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RESOLUTION NO. 2758

A RESOLUTION SUBMITTING TO THE VOTERS OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, A PROPOSED ORDINANCE INCREASING THE TRANSIENT OCCUPANCY TAX TO EIGHT PERCENT AND DESIGNATING SPECIFIC USES FOR THE INCREASED TAX REVENUES.
(ELECTION CODE 4017)

WHEREAS, the City Council of the City of El Paso de Robles has determined that an increase in the transient occupancy tax from its present rate of 6% to an increased rate of 8% is the most feasible and equitable method of obtaining increased revenues for street maintenance, police and fire protection and promotion; and

WHEREAS, the City Council proposes to increase said tax rate to 8%, with the requirement that the increased tax revenues from the additional 2% rate be used for street maintenance and repairs, police and fire protection and promotion purposes; and

WHEREAS, California Constitution Article XIII A, Section 4 requires two-thirds voter approval of any such tax increase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of El Paso de Robles, California as follows:

Paragraph 1. Pursuant to Elections Code Section 4017, the City Council hereby submits to the voters of the City of El Paso de Robles for adoption or rejection the following proposed ordinance amendment to the Municipal Code:

"BE IT ORDAINED BY THE PEOPLE OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, as follows:

Section 1. Municipal Code Section 5.06.030 is hereby amended to read in full as follows:

5.06.030 (A) Tax imposed. For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of 8% 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

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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.

(B) Designated uses for one fourth of tax revenues. One Fourth (2%) of the tax revenues received from the tax in paragraph (A) above shall be segregated and kept separate at all times from any other city revenues and shall be budgeted and expended for the following purposes: street maintenance and repairs, promotion purposes and activities, police and fire portection, and General City expenses.

PROVIDED, HOWEVER, that by unanimous vote of all members of the City Council during any given fiscal year, any portion of such funds then unexpended for that year may be allocated and expended for other specified city purposes. This paragraph (B) can be amended or repealed only by a vote of the people.

Section 2. If this measure is adopted, the increased transient occupancy tax proposed in Section 1 hereof shall take effect on January 1, 1983, if approved prior thereto by two-thirds of those voting at a City election held to consider the adoption or rejection of such increased tax. If this measure is not adopted, the existing transient occupancy tax established by Section 5.06.030 establishing a transient occupancy tax of 6% shall remain in effect as an ordinance adopted by and subject to modification by the City Council of the City Council of the City of Paso Robles."

Paragraph 2. The City Clerk is directed to place a proposal for such an increased occupancy tax on the ballot at the general election to be held on November 2, 1982.

Paragraph 3. On motion of Councilman Ovitt, seconded by Councilman Thorndyke, and on the following roll call vote, to wit:

AYES: Councilmen Monroe, Ovitt, Thorndyke, and Stemper

NOES: Councilman Parish

ABSENT: None