter cities, there is called and ordered to be held in the City of San Mateo, California, on Tuesday, November 3, 2020, a General Municipal Election for the purpose of submitting the following proposed ordinance:

To fund general city services such as: maintaining streets and repairing potholes; providing fire, paramedic, and 9-1-1 emergency response; managing traffic congestion and enhancing pedestrian safety measures; maintaining parks, recreation and community facilities, infrastructure, and general city services; shall an ordinance increasing the City of San Mateo's existing transient occupancy tax paid by hotel/motel guests to 14% to provide an estimated $1,000,000 annually until ended by voters, be adopted?	YES
	NO

SECTION 2.   That the text of the measure submitted to the voters is attached as Exhibit A.

SECTION 3.   That the vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

SECTION 4.   That the full text of the measure be printed in the voter information pamphlet.

SECTION 5.   The City Clerk is directed to forward the proposed measure to the City Attorney for preparation of an impartial analysis in accordance with Section 9280 of the Elections Code.

SECTION 6.   Arguments for and against the proposition may be submitted to the qualified voters of the City in accordance with sections 9282 through 9287 of the California Elections Code. The deadline date for submitting ballot arguments for or against the proposition shall be Friday, August 14, 2020. Proposed arguments shall not exceed 300 words and shall be submitted to the Office of the City Clerk. The deadline for submitting rebuttal arguments shall be Monday, August 24, 2020. Proposed rebuttal arguments shall not exceed 250 words and shall be submitted to the office of the City Clerk. The provisions of Section 9285(a) of the California Elections Code shall apply to the submittal of rebuttal arguments.

SECTION 7. The City Clerk and other City officers are directed to do all things necessary to meet the requirements of law for the November 3, 2020, municipal election.

SECTION 8. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 9. The polls for said election shall be opened at seven o'clock a.m. of the day of said election and shall remain open continuously from said time until eight o'clock p.m. of the same day, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 10. The municipal election hereby called for November 3, 2020, shall be, and is hereby, ordered consolidated with the county election to be held within the City on said date, and within the territory affected by the consolidation, the election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, 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 countywide election and as specified herein.

SECTION 11. The Board of Supervisors of the County of San Mateo is hereby requested to permit the County Elections Official to render specified services to the city relating to the conduct of the election; and is hereby authorized to canvass the returns of said municipal election; and said election shall be held in all respects as if there were only one election and only one form of ballot. The County shall certify the results of the canvass of the returns of said election to the City Council of this City which shall thereafter declare the results thereof.

SECTION 12.   That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 13. That notice of the time and place of holding the election is 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 14. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill and the City Clerk is authorized to execute a service agreement for the provision of election services with the County with terms approved by the city attorney and provided the costs of such services have been appropriated by the City Council.

SECTION 15. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

SECTION 16. This resolution supersedes the provisions of Resolution No. 79 (2020) and the City Clerk is directed to provide this resolution to the County Elections Official with instructions to use the statement of the measure in Section 1. above in the ballot materials produced for the election on this measure.

SECTION 17. The City Council has determined that the proposed measure is not a "project" under CEQA.

SECTION 18. Effective date. This Resolution shall take effect upon adoption.

RESOLUTION NO. 81 (2020) adopted by the City Council of the City of San Mateo, California, at a regular meeting held on August 3, 2020, by the following vote of the City Council:

AYES: Council Members Goethals, Rodriguez, Bonilla, Lee and Papan
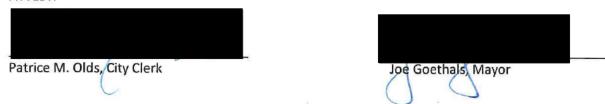NOES: None
ABSENT: None

ATTEST:

Patrice M. Olds, City Clerk

Joe Goethals, Mayor

I hereby certify this to be a full, true and correct copy of the document it purports to be as, the same is on file in my office. City Clerk
Dated: 8-4-2020

City Clerk of the City of San Mateo

EXHIBIT A

The People of the City of San Mateo do hereby ordain as follows:

Section 1. Section 3.56.030 "General Tax", of Chapter 3.56, "Transient Occupancy Tax" of the San Mateo Municipal Code is amended to read:

3.56.030   GENERAL TAX

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a general tax in the amount of 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 Collector may require that such tax shall be paid directly to the Tax Collector.

Section 2. Environmental Determination. in accordance with California Public Resources Code Section 21065 the adoption of this ordinance is not a project under the California Environmental Quality Act (CEQA), because it can be seen with certainty that it will not cause a physical effect on the environment.

Section 3. Severability. In the event any section, clause or provision of this ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 4. Publication. This Ordinance shall be published in summary in a newspaper of general circulation, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.

Section 5. Legislative History and Effective Date. This ordinance was introduced on July 20, 2020 and adopted on _____ and shall be effective on January 1, 2021.