

RESOLUTION NO. 22-194

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSEVILLE SUBMITTING BALLOT MEASURE TEXT FOR THE CITY OF ROSEVILLE TRANSIENT OCCUPANCY TAX (TOT) MEASURE TO THE VOTERS AT THE NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; AND DIRECTING THE CITY CLERK TO ESTABLISH REQUIREMENTS FOR FILING PRIMARY ARGUMENTS AND REBUTTAL ARGUMENTS REGARDING THE CITY OF ROSEVILLE TOT MEASURE

WHEREAS, pursuant to the requirements of the laws for the State of California, the City Council has called and ordered a General Municipal Election to be held in the City of Roseville, on Tuesday, November 8, 2022, for the purpose of filling and electing two city council member vacancies, one in each of City Districts 2 and 4, and for the purpose of submitting to the voters at said election the ballot measure proposed herein; and

WHEREAS, the ballot measure is being proposed to provide funding, that cannot be taken by the State of California, for local City services such as and including, but not limited to:

- 911 emergency response;
- Repairing potholes and streets;
- Neighborhood police patrols;
- Fire protection;
- Addressing blight;
- Maintaining existing city amenities; and
- Other general government services

The proposed ballot measure is as follows:

97-2-73

To continue local funding that cannot be taken by the State ¹¹ for City of Roseville essential services such as: 911 ⁹ emergency response; repairing potholes and streets; ⁶ neighborhood police patrols; fire protection; addressing ⁶ blight; and maintaining existing city amenities; shall the ⁸	YES
measure increasing Roseville's existing transient occupancy ⁶ tax (paid only by hotel and lodging guests) from 6% set in ¹² 1975 to 10% providing an estimated additional \$3 million ⁹ annually, with independent audits, until ended by voters, be ⁹ adopted? ¹	NO

The full text of the City of Roseville Transient Occupancy Tax Measure Ordinance is attached as Exhibit A and incorporated herein by reference; and

WHEREAS, the City Council desires to submit to the voters in the November 8, 2022, General Municipal Election, this Transient Occupancy Tax Measure, along with arguments and rebuttals submitted in the timeframe prescribed by the California Elections Code; and

WHEREAS, this tax measure must be approved by the electorate to be effective; and

WHEREAS, whenever a municipal ballot measure is authorized, California Elections Code, Section 9280 provides that the City Council direct the City Clerk to transmit a copy of the measure to the City Attorney and the City Council direct the City Attorney to prepare an impartial analysis of the measure, and direct that the City Clerk provide filing requirements for primary arguments for and against the measure and for rebuttal arguments; and

WHEREAS, the City Council of the City of Roseville orders the following particulars regarding the completion of an impartial analysis and submittal of ballot arguments:

Impartial Analysis:

Section 1. The City Council directs the City Attorney to prepare an impartial analysis of the City of Roseville Transient Occupancy Tax Measure showing the effect of the measure on the existing law and the operation of the measure.

Section 2. The analysis shall include a statement indicating the measure was placed on the ballot by the governing body.

Section 3. The analysis shall not exceed 500 words in length and shall be filed within fifteen (15) days of the adoption of this Resolution.

Primary Arguments:

Section 4. The City Council authorizes members of the City Council, collectively or individually, to file written arguments in favor of the City of Roseville Transient Occupancy Tax Measure, accompanied by the printed name(s) and signature(s) of the author(s). The argument can be changed until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk. The City Clerk shall follow California Elections Code, Sections 9281 through 9287, in determining the printing of all arguments in favor and against.

Section 5. Any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of voters and associations, may file a written argument in favor or against any city measure.

Section 6. A primary argument shall not exceed 300 words in length.

Section 7. A ballot argument will not be accepted unless accompanied by the printed name(s) and signature(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 a least one of its principal officers who is the author of the argument.

Section 8. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five authors, the signatures of the first five shall be printed.

Section 9. The City Clerk shall include the following statement on the front cover, or if none, on the heading of the first page of the printed arguments: "Arguments in support or opposition to the proposed laws are the opinion of the authors."

Section 10. Printed arguments submitted to voters shall be titled either, "Argument in Favor of Measure" or "Argument Against Measure" accordingly, the letter or number, if any, designating the measure shall also be printed on the argument.

Rebuttal Arguments:

Section 11. When an argument in favor and an argument against a measure have been selected by the City Clerk to be printed in the voter information guide, the City Clerk shall send a copy of the argument in favor of the measure to the authors of the argument against the measure and a copy of an argument against the measure to the authors of the argument in favor of the measure.

Section 12. The author or a majority of the author(s) of the argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing another person or person(s) to prepare, submit, or sign the rebuttal argument.

Section 13. A rebuttal argument shall not exceed 250 words.

Section 14. A rebuttal argument relating to a city measure shall be filed with the City Clerk no later than ten (10) days after the final filing date for primary arguments.

Section 15. A rebuttal argument relating to a city measure shall not be signed by more than five authors or persons, shall be printed in the same manner as a direct argument, and shall immediately follow direct argument which it seeks to rebut.

WHEREAS, if more than one argument for or more than one argument against any city measure is submitted to the City Clerk within the time prescribed, the City Clerk shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument, the City Clerk shall give preference and priority, in the order named, to the arguments of the following:

- a) The legislative body, or member or members of the legislative body authorized by the body;
- b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are bona fide sponsors or proponents of the measure;
- c) Bona fide association of citizens;
- d) Individual voters who are eligible to vote on the measure

WHEREAS, the City Council has first priority to file and submit arguments for City Council sponsored ballot measures, whereby the Mayor and/or others selected by the Mayor who are qualified to sign arguments under the Elections Code to file written arguments regarding the ballot measures sponsored by the City Council; and

WHEREAS, in order to enable the City Clerk to determine whether an argument is from a bona fide association of citizens, an organization or association submitting an argument for or against a city measure shall submit with the argument a copy of one of the following:

- a) Its articles of incorporation, articles of association, partnership documents, bylaws, or similar documents;
- b) Letterhead containing the names of the organization and its principal officers;
- c) If the organization or association is a primarily formed committee established to support or oppose the measure, its statement or organization filed pursuant to Section 84101 of the California Government Code;
- d) In selecting argument from among bona fide associations of citizens, the City Clerk shall not consider the type of documentation submitted pursuant to subdivision (a) - (c), immediately above, or the form of the association

WHEREAS, based on the time necessary to prepare the City Attorney impartial analysis, permitting the 10-calendar-day public examination and the timing of the arguments and rebuttals, as provided in Division 9, Chapter 3, Article 6 of the Elections Code, commencing with Section 9295, for the November 8, 2022 election, the City of Roseville adopts the following deadlines in concert with the Placer County Office of Elections:

June 15, 2022	City Council ordering City Attorney to prepare Impartial Analysis
June 30, 2022	City Attorney Impartial Analysis Due
July 1- July 10, 2022	10 day Public Examination Period
July 11 – July 20, 2022	Primary Arguments For or Against Measure
July 21 – July 30, 2022	10 day Public Examination Period
July 31 – August 9, 2022	Deadline for Rebuttal Arguments
August 10 – August 19, 2022	10 day Public Examination

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Roseville that the provisions and sections of this resolution, appearing above and below, are adopted and shall apply to the General Municipal Election to be held on November 8, 2022; and

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to submit the ballot text to the qualified voters of the City of Roseville for the November 8, 2022 General Municipal Election as referenced above and as follows:

To continue local funding that cannot be taken by the State ¹¹ for City of Roseville essential services such as: 911 ⁷ emergency response; repairing potholes and streets; ⁶ neighborhood police patrols; fire protection; addressing ⁶ blight; and maintaining existing city amenities; shall the ⁸ measure increasing Roseville's existing transient occupancy tax (paid only by hotel and lodging guests) from 6% set in ¹² 1975 to 10% providing an estimated additional \$3 million ⁹ annually, with independent audits, until ended by voters, be ⁹ adopted? ¹	YES
	NO

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The full text of the City of Roseville Transient Occupancy Tax Measure Ordinance is attached as Exhibit A; and

1. The City Clerk shall file a certified copy of this Resolution with the Placer County Clerk and is hereby authorized to execute, submit, file, sign, communicate, and otherwise do whatever else is necessary to effectuate this General Municipal Election, and this ballot measure; and
2. The City Clerk is further directed to take all other administrative actions necessary to accomplish the orders set forth in this Resolution.

BE IT FURTHER RESOLVED, that in all particulars not recited by the Resolution, said election shall be held and conducted as provided by law for the conduct of general municipal elections.

PASSED AND ADOPTED by the Council of the City of Roseville this 15th day of June, 2022, by the following vote on roll call:

AYES COUNCILMEMBERS: Houdesheldt, Alvord, Roccucci, Mendonsa, Bernasconi

NOES COUNCILMEMBERS: None

ABSENT COUNCILMEMBERS: None



MAYOR

ATTEST:



City Clerk

The foregoing instrument is a correct copy of the original on file in the City Clerks Department.

ATTEST:

City Clerk of the City of Roseville, California

(Seal)



DEPUTY CLERK

Exhibit A

Measure to be Submitted Directly to the Voters

ORDINANCE NO. _____

AN ORDINANCE OF THE PEOPLE OF THE CITY OF ROSEVILLE AMENDING THE
TRANSIENT OCCUPANCY TAX RATE BY AMENDING SECTION 4.24.030 OF
CHAPTER 4.24 OF TITLE 4 OF THE ROSEVILLE MUNICIPAL CODE REGARDING
TRANSIENT OCCUPANCY TAX

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Section 4.24.030 of Chapter 4.24 of Title 4 of the Roseville Municipal Code is hereby amended to read as follows:

4.24.30 Transient occupancy tax—Amount—Where payable.

A. For privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ~~six~~sixteen percent 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.

B. 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.

C. 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.

SECTION 2. This Ordinance relates to the levying and collecting of the City of Roseville Transient Occupancy Tax and, pursuant to California Elections Code Section 9217, shall be in full force and effect ten (10) days after the certification by the City Council of the election returns indicating passage of the Ordinance by the voters casting votes in the election. The collection of transient occupancy tax shall be in accordance with Chapter 4.24 of the Roseville Municipal Code.

SECTION 3. If any section, subsection, subdivision, sentence, clause, phrase, or portion 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 this Ordinance. The People of the City of Roseville hereby declare that they would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. The City Clerk is hereby directed to publish a synopsis of the measure in accordance with California Elections Code section 12111 at least one time not later than one week before the election in a newspaper of general circulation in the city. The City Clerk is further directed to cause this Ordinance to be published in full at least once within fourteen (14) days after approval by the voters in a newspaper of general circulation in the city.

I hereby certify that the foregoing Ordinance was approved by the voters of the City of Roseville by a vote of _____ at a General Municipal Election on the 8th day of November, 2022, and by the City Council of the City of Roseville at a regular general meeting of the Council held on June 15, 2022 by the following vote:

AYES:

NOES:

ABSENT:

MAYOR

ATTEST:

CITY CLERK