

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO SUBMITTING TO THE VOTERS AT THE NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION, A CITY OF SAN BRUNO RECOVERY AND REINVESTMENT MEASURE INCREASING THE TRANSIENT OCCUPANCY TAX ("HOTEL BED TAX"), REQUESTING THAT SUCH ELECTION BE CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION HELD ON THAT DATE AND TAKING CERTAIN OTHER ACTIONS

WHEREAS, transient occupancy (hotel bed) taxes are paid only by guests who stay in local hotels and other lodgings, ensuring out-of-town visitors pay their fair share of their use of San Bruno's roads, parks, public safety and other City services; and

WHEREAS, the City needs to update its hotel bed tax -- a locally controlled revenue source generating funds Sacramento can't take -- to maintain street repair and neighborhood safety, support local businesses, and enhance fire protection services; and

WHEREAS, all funds raised by this measure will be used to fund essential City services, and no money can be taken by Sacramento; and

WHEREAS, an increase of 2% in the transient occupancy tax is estimated to raise approximately \$370,000 annually for the City, which would be used to protect local quality of life and property values, help local residents and businesses recover, and continue to maintain essential services that keep the San Bruno community safe, clean and well-maintained; and

WHEREAS, additional funds will help San Bruno be prepared for any future emergency so 911 capacity is as robust as it needs to be in any future health or fire safety emergency; and

WHEREAS, this Ordinance allows the City Council, without a further vote of the people, to maintain the transient occupancy tax at a rate deemed appropriate by the Council, subject to a maximum of 14% , in order that the City's transient occupancy tax keep pace with that of comparable cities; and

WHEREAS, Section 7280 of the California Revenue & Taxation Code authorizes the City to levy a transient occupancy tax on the privilege of occupying a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging unless the occupancy is for a period of more than 30 days; and

WHEREAS, pursuant to Chapter 3.32 of the Municipal Code, the City currently levies its transient occupancy tax at the rate of 12%; and

WHEREAS, by prior resolution, the City Council called a general municipal election (the "Election") for November 3, 2020, to be consolidated with the statewide general election to be held on that same date; and

WHEREAS, arguments for and against said measure may be filed in accordance with applicable provisions of the law pursuant to Elections Code Section 9282, which allows a ballot argument on this Measure to be submitted by any individual voter eligible to vote on the Measure, a bona fide association of citizens, or any combination of voters or associations. Pursuant to Section 9285 of the California Elections Code, the provisions of which are hereby adopted, when the City Clerk has selected the arguments for and against the measure which will be printed and distributed to the voters, the City Clerk 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 rebuttal arguments shall be filed with the City Clerk not more than ten (10) days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument, which it seeks to rebut. The text of the measure shall be printed on the ballot in the voter information portion of the sample ballot; and

WHEREAS, the City Council desires to have an increase of the transient occupancy tax rate presented to the voters on the November 3, 2020 ballot.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF SAN BRUNO, CALIFORNIA, AS FOLLOWS:

1. Pursuant to Government Code Section 53724 and Election Code Section 9222, the City Council directs that the ordinance attached hereto as Exhibit "A" and incorporated herein by reference (the "Measure") be submitted to the qualified voters of the City of San Bruno at the Election.
2. The question shall appear on the ballot as follows:

To fund maintain/city services/facilities such as: addressing traffic congestion/parking, maintaining neighborhood safety, 911 emergency medical response times, disaster/health crisis response services, parks/city facilities, and general services, shall an ordinance updating the City of San Bruno's existing transient occupancy tax (a bed tax paid only by hotel/lodging guests) from 12% to 14%, until ended by voters, providing approximately an additional \$370,000 annually for San Bruno, with independent audits, all funds controlled locally, be adopted?	Yes
	No

This Measure must be approved by a majority of the votes cast in order to be adopted.

3. The City Council hereby directs the City Clerk to 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 within ten (10) days of the adoption of this Resolution.
4. Pursuant to Elections Code Section 10403, the City Council requests that the San Mateo County Board of Supervisors consent to consolidation of the Election with the general election to be conducted by the San Mateo County Registrar of voters on November 3, 2020. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating a special election consolidated with a statewide election. The City will bear all costs customarily charged by the County to a city in connection with a ballot question submitted at a municipal election that is consolidated with an election conducted by the County.
5. The City Clerk shall certify to the passage and adoption of this Resolution and enter into the book of original Resolutions.
6. The City Council directs the City Clerk to file a certified copy of this Resolution with the Registrar of Voters of San Mateo County.
7. Notice of the time and place of holding of 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 as required by law.
8. Pursuant to Section 10400 et seq. of the Elections Code, the Board of Supervisors of San Mateo County is requested to consolidate the election on this ballot measure with other elections held on the same day in the County.

9. The Board of Supervisors is authorized to canvass the returns of the Election pursuant to Section 10411 of the Elections Code.
10. Pursuant to Section 10002 of the Elections Code, the Board of Supervisors is requested to permit the County Clerk to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the City agrees to reimburse the County, in accordance with current County pro-rations and allocation procedures.
11. The City Clerk shall file a certified copy of this Resolution with the County Clerk.
12. The City Clerk is hereby authorized to do all things necessary and proper to implement the provisions of this Resolution, including certifying the passage and adoption of this Resolution and entering it into the book of original Resolutions.

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I hereby certify that foregoing **Resolution No. 2020 - 60** was introduced and adopted by the San Bruno City Council at a regular meeting on July 28, 2020, by the following vote:

AYES: Councilmembers: Davis, Mason, M. Medina, Salazar, Mayor R. Medina
NOES: Councilmembers: None
ABSENT: Councilmembers: None

I hereby certify this to be a full, true and correct copy of the document it purports to be, the original of which is on file in my office.

Dated: August 4, 2020

Vicky S. Hasha
Deputy City Clerk of the City of San Bruno

Vicky S. Hasha
Vicky S. Hasha, Deputy City Clerk

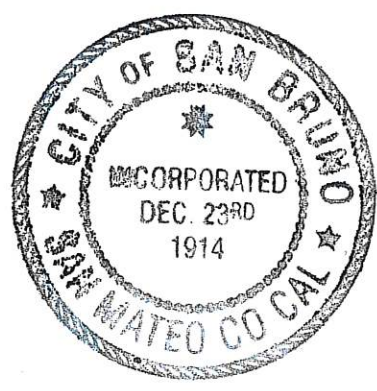


Exhibit "A"

ORDINANCE NO. _____

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF SAN BRUNO, CALIFORNIA,
AMENDING SECTION 3.32.010 OF THE MUNICIPAL CODE TO INCREASE THE RATE
OF THE TRANSIENT OCCUPANCY (HOTEL BED) TAX**

THE PEOPLE OF CITY OF SAN BRUNO ORDAIN AS FOLLOWS:

SECTION 1. Short Title

This Ordinance may be referred to as the "City of San Bruno Recovery and Reinvestment Measure."

SECTION 2. Purpose.

The purpose of this Ordinance is to increase the rate of the City of San Bruno's Transient Occupancy Tax.

SECTION 3. Section 3.32.010 of the San Bruno Municipal Code is amended to read as follows:

"For the privilege of occupancy in any hotel or motel, each transient is subject to and shall pay a tax in the amount of fourteen percent of the rent charged by the operator. Such tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator, a rental agent, or the city. The transient shall pay the tax to the operator or rental agent 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 is not paid to the operator or rental agent, the tax administrator may require that such tax shall be paid directly to the tax administrator."

SECTION 4. This Ordinance may be amended by the City Council in any respect without a vote of the people. Specifically, the City Council may alter the rate of the tax set forth herein, may create exemptions to the tax, and may create special procedures for the collection of the tax (including, but not limited to, requiring that the tax be paid in advance or that the tax be payable as often as monthly). As required by the California Constitution, the City Council may not raise the rate of the tax above that maximum rate unless such increase is approved by the voters. The People specifically authorize the City Council to temporarily reduce the rate of the tax and then restore the rate to the full 14% authorized by this Ordinance. Such restoration shall not be interpreted as an "increase" of the tax for any purpose.

SECTION 5. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provision of this Ordinance are declared to be severable.

SECTION 6. If approved by the voters, this Ordinance will be effective on March 1, 2021. The intent of this Ordinance is that the transient occupancy tax will be in place at the existing rate until the rate set forth in this Ordinance becomes effective and that collection and administration of the transient occupancy tax will not be interrupted in any way by the adoption or effectiveness of this Ordinance.

Approved by the People of the City of San Bruno at the General Municipal Election Held on November 3, 2020.

Rico E. Medina
Mayor

APPROVED AS TO FORM:

Marc Zafferano, City Attorney

ATTEST:

Melissa Thurman, CMC
City Clerk