



Administrative Report

Council Action Date: December 7, 2004

To: MAYOR AND CITY COUNCIL

From: SANDY FORREST, CITY CLERK

Subject: RESOLUTIONS ADDING BALLOT MEASURE G TO THE GENERAL MUNICIPAL ELECTION, DIRECTING AN IMPARTIAL ANALYSIS, AND SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS

RECOMMENDATION

Adopt Resolution Nos. CC-0412-146, CC-0412-147, CC0412-148; 1) Adding Ballot Measure G to the General Municipal Election, March 8, 2005; 2) Requesting City Attorney to prepare an impartial analysis; and 3) Setting priorities for filing written arguments and rebuttal arguments for or against, the proposed Measure.

EXECUTIVE SUMMARY

1) Adopt by 2/3 vote Resolution No. CC-0412-146 is necessary in order to submit Measure G, to the Redondo Beach voters at the General Municipal Election of March 8, 2005 to consider raising the City's Transient Occupancy Tax; 2) Should Council desire an impartial analysis to be prepared by the City Attorney, adoption of Resolution No. CC-0412-147 directing the preparation of an impartial analysis is necessary; 3) In order to facilitate arguments and rebuttal arguments, Council must adopt Resolution No. CC-0412-148 setting priorities and schedules for arguments for or against the proposed Measure.

BACKGROUND

A General Municipal Election will be held in the City of Redondo Beach on Tuesday, March 8, 2005 as called by Resolution No. CC-0410-102, adopted by the City Council on October 5, 2004. City Council directed Staff to prepare the necessary documentation to submit to the voters at the March election a proposal to consider raising the City's Transient Occupancy Tax. As part of the election process the attached Resolutions are submitted to Council for calling the election to consider Measure G; requesting the City Attorney to prepare an impartial analysis; and setting priorities and schedules for filing written arguments for/against the proposed Measure.

December 7, 2005

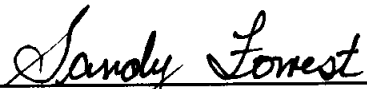
COORDINATION

This item has been coordinated with the office of the City Manager.

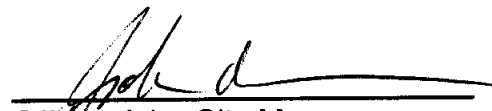
FISCAL IMPACT

This is a budgeted item in the adopted FY 2004-05 Municipal Budget.

Submitted by:


Sandy Forrest, City Clerk

Approved for forwarding by:


Office of the City Manager

cmortesen

Attachment:

- Resolution No. CC-0412-146
- Resolution No. CC-0412-147
- Resolution No. CC-0412-148

RESOLUTION NO. CC-0412-146

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, ORDERING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY MEASURE G, RELATING TO AN INCREASE IN THE UNIFORM TRANSIENT OCCUPANCY TAX (TOT), AT THE GENERAL MUNICIPAL ELECTION, TO BE HELD ON MARCH 8, 2005, AS CALLED BY RESOLUTION NO. CC-0410-102

WHEREAS, a General Municipal Election is to be held in the City of Redondo Beach, California on Tuesday, March 8, 2005, for the election of certain officers as called by Resolution No. CC-0410-102 on October 5, 2004; and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to an increase in the Transient Occupancy Tax from a ten percent (10%) rate of tax to an amount not to exceed twelve percent (12%), effective July 1, 2005.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the City Council, pursuant to its right and authority, does hereby order submitted to the voters at the General Municipal Election of March 8, 2005, the following question:

MEASURE G "Shall an Ordinance amending Section 8-2.03 of the Redondo Beach Municipal Code to authorize increasing the transient occupancy tax charged to guests by hotel operators from the current ten percent (10%) to an amount not to exceed twelve percent (12%) of the rent charged by the operators effective July 1, 2005, be adopted?"	YES	
	NO	

SECTION 2. That the proposed complete text of the Ordinance submitted to the voters is attached as Exhibit "A" and incorporated herein by reference.

SECTION 3. 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 4. 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 the time, form and manner required by law.

EXHIBIT "A"

RESOLUTION NO. CC-0412-146

ORDINANCE NO. 2953-04

AN ORDINANCE OF THE PEOPLE OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING SECTION 8-2.03 OF CHAPTER 2 OF TITLE 8 OF THE REDONDO BEACH MUNICIPAL CODE PERTAINING TO TRANSIENT OCCUPANCY TAX IMPOSED

WHEREAS, the City of Redondo Beach imposes a Transient Occupancy Tax (TOT) charged to guests by hotel operators in order to provide a portion of the general fund revenues required to provide police, fire, general government, and a host of other essential services to the community; and

WHEREAS, the People of the City of Redondo Beach wish to amend the Municipal Code in order to increase the maximum rate charged for the TOT from ten (10%) percent to up to twelve (12%) percent, effective July 1, 2005, if approved by voters at the March 8, 2005 municipal election; and

WHEREAS, the new rate would place the City of Redondo Beach in the same range as surrounding cities.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF REDONDO BEACH, CALIFORNIA, DO HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Section 8-2.03 of Chapter 2, Title 8 of the Municipal Code is hereby amended to read as follows:

"8-2.03 Tax Imposed.

For the privilege of occupancy in any hotel, each transient shall be subject to and shall pay a tax in the amount of ~~ten (10%)~~ **UP TO TWELVE (12%)** percent of the rent charged by the operator. Such tax shall constitute a debt owed by the transient to the City which debt shall be 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. INCONSISTENT PROVISIONS. Any provisions of the Redondo Beach Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 3. SEVERANCE. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The People of the City of Redondo Beach hereby declare that they would have passed this ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This ordinance shall be considered as adopted upon the date that the vote is declared by the City Council, and shall go into effect 10 days after that date. The City Clerk shall certify to the passage and adoption of this ordinance, enter it into the book of original ordinances.

SECTION 5. PUBLICATION. This ordinance shall be published by one insertion in the official newspaper of said City, as soon as practicable after its adoption by the People of the City of Redondo Beach and the vote thereon is declared by the City Council.

SECTION 6. CERTIFICATION BY MAYOR. The Mayor is hereby authorized to certify the adoption of this Ordinance and the declaration of the vote thereon by the City Council by signing where indicated below.

ADOPTED by the People of the City of Redondo Beach, California, this 8th day of March, 2005, by the following vote, to wit:

YES: _____

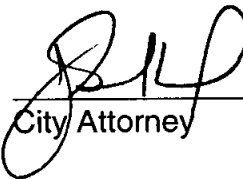
NO: _____

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:



City Attorney

RESOLUTION NO. CC-0412-147

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF MEASURE G RELATING TO AN INCREASE IN THE UNIFORM TRANSIENT OCCUPANCY TAX (TOT), AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON MARCH 8, 2005, AS CALLED BY RESOLUTION NO. CC-0410-102.

WHEREAS, a General Municipal Election is to be held in the City of Redondo Beach, California, on March 8, 2005 at which time there will be submitted to the voters the following measure:

MEASURE G "Shall an Ordinance amending Section 8-2.03 of the Redondo Beach Municipal Code to authorize increasing the transient occupancy tax charged to guests by hotel operators from the current ten percent (10%) to an amount not to exceed twelve percent (12%) of the rent charged by the operators effective July 1, 2005, be adopted?"	YES	
	NO	

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION. 1. That the City Council hereby directs the City Clerk to transmit a copy of the measure to the City Attorney, unless the organization or salaries of the office of the City Attorney are affected. The City Attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length. The impartial analysis shall be filed by 5:30 p.m., December 21, 2004 as set by the City Clerk for filing primary arguments.

SECTION 2. That the City Clerk shall certify to the passage and adoption of this Resolution and shall enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED on the 7th day of December, 2004.

Gregory C. Hill, Mayor

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF REDONDO BEACH)

I, Sandy Forrest, City Clerk of the City of Redondo Beach, California, do hereby certify that the foregoing Resolution No. CC- 0412-147 was duly passed, approved and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 7th day of December, 2004 by the following roll call vote:

AYES:

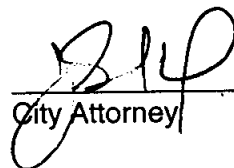
NOES:

ABSENT:

ABSTAIN:

Sandy Forrest, City Clerk

APPROVED TO AS FORM:



City Attorney

RESOLUTION NO. CC-0412-148

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS AND PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR MEASURE G RELATING TO AN INCREASE IN THE UNIFORM TRANSIENT OCCUPANCY TAX (TOT) TO BE SUBMITTED AT THE GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON MARCH 8, 2005 AS CALLED BY RESOLUTION NO. CC-0410-102.

WHEREAS, a General Municipal Election is to be held in the City of Redondo Beach, California on March 8, 2005, at which time there will be submitted to the voters the following measure:

MEASURE G "Shall an Ordinance amending Section 8-2.03 of the Redondo Beach Municipal Code to authorize increasing the transient occupancy tax charged to guests by hotel operators from the current ten percent (10%) to an amount not to exceed twelve percent (12%) of the rent charged by the operators effective July 1, 2005, be adopted?"	YES	
	NO	

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the City Council authorizes

_____	(Council Member in Favor/Against)
_____	(Council Member in Favor/Against)
_____	(Council Member in Favor/Against)
_____	(Council Member in Favor/Against)
_____	(Council Member in Favor/Against)

members of that body, to file a written argument regarding the City measure as specified above, accompanied by the printed names(s) and signatures(s) of the author(s) submitting it, in accordance with Elections Code §9282 of the State of California. No argument shall exceed 300 words in length.

SECTION 2. That any members of the legislative body authorized by that body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against any city measure.

SECTION 3. That based on the time reasonably necessary to prepare and print the arguments and sample ballots and to permit the ten calendar-day public examination, the City Clerk/Elections Official has fixed December 21, 2004, during normal office hours, 7:30 a.m. – 5:30 p.m., as a reasonable date prior to the election after which no arguments for or against the measure may be submitted to the City Clerk/Elections Official for printing and distribution to the voters as provided in §9295 of the California Elections Code.

SECTION 4. That pursuant to Elections Code §9220 and §9285 of the State of California, when the City Clerk/Elections Official has selected the arguments for and against the measure which will be printed and distributed to the voters, the City Clerk/Elections Official shall send copies of the argument in favor of the measure to the authors of the argument against and copies of the argument against to the authors of the argument in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk/Elections Official no later than 5:30 p.m., December 29, 2004, which is not more than ten days after the final date for filing direct arguments. The rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument it seeks to rebut.

SECTION 5. That all arguments and rebuttals shall be accompanied by the printed name and signature or printed names and signatures of the author or authors 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.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this Resolution and shall enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED on the 7th day of December, 2004.

Gregory C. Hill, Mayor

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF REDONDO BEACH)

I, Sandy Forrest, City Clerk of the City of Redondo Beach, California, do hereby certify that the foregoing Resolution No. CC-0412-148 was duly passed, approved and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 7th day of December, 2004, by the following roll call vote:

AYES:

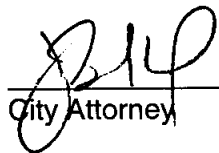
NOES:

ABSENT:

ABSTAIN:

Sandy Forrest, City Clerk

APPROVED TO AS FORM:



City Attorney