

**CITY OF OJAI
RESOLUTION NO. 19-38**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF OJAI SUBMITTING TO THE QUALIFIED ELECTORS
OF THE CITY OF OJAI AT A SPECIAL MUNICIPAL
ELECTION TO BE HELD ON MARCH 3, 2020 A
MEASURE TO AMEND OJAI MUNICIPAL CODE
SECTIONS 8-1.407 (RENT DEFINED), AND 8-1.410 (TAX
IMPOSED) OF ARTICLE 4 (UNIFORM TRANSIENT
OCCUPANCY TAX) OF CHAPTER 1 (TAXATION) OF
TITLE 8 (FINANCE, REVENUE, AND TAXATION) TO
CLARIFY EXISTING DEFINITIONS AND TO ADOPT AN
ADDITIONAL
SPECIAL TRANSIENT OCCUPANCY TAX**

WHEREAS, the City Council proposes to the City's voters an ordinance to amend Sections 8-1.407 (Rent Defined), and 8-1.410 (Tax Imposed) of Article 4 (Uniform Transient Occupancy Tax) of Chapter 1 (Taxation) of Title 8 (Finance, Revenue, and Taxation) ("Ordinance"), attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the Ordinance clarifies the term "rent" and its definition, consistent with the City's existing interpretation and method of assessment, and thereby confirms the existing applicable definition of "rent" in a manner that is declaratory of existing law and the City's existing tax policy; and

WHEREAS, the Ordinance further imposes a maximum special tax of five percent (5%) in addition to an existing general tax maximum rate of ten percent (10%), thereby increasing the total transient occupancy tax to fifteen percent (15%), with the City Council empowered to set lower rates for either tax by resolution; and

WHEREAS, the additional 5% special tax on transient occupancy shall be used for capital improvements and maintenance projects, including street paving; and fire mitigation, code enforcement, and climate change mitigation; and

WHEREAS, the proposed special tax increase is estimated to raise an additional \$1,300,000–\$1,700,000 in revenue annually; and

WHEREAS, under California Constitution, article XIII C, section 2, subdivision (b), and Government Code section 50077, no local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote of the qualified electors voting in the election; and

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City will reimburse Ventura County for the actual cost incurred in conducting the election upon receipt of a bill stating the amount due.

The notice of the time and place of holding the election is hereby given, and the City Clerk and Ventura County Registrar of Voters Elections Division are authorized to give further notice of the election, as required by law, and the City Clerk shall forward a certified copy of this resolution to the Clerk of the Ventura County Board of Supervisors as required by law.

SECTION 4. Implementation. The City Clerk is directed to file with the Ventura County Board of Supervisors certified copies of this Resolution, with a copy to the Ventura County Registrar of Voters Elections Division, pursuant to Elections Code section 10403. The City Clerk is further authorized and directed to perform all other acts necessary or required by law to implement this Resolution and related to the election.

SECTION 5. Impartial Analysis. The City Clerk shall transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the measure, and transmit such impartial analysis to the City Clerk at the same time as the direct ballot arguments are due to the City Clerk.

SECTION 6. Ballot Arguments. Any and all members of the City Council are hereby authorized to prepare a written argument in favor of the measure on behalf of the City Council, not to exceed 300 words, as specified in section 9282 of the California Elections Code.

Arguments against the Measure may not exceed 300 words and must be submitted to the City Clerk in compliance with sections 9282 and 9283 of the California Elections Code by the deadline established by the City Clerk.

SECTION 7. Rebuttal Arguments. Under Elections Code Section 9285, when the elections official has selected the arguments for and against the measure, not exceeding 300 words each, which will be printed and distributed to the voters, the elections official shall send a copy of an argument in favor of the proposition to the authors of the selected argument against the measure and a copy of an argument against the measure to the authors of the selected argument in favor of the measure immediately upon receiving the arguments.

The author or a majority of the authors of an argument relating to a City measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. A rebuttal argument may not be signed by more than five authors. The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signatures(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument, available upon request from the City Clerk. Rebuttal arguments shall

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be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 8. Environmental Determination. The City Council determines this Resolution is exempt from review under the California Environmental Quality Act (CEQA). Pursuant to section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect on the environment. The calling and noticing of a Special Municipal Election is not a project within the meaning of CEQA Guidelines section 15378, subsection (b)(3).

SECTION 9. Certification. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

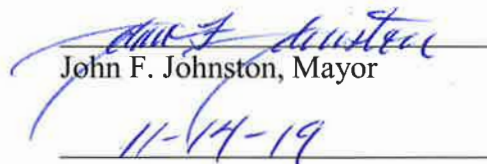
PASSED, APPROVED and ADOPTED this 12th day of November 2019 by the following vote:

AYES: Francina, Haney, Johnston, Weirick
NOES: None
ABSENT: Blatz
ABSTAIN: None

CITY OF OJAI, CALIFORNIA

ATTEST:


Gail Davis, Deputy City Clerk


John F. Johnston, Mayor
11-14-19
Date signed

APPROVED AS TO FORM:


Matthew T. Summers, City Attorney

CITY OF OJAI

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WHEREAS, the City Council proposes to the City's voters an ordinance to amend Sections 8-1.407 (Rent Defined), and 8-1.410 (Tax Imposed) of Article 4 (Uniform Transient Occupancy Tax) of Chapter 1 (Taxation) of Title 8 (Finance, Revenue, and Taxation) ("Ordinance"), attached hereto as Exhibit A and incorporated herein by reference; and

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WHEREAS, the Ordinance further imposes a maximum special tax of five percent (5%) in addition to an existing general tax maximum rate of ten percent (10%), thereby increasing the total transient occupancy tax to fifteen percent (15%), with the City Council empowered to set lower rates for either tax by resolution; and

WHEREAS, the additional 5% special tax on transient occupancy shall be used for capital improvements and maintenance projects, including street paving; and fire mitigation, code enforcement, and climate change mitigation; and

WHEREAS, the proposed special tax increase is estimated to raise an additional \$1,300,000–\$1,700,000 in revenue annually; and

WHEREAS, under California Constitution, article XIII C, section 2, subdivision (b), and Government Code section 50077, no local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote of the qualified electors voting in the election; and

WHEREAS, the qualified voters of the City of Ojai have the authority under Article XIII C, Section 2 of the California Constitution to approve special tax proposals such as a tax on transient occupancy within the City; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI CALIFORNIA HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Recitals. All of the foregoing recitals are true and correct.

SECTION 2. Special Municipal Election. Pursuant to Elections Code sections 324 and 10201, the City Council of the City of Ojai hereby calls and notices a Special Municipal Election to be held on March 3, 2020, to submit the following measure to the voters:

Shall the measure to fund capital improvement and other projects by imposing an additional 5% special transient occupancy tax (hotel tax) on hotel guests, expressly confirming the existing “rent” definition as including resort fees, cancellation fees, parking fees, and similar fees, raising approximately \$1,300,000 – \$1,700,000 in additional annual revenue to fund City capital improvement and maintenance projects, including street paving; and fire mitigation, code enforcement, and climate change mitigation; until voters decide otherwise, be adopted?	YES
	NO

SECTION 3. Request to Consolidate, Conduct Election, and Canvass Returns. The Ventura County Board of Supervisors is hereby requested to authorize the Ventura County Registrar of Voters to render services necessary for the conduct of the Special Municipal Election called by this Resolution. Pursuant to Elections Code section 10403, the City Council hereby requests that the Ventura County Board of Supervisors consolidate the Special Municipal Election with the Statewide Primary Election to be held on March 3, 2020 and order the Special Municipal Election to be conducted by the Registrar of Voters Elections Division of the County of Ventura. The City Council acknowledges and requests that the consolidated election be held and conducted in the manner prescribed in Elections Code section 10418. The ballots to be used in the election shall be in form and content as required by law.

The City Clerk is authorized and directed to work with the Ventura County Registrar of Voters Elections Division and to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia as needed to properly and lawfully conduct the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections. Pursuant to Elections Code section 10002, the

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CONFIDENTIAL

XXXXXXXXXX

The following information was obtained from the records of the
Department of Health and Human Services, Office of the
Inspector General, Washington, D.C. on 10/10/2010. The
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