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**RESOLUTION NO. 16.063**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016 FOR THE SUBMISSION TO THE VOTERS OF A QUESTION RELATING TO A BALLOT MEASURE TO INCREASE THE TRANSIENT OCCUPANCY TAX, AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES**

WHEREAS, under and as required by the provisions of the laws of the State of California relating to General Law cities, a General Municipal Election shall be held on Tuesday, November 8, 2016, for the submission to the voters of a question relating to a proposed ballot measure to increase the transient occupancy tax imposed by the City of Laguna Beach;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

**SECTION 1.** Pursuant to the requirements of the laws of the State of California relating to General Law cities, there is called and ordered to be held in the City of Laguna Beach, California, on Tuesday, November 8, 2016, a General Municipal Election for the purpose of submitting to the voters of a question, bearing the title "Laguna Beach Vital Services Measure," relating to a proposed ballot measure to increase the transient occupancy tax levied by the City of Laguna Beach.

**SECTION 2.** The City Council, pursuant to its right and authority, does order the following question to be submitted to the voters at the General Municipal Election:

<b>Laguna Beach Vital Services Measure</b>	YES
To provide services and improvements needed to accommodate millions of annual visitors, protect beaches from pollution and provide fire, police protection and emergency response, parking, utility undergrounding to prevent fires and power outages, and other services and improvements, shall City of Laguna Beach adopt an ordinance increasing transient occupancy taxes paid only by hotel and other rental guests from 10% to 12% until ended by voters, providing approximately \$2,000,000 annually, with audits, all funds only for Laguna Beach?	NO

1       **SECTION 3.** The proposed complete text of the Ordinance submitted to the City’s voters as a  
2 ballot measure is attached hereto at Exhibit A and incorporated herein by this reference.

3       **SECTION 4.** The City Clerk is directed to submit a copy of the above described ballot  
4 measure to the City Attorney, after which, the City Attorney is directed to prepare an impartial  
5 analysis of the proposed ballot measure pursuant to Elections Code section 9280. The impartial  
6 analysis of the measure shall show the effect of the measure on the existing law and the operation  
7 of the measure. The impartial analysis shall not exceed five hundred (500) words in length and  
8 shall be filed with the City Clerk by 5:30 p.m. on August 5, 2016.

9       **SECTION 5.** The City Clerk is directed to submit a copy of the above described ballot  
10 measure to the City Manager, after which, the City Manager is authorized to prepare a fiscal  
11 analysis of the proposed ballot measure. The fiscal analysis of the measure shall show the  
12 estimated amount of any increase or decrease in revenue or cost to the City as a result of the  
13 measure. The fiscal analysis shall not exceed five hundred (500) words in length and shall be filed  
14 with the City Clerk by 5:30 p.m. on August 5, 2016.

15       **SECTION 6.** In accordance with Section 9282(b) of the Elections Code, relating to measures  
16 placed on the ballot by the City Council, the City Council hereby authorizes any City Council  
17 member or members to prepare and file a written argument for the ballot measure with the City  
18 Clerk on or before August 9, 2016, by 5:30 p.m., which argument shall not exceed 300 words in  
19 length.

20       **SECTION 7.** Any person wishing to submit a direct argument for or against the ballot  
21 measure shall file such argument with the City Clerk on or before August 9, 2016, by 5:30 p.m.,  
22 which argument shall not exceed 300 words in length. Any rebuttal arguments for or against the  
23 ballot measure shall be filed with the City Clerk on or before August 19, 2016, by 5:30 p.m. and  
24 shall not exceed 250 words in length. Arguments that are selected for printing and distribution to  
25 the voters shall be selected in accordance with Sections 9282 and 9287 of the Elections Code.

26       **SECTION 8.** The ballots to be used at the election shall be in form and content as required by  
27 law.

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1       **SECTION 9.** The City Clerk is authorized, instructed, and directed to procure and furnish any  
2 and all official ballots, notices, printed matter and all supplies, equipment, and paraphernalia that  
3 may be necessary in order to properly and lawfully conduct the election.

4       **SECTION 10.** The polls for the election shall be open at seven o'clock a.m. of the day of the  
5 election and shall remain open continuously from that time until eight o'clock p.m. of the same  
6 day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of  
7 the State of California.

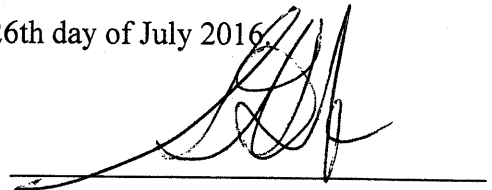
8       **SECTION 11.** In all particulars not recited in this Resolution, the election shall be held and  
9 conducted as provided by law for holding municipal elections.

10       **SECTION 12.** Notice of the time and place of holding the election is given and the City Clerk  
11 is authorized, instructed, and directed to give further or additional notice of the election in the  
12 time, form, and manner as required by law.

13       **SECTION 13.** The proposed Ordinance is exempt from review under the California  
14 Environmental Quality Act pursuant to Section 15061(b)(3) of the State CEQA Guidelines, in that  
15 the proposed Ordinance is covered by the general rule that CEQA applies only to project that have  
16 the potential for causing a significant effect on the environment. In this instance, it can be seen  
17 with certainty that there is no possibility that the proposed Ordinance may have a significant effect  
18 on the environmental and is therefore not subject to CEQA.

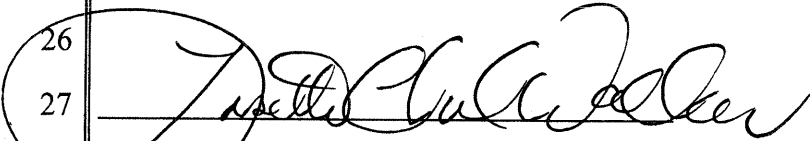
19       **SECTION 14.** The City Clerk shall certify to the passage and adoption of this Resolution and  
20 enter it into the book of original Resolutions.

21       PASSED, APPROVED AND ADOPTED this 26th day of July 2016



Steve Dicterow, Mayor

25       ATTEST:

26       


28       Lisette Chel-Walker, City Clerk

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I, LISETTE CHEL-WALKER, City Clerk of the City of Laguna Beach, certify that the foregoing **Resolution No. 16.063** was duly adopted at a regular meeting of the City Council of said City held on July 26, 2016, by the following vote:

AYES: COUNCILMEMBERS: Boyd, Whalen, Zur Schmiede, Iseman, Dicterow  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: None

  
City Clerk, City of Laguna Beach, California

The foregoing instrument is a correct copy of the original on file in this office.

Attest July 29, 2016

City Clerk of the City of Laguna Beach,  
County of Orange, State of California.

By:   
City Clerk

**CERTIFIED COPY**

# EXHIBIT A

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF LAGUNA BEACH,  
CALIFORNIA AMENDING SECTION 5.05.030 OF CHAPTER 5.05 OF  
TITLE 5 OF THE LAGUNA BEACH MUNICIPAL CODE TO INCREASE  
THE HOTEL-MOTEL ROOM TAX**

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**THE PEOPLE OF THE CITY OF LAGUNA BEACH DO ORDAIN AS FOLLOWS:**

**SECTION 1:** The People hereby amend Section 5.05.030 ("Tax Imposed") of Chapter 5.05 ("Hotel-Motel Room Tax") of Title 5 ("Business – Taxation, Licensing") of the Laguna Beach Municipal Code to read in its entirety as follows:

5.05.030 Tax imposed. For the privilege of occupancy in any hotel or other transient lodging, each transient as defined herein, except for those residents who are time-share unit owners, is subject to and shall pay a tax in the amount of twelve percent of the rent charged by the operator or in the case of a time-share in the amount payable by the transient as defined below. Transients who are time-share unit owners, or guests of owners using the owner's annual right to occupancy on a non-fee paying basis, are specifically exempted from the tax herein imposed. All other transient users of a time-share unit, including but not limited to exchange users, rental users, complimentary users and other non-owner users, are subject to the tax. This 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, except that in the case of a time-share unit said tax shall be paid to the operator prior to the close of each calendar quarter. If the rent is paid in installments, a proportionate share of the 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 be paid directly to the tax administrator. For purposes of this section, the rental value of a daily occupancy in a time-share unit is determined to be eighty-one dollars and twenty-five cents for the base year of 1990, for which the tax is in the amount of ten percent thereof; and this rental value shall be adjusted annually, beginning January 1, 1992, in accordance with the Consumer Price Index for all urban consumers published for the Los Angeles- Anaheim-Riverside area, or any successor index.

**SECTION 2:** City Council amendments. Notwithstanding Elections Code Section 9217, without a vote of the People, the City Council may further amend this Ordinance in a manner that does not impose, extend, or increase the rate of the Hotel-Motel Room Tax.

**SECTION 3:** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Ordinance or any part thereof. The People hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or

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more subsections, subdivisions, paragraphs sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

**SECTION 4:** Effect of Ordinance. If adopted, this Ordinance will increase the rate of the City's existing Hotel-Motel Room Tax by two percent (2%). This Ordinance was proposed by the City Council of the City of Laguna Beach through approval and introduction of the Ordinance and the adoption of Resolution No. 16.063 with the affirmative vote of at least 4 members of the City Council as required by Government Code Section 53724(b). Except as expressly amended by this Ordinance, all provision of Chapter 5.05 of Title 5 of the Laguna Beach Municipal Code shall remain in full force and effect.

**SECTION 5:** Appropriations limit. If necessary, pursuant to Article XIII B of the California Constitution, the appropriations limit for the City of Laguna Beach is increased to the maximum extent over the maximum period of time allowed under the law consistent with the revenues generated by the tax provisions of this Ordinance.

**SECTION 6:** Effective date. After its adoption by the voters, this Ordinance shall be in full force and effect ten (10) days after the vote is declared by the City Council, pursuant to the provisions of Elections Code Sections 9217 and 15400 and as provided by state law.