



City of Guadalupe
Administration Department
918 Obispo Street
P.O. Box 908
Guadalupe, CA 93434

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2022 JUN 30 AM 8:12
CITY OF GUADALUPE
BOARD OF SUPERVISORS

June 29, 2022

Honorable Board of Supervisors
Clerk of the Board
ATTN: Agenda Coordinator
105 E. Anapamu St. Room 407
Santa Barbara, CA 93101

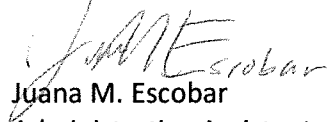
Dear Clerk of the Board,

Enclosed please find one original and eight copies of the following City of Guadalupe Resolutions pertaining to the November 8, 2022, General Municipal Election:

1. **RESOLUTION NO. 2022-47** – Calling for the holding of a general municipal election on Tuesday, November 8, 2022, for the election of certain officers as required by the provisions of the laws of the State of California and for the submission to the voters for approval of a question relating to the increase in the City's Transient Occupancy Tax from six percent (6%) to ten (10%) until ended by voters and increasing the types of occupancy categories subject to the tax.
2. **RESOLUTION NO. 2022-48** – Requesting the Board of Supervisors of the County of Santa Barbara to consolidate a general municipal election to be held on Tuesday, November 8, 2022, with the statewide general election pursuant to section 10403 of the Elections Code.
3. **RESOLUTION NO. 2022-49** – Adopting regulations for candidates for elective office pertaining to Candidates' Statements and materials submitted to the electorate to be held on Tuesday, November 8, 2022.
4. **RESOLUTION NO. 2022-50** – Setting priorities for filing written arguments regarding City measure and directing the City Attorney to prepare an impartial analysis.
5. **RESOLUTION NO. 2022-51** – Providing for the filing of rebuttal arguments for the City measure submitted at the General Municipal Election to be held on Tuesday, November 8, 2022.

If you have any questions, please feel free to contact me at (805) 356-3891.

Sincerely,

A handwritten signature in cursive script that reads "Juana M. Escobar". The signature is written in black ink and is positioned above the printed name.

Juana M. Escobar
Administrative Assistant
City of Guadalupe

RESOLUTION NO. 2022-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 8, 2022, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA AND FOR THE SUBMISSION TO THE VOTERS FOR APPROVAL OF A QUESTION RELATING TO THE INCREASE IN THE CITY'S TRANSIENT OCCUPANCY TAX FROM SIX PERCENT (6%) TO TEN PERCENT (10%) UNTIL ENDED BY VOTERS AND INCREASING THE TYPES OF OCCUPANCY CATEGORIES SUBJECT TO THE TAX

WHEREAS, under the provisions of the laws in the State of California, a general municipal election shall be held on November 8, 2022, for the election of municipal officers; and

WHEREAS, the City Council also desires to allow the voters of the City of Guadalupe the opportunity to increase the City's transient occupancy tax rate from 6% to 10% to remain in effect until ended by voters, as well as increase the types of occupancy categories subject to the tax to specifically include short-term rentals, RV parks, and campgrounds.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California, there is called and ordered to be held in the City of Santa Maria, California, on Tuesday, November 8, 2022, a General Municipal Election for the purpose of electing two members of the City Council for the full term of four years, one Mayor of the City Council for the full term of two years, and one City Treasurer for the full term of four years.

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

CITY OF GUADALUPE MEASURE _____		
Shall the measure be adopted to increase the City of Guadalupe's Transient Occupancy Tax from 6% to 10% until repealed by city voters, and to add short-term rentals of any type, RV Parks, and campgrounds as lodgings subject to the tax, which is anticipated to raise \$20,000 annually, and more if additional lodging facilities commence operations in the City?	YES	
	NO	

SECTION 3. That the proposed complete text of the measure Ordinance submitted to the voters is attached as Exhibit A. Subject to voter approval, the Ordinance increases the City's transient occupancy tax rate from 6% to 10%, as authorized by Revenue and Taxation Code

Section 7280, and will increase the types of occupancy categories subject the tax to include, among other types, short-term rentals, RV parks, and campgrounds.

SECTION 4. That the vote requirement for the measure to pass is a simple majority (50 percent + 1) of the votes cast.

SECTION 5. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 6. That the City Clerk is authorized, instructed, and directed to coordinate with the County of Santa Barbara Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 7. That the polls for the election shall be open at seven o'clock (7:00) a.m. of the day of the election and shall remain open continuously from the time until 8:00 o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code §10242, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 8. 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 9. 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 time, form and manner as required by law.

SECTION 10. That the City Clerk shall certify to the passage and adoption of this resolution and enter in into a book of original resolutions.

SECTION 11. That the City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

SECTION 12. That this Resolution has been reviewed for compliance with the California Environmental Quality Act (CEQA), and the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to § 15601(b)(3) (general rule) and § 15378(b)(4) of the CEQA Guidelines. The transactions and use tax proposed by the adoption of this Resolution is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. The City Council hereby finds with certainty that there is no possibility the passage of this Ordinance will have a significant effect on the environment. Additionally, it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect,

the City would undertake the required CEQA review for that particular project at the earliest feasible date.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Guadalupe held this 14th day of June 2022 by the following vote:

MOTION: TONY RAMIREZ / EUGENE COSTA JR.

AYES: 5 Councilmembers: Ramirez, Cardenas, Julian, Robles, Costa Jr.
NOES: 0
ABSENT: 0
ABSTAIN: 0

I, Amelia M. Villegas, City Clerk of the City of Guadalupe, do hereby certify that the foregoing Resolution being, **Resolution No. 2022-47**, has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City council, held June 14, 2022, and that same was approved and adopted.

ATTEST:

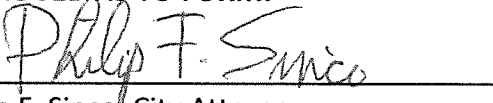


Amelia M. Villegas, City Clerk



Ariston Julian Mayor

APPROVED AS TO FORM:



Philip F. Sinco, City Attorney

ORDINANCE NO. 2022-502

AN ORDINANCE OF THE CITY OF GUADALUPE, CALIFORNIA, AMENDING PORTIONS OF CHAPTER 3.20 OF TITLE 3 OF THE GUADALUPE MUNICIPAL CODE RELATED TO TRANSIENT OCCUPANCY TAX TO INCREASE THE TAX RATE FROM 6% TO 10% AS WELL AS INCREASE THE TYPES OF OCCUPANCY CATEGORIES SUBJECT TO THE TAX

WHEREAS, under the provisions of the laws in the State of California, a general municipal election shall be held on November 8, 2022, for the election of municipal officers; and

WHEREAS, the City Council also desires to allow the voters of the City of Guadalupe the opportunity to increase the rate of the City's Transient Occupancy Tax (TOT) from 6% to 10% to remain in effect until ended by voters; and

WHEREAS, the City Council also wishes to change the definition of "hotel" (which is not limited to hotels only, but includes other types of transient occupancies) to a definition of "lodging" which will include the same transient occupancies listed under the current definition of "hotel" to also include additional occupancies such as short-term rentals, campsites, and recreational vehicle parks.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUADALUPE DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 3.20.010 of Chapter 3.20 of Title 3 of the Guadalupe Municipal Code is hereby amended as follows:

3.20.010 Definitions.

For purposes of this chapter, the following words and phrases are defined as follows:

A. "Lodging" means any structure, or any portion of any structure, reserved outdoor space, or other premises or area, which is occupied or intended or designated for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, motel, inn, short-term rental (as defined in Section 18.55.02.D), bed and breakfast, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location or other similar structure or portion thereof, recreational vehicle park, campground, or parking area, or any other property rented to a "transient" as defined below.

B. "Occupancy" means the use or possession, or the right to the use or possession, of any room or rooms, or portions thereof, in any lodging for dwelling, lodging, or sleeping purposes.

C. "Operator" means the person who is proprietor of any lodging, whether in the capacity owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his or her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

D. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

E. "Rent" means the consideration charged, whether or not received, for the occupancy of space in a hotel, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

F. "Tax Administrator" means the Director of Finance.

G. "Transient" means any person having occupancy of a lodging for a period of 30 consecutive calendar days or less regardless of the form of agreement, license, permit or entitlement. Any person occupying a lodging shall be deemed to be a transient until the period of 30 days has expired unless there is an agreement in writing, between the operator and the occupant, providing for a longer period of occupancy.

SECTION 2. Section 3.20.020 of Chapter 3.20 of Title 3 of the Guadalupe Municipal Code is hereby amended as follows:

3.20.020 Tax imposed—Amount—Payment.

For the privilege of occupancy in any lodging, each transient is subject to and shall pay a tax in the amount of 10% 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 or the City. The transient shall pay the tax to the operator of the lodging 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 lodging, the Tax Administrator may require that such tax shall be paid directly to the Tax Administrator.

SECTION 3. Section 3.20.030 of Chapter 3.20 of Title 3 of the Guadalupe Municipal Code is hereby amended as follows:

3.20.030 Exemptions.

A. No tax shall be imposed upon:

1. Any person as to whom, or any occupancy as to which, it is beyond the power of the City to impose the tax herein provided;

2. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

3. An "organized camp" as defined in California Health & Safety Code section 18897.

4. Housing operated by or used exclusively for religious, charitable, or educational purposes by any organization which has obtained exemption from property taxes under the laws of California for the period the tax would otherwise be imposed.

5. Any campsite in a unit of the state park system.

B. No exemption shall be granted except upon a claim therefor made under penalty of perjury at the time rent is collected, upon a form prescribed by the Tax Administrator.

SECTION 4. Section 3.20.040 of Chapter 3.20 of Title 3 of the Guadalupe Municipal Code is hereby amended as follows:

3.20.040 Registration of lodgings.

Within 30 days after the effective date of the ordinance codified in this chapter, or within 30 days after commencing business, whichever is later, each operator of any lodging renting occupancy to transients shall register such lodging with the Tax Administrator and obtain from him or her a "Transient Occupancy Registration Certificate," to be at all times posted in a conspicuous place on the premises. The certificate shall, among other things, state the following:

A. The name of the operator;

B. The address of the lodging;

C. The date upon which the certificate was issued;

D. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax ordinance by registering with the Tax Administrator for the purpose of collecting from transients the Transient Occupancy tax and remitting said tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful

business or to conduct any lawful business in an unlawful manner, nor to operate a lodging without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department, or office of this City. This certificate does not constitute a permit.”

SECTION 5. Section 3.20.050 of Chapter 3.20 of Title 3 of the Guadalupe Municipal Code is hereby amended as follows:

3.20.050 Operator’s collection duties.

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a lodging shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added any part will be refunded except in the manner hereinafter provided.

SECTION 6. **USE OF TAX PROCEEDS.** The proceeds of the tax approved by this Ordinance may be used for unrestricted general revenue purposes.

SECTION 7. **SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 8. **ELECTION REQUIRED.** This Ordinance shall not become operative unless and until a majority of the electors voting on this measure vote to approve the imposition of the tax at the General Election to be held on November 8, 2022.

SECTION 9. **EFFECTIVE DATE.** This Ordinance relates to the levying and collecting of the City’s transient occupancy tax and shall take effect immediately.

SECTION 10. **COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.** This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), and the CEQA guidelines, and the City’s environmental procedures, and has been found to be exempt pursuant to § 15601(b)(3) (general rule) and § 15378(b)(4) of the CEQA Guidelines. The transient occupancy tax imposed by the adoption of this Ordinance is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. The City Council hereby finds with certainty that there is no possibility the passage of this Ordinance will have a significant effect on the environment. Additionally, it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the City would undertake the required CEQA review for that particular project at the earliest feasible date.

SECTION 11. CLERICAL CORRECTION. The City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

INTRODUCED at a regular meeting of the City Council held this 14th day of June 2022, by the following roll call vote, subject to voter approval at the November 8, 2022, General Municipal Election.

MOTION: TONY RAMIREZ / LILIANA CARDENAS

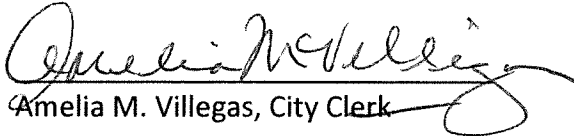
AYES: 5 Councilmembers: Ramirez, Cardenas, Julian, Robles, Costa Jr.
NOES: 0
ABSENT: 0
ABSTAINED: 0

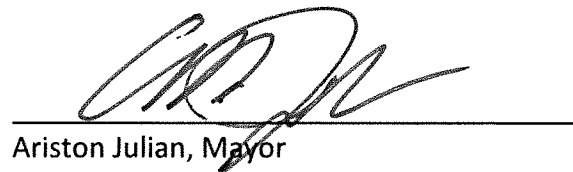
PASSED AND ADOPTED at a regular meeting of the City Council held this 28th day of June 2022, by the following roll call vote, subject to voter approval at the November 8, 2022, General Municipal Election.

MOTION: TONY RAMIREZ / EUGENE COSTA JR.

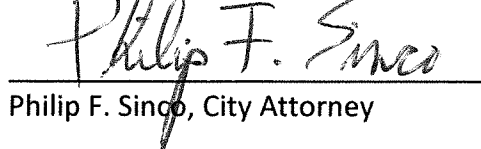
AYES: 5 Councilmembers: Ramirez, Cardenas, Julian, Robles, Costa Jr.
NOES: 0
ABSENT: 0
ABSTAINED: 0

ATTEST:


Amelia M. Villegas, City Clerk


Ariston Julian, Mayor

APPROVED AS TO FORM:


Philip F. Sinco, City Attorney

RESOLUTION NO. 2022-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, WITH THE STATEWIDE GENERAL ELECTION PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a general municipal election shall be held on November 8, 2022, for the election of municipal officers; and

WHEREAS, under the provisions of the laws in the State of California, a general municipal election shall be held on November 8, 2022, for the election of municipal officers; and

WHEREAS, it is desirable that the general municipal election be consolidated with the statewide general election to be held on the same date and that within the City the precincts, polling places, and election officers of the two elections be the same, and that the County Election Division of the County of Santa Barbara, canvass the returns of the general municipal election and that the election be held in all respects as if there were only one election; and

WHEREAS, the City Council also desires to allow the voters of the City of Guadalupe the opportunity to increase the City's transient occupancy tax rate from 6% to 10% to remain in effect until ended by voters, as well as increase the types of occupancy categories subject to the tax to specifically include short-term rentals, RV parks, and campgrounds.

NOW, THEREFORE, THE CITY COUNCIL DOES RESOLVE, DECLARE, DETERMINE AND REQUEST AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Guadalupe, California, on Tuesday, November 8, 2022, a general municipal election for the purposes of electing one Mayor of the City, two members of the City Council, and one City Treasurer, and also, a measure relating to an increase of the City's transient occupancy tax from 6% to 10% until ended by voters.

SECTION 2. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Santa Barbara is hereby requested to consent and agree to the consolidation of the general municipal election with the statewide general election on Tuesday, November 8, 2022 for the purpose of electing one Mayor of the City, two members of the City Council, and one City Treasurer, and also, a measure relating to an increase of the City's transient occupancy tax from 6% to 10% until ended by voters, as well as increase the types of occupancy categories subject to the tax to specifically include short-term rentals, RV parks, and campgrounds.

SECTION 3. That the measure is to appear on the ballot as follows:

<p>CITY OF GUADALUPE MEASURE _____</p> <p>Shall the measure be adopted to increase the City of Guadalupe's Transient Occupancy Tax from 6% to 10% until repealed by city voters, and to add short-term rentals of any type, RV Parks, and campgrounds as lodgings subject to the tax, which is anticipated to raise \$20,000 annually, and more if additional lodging facilities commence operations in the City?</p>	YES	
	NO	

SECTION 4. That the proposed complete text of the measure Ordinance submitted to the voters is attached hereto as Exhibit A.

SECTION 5. That the vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

SECTION 6. That the County Election Division is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one (1) election, and only one (1) form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the Statewide Election.

SECTION 7. That the Board of Supervisors is requested to direct the County Election Division to take any and all steps necessary for the conducting of the consolidated election as prescribed by §10418 of the Elections Code for the holding of the consolidated election.

SECTION 8. That the County elections office take all actions necessary to conduct the election.

SECTION 9. The City Council recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees pursuant to Section 10002 of the Elections Code to reimburse the County in full for the cost of services performed upon presentation of a bill.

SECTION 10. The City will be providing the following services:

- (a) Notice of Election will be published, in time, form and manner required by law.
- (b) Accept and process official candidate nomination papers, which include verification as to whether candidate statements and ballots designations meet all requirements.
- (c) Upon Election Official's certification, issue certificates of election.
- (d) Take any other action necessary that is not the responsibility of the County Elections Official.

SECTION 11. The City Council recognizes that the County Elections Officials will be providing the following services.

- (a) Verification of Nomination petitions as requested.
- (b) Designate polling places and provide supplies and equipment.
- (c) Appoint and train election officers.
- (d) Furnish any and all officials ballots, sample ballots, notices, and printed material.
- (e) Provide and process absentee voter requests.
- (f) Provide polling places for the election which shall be open seven o'clock (7:00) a.m. of the day of the election and shall remain open continuously until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code.
- (g) Ensure that the ballots used at the elections are in the proper form and content required by law.
- (h) Count ballots and canvass the returns.
- (i) Declare results and certify election.
- (j) Take any other action necessary in order to properly and lawfully conduct the election.
- (k) Prepare and mail all invoices regarding election cost.

SECTION 12. That the City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Election Division of the County of Santa Barbara.

SECTION 13. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 14. That the City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.


PASSED, APPROVED AND ADOPTED at a regular meeting on the 14th day of June 2022 by the following vote:

MOTION: TONY RAMIREZ / EUGENE COSTA JR.

AYES:	5	Councilmembers:	Ramirez, Cardenas, Julian, Robles, Costa Jr.
NOES:	0		
ABSENT:	0		
ABSTAIN:	0		

I, Amelia M. Villegas, City Clerk of the City of Guadalupe, do hereby certify that the foregoing Resolution, being **Resolution No. 2020-48**, has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held June 14, 2022, and that same was approved and adopted.

ATTEST:

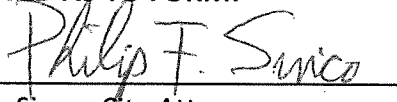


Amelia M. Villegas, City Clerk



Ariston Julian, Mayor

APPROVED AS TO FORM:



Philip F. Sinco, City Attorney

ORDINANCE NO. 2022-502

AN ORDINANCE OF THE CITY OF GUADALUPE, CALIFORNIA, AMENDING PORTIONS OF CHAPTER 3.20 OF TITLE 3 OF THE GUADALUPE MUNICIPAL CODE RELATED TO TRANSIENT OCCUPANCY TAX TO INCREASE THE TAX RATE FROM 6% TO 10% AS WELL AS INCREASE THE TYPES OF OCCUPANCY CATEGORIES SUBJECT TO THE TAX

WHEREAS, under the provisions of the laws in the State of California, a general municipal election shall be held on November 8, 2022, for the election of municipal officers; and

WHEREAS, the City Council also desires to allow the voters of the City of Guadalupe the opportunity to increase the rate of the City's Transient Occupancy Tax (TOT) from 6% to 10% to remain in effect until ended by voters; and

WHEREAS, the City Council also wishes to change the definition of "hotel" (which is not limited to hotels only, but includes other types of transient occupancies) to a definition of "lodging" which will include the same transient occupancies listed under the current definition of "hotel" to also include additional occupancies such as short-term rentals, campsites, and recreational vehicle parks.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUADALUPE DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 3.20.010 of Chapter 3.20 of Title 3 of the Guadalupe Municipal Code is hereby amended as follows:

3.20.010 Definitions.

For purposes of this chapter, the following words and phrases are defined as follows:

A. "Lodging" means any structure, or any portion of any structure, reserved outdoor space, or other premises or area, which is occupied or intended or designated for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, motel, inn, short-term rental (as defined in Section 18.55.02.D), bed and breakfast, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location or other similar structure or portion thereof, recreational vehicle park, campground, or parking area, or any other property rented to a "transient" as defined below.

B. "Occupancy" means the use or possession, or the right to the use or possession, of any room or rooms, or portions thereof, in any lodging for dwelling, lodging, or sleeping purposes.

C. "Operator" means the person who is proprietor of any lodging, whether in the capacity owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his or her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

D. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

E. "Rent" means the consideration charged, whether or not received, for the occupancy of space in a hotel, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

F. "Tax Administrator" means the Director of Finance.

G. "Transient" means any person having occupancy of a lodging for a period of 30 consecutive calendar days or less regardless of the form of agreement, license, permit or entitlement. Any person occupying a lodging shall be deemed to be a transient until the period of 30 days has expired unless there is an agreement in writing, between the operator and the occupant, providing for a longer period of occupancy.

SECTION 2. Section 3.20.020 of Chapter 3.20 of Title 3 of the Guadalupe Municipal Code is hereby amended as follows:

3.20.020 Tax imposed—Amount—Payment.

For the privilege of occupancy in any lodging, each transient is subject to and shall pay a tax in the amount of 10% 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 or the City. The transient shall pay the tax to the operator of the lodging 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 lodging, the Tax Administrator may require that such tax shall be paid directly to the Tax Administrator.

SECTION 3. Section 3.20.030 of Chapter 3.20 of Title 3 of the Guadalupe Municipal Code is hereby amended as follows:

3.20.030 Exemptions.

A. No tax shall be imposed upon:

1. Any person as to whom, or any occupancy as to which, it is beyond the power of the City to impose the tax herein provided;

2. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

3. An "organized camp" as defined in California Health & Safety Code section 18897.

4. Housing operated by or used exclusively for religious, charitable, or educational purposes by any organization which has obtained exemption from property taxes under the laws of California for the period the tax would otherwise be imposed.

5. Any campsite in a unit of the state park system.

B. No exemption shall be granted except upon a claim therefor made under penalty of perjury at the time rent is collected, upon a form prescribed by the Tax Administrator.

SECTION 4. Section 3.20.040 of Chapter 3.20 of Title 3 of the Guadalupe Municipal Code is hereby amended as follows:

3.20.040 Registration of lodgings.

Within 30 days after the effective date of the ordinance codified in this chapter, or within 30 days after commencing business, whichever is later, each operator of any lodging renting occupancy to transients shall register such lodging with the Tax Administrator and obtain from him or her a "Transient Occupancy Registration Certificate," to be at all times posted in a conspicuous place on the premises. The certificate shall, among other things, state the following:

A. The name of the operator;

B. The address of the lodging;

C. The date upon which the certificate was issued;

D. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax ordinance by registering with the Tax Administrator for the purpose of collecting from transients the Transient Occupancy tax and remitting said tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful

business or to conduct any lawful business in an unlawful manner, nor to operate a lodging without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department, or office of this City. This certificate does not constitute a permit.”

SECTION 5. Section 3.20.050 of Chapter 3.20 of Title 3 of the Guadalupe Municipal Code is hereby amended as follows:

3.20.050 Operator’s collection duties.

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a lodging shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added any part will be refunded except in the manner hereinafter provided.

SECTION 6. USE OF TAX PROCEEDS. The proceeds of the tax approved by this Ordinance may be used for unrestricted general revenue purposes.

SECTION 7. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 8. ELECTION REQUIRED. This Ordinance shall not become operative unless and until a majority of the electors voting on this measure vote to approve the imposition of the tax at the General Election to be held on November 8, 2022.

SECTION 9. EFFECTIVE DATE. This Ordinance relates to the levying and collecting of the City’s transient occupancy tax and shall take effect immediately.

SECTION 10. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), and the CEQA guidelines, and the City’s environmental procedures, and has been found to be exempt pursuant to § 15601(b)(3) (general rule) and § 15378(b)(4) of the CEQA Guidelines. The transient occupancy tax imposed by the adoption of this Ordinance is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. The City Council hereby finds with certainty that there is no possibility the passage of this Ordinance will have a significant effect on the environment. Additionally, it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the City would undertake the required CEQA review for that particular project at the earliest feasible date.

SECTION 11. CLERICAL CORRECTION. The City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

INTRODUCED at a regular meeting of the City Council held this 14th day of June 2022, by the following roll call vote, subject to voter approval at the November 8, 2022, General Municipal Election.

MOTION: TONY RAMIREZ / LILIANA CARDENAS


AYES: 5 Councilmembers: Ramirez, Cardenas, Julian, Robles, Costa Jr.
NOES: 0
ABSENT: 0
ABSTAINED: 0

PASSED AND ADOPTED at a regular meeting of the City Council held this 28th day of June 2022, by the following roll call vote, subject to voter approval at the November 8, 2022, General Municipal Election.

MOTION: TONY RAMIREZ / EUGENE COSTA JR.


AYES: 5 Councilmembers: Ramirez, Cardenas, Julian, Robles, Costa Jr.
NOES: 0
ABSENT: 0
ABSTAINED: 0

ATTEST:


Amelia M. Villegas, City Clerk


Ariston Julian, Mayor

APPROVED AS TO FORM:


Philip F. Sindo, City Attorney

RESOLUTION NO. 2022-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE'S STATEMENTS AND MATERIALS SUBMITTED TO THE ELECTORATE TO BE HELD ON TUESDAY, NOVEMBER 8, 2022

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency may adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidate's statement.

NOW, THEREFORE, THE CITY COUNCIL DOES RESOLVE, DECLARE, DETERMINE AND REQUEST AS FOLLOWS:

SECTION 1. That pursuant to Section 13307 of the Election Code of the State of California, each candidate for elective office to be voted for at an election to be held in the City of Guadalupe on Tuesday, November 8, 2022 may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the names, age, and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period of filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY.

A. Pursuant to the Federal Voting Rights Act, candidates' statements will be translated into all languages required by the County of Santa Barbara. The County is required to translate candidate's statements into Spanish.

B. The County will print and mail voter information guides and candidates' statements to all voters in Spanish.

C. Pursuant to State law, a candidate's statement may be translated printed in the voter's pamphlet in any other language at the candidate's request.

SECTION 3. PAYMENT.

A. Translation:

1. The candidate shall be required to pay for the cost of translating the candidates' statement into any required foreign language above pursuant to Federal and/or State law; and as specified in Section 2.A.

2. The candidate shall be required to pay for the cost of translating the candidates statement into any foreign language that is not required as specified in Section 2A above, pursuant to Federal and/or State law, but is requested as an option by the candidate.

B. Printing:

1. The candidate shall be required to pay for the cost of printing the candidates' statement in English in the main voter pamphlet.
2. The candidate shall be required to pay for the cost of printing the candidates statement in a foreign language required in Section 2.A. above, in the main voter pamphlet.
3. The candidate shall be required to pay for the cost of printing the candidates statement in a foreign language requested by the candidate per Section 2.C. above, in the main voter pamphlet.
4. The candidate shall be required to pay for the cost of printing the candidates statement in a foreign language required by Section 2.A. above, in the facsimile voter pamphlet. The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this Section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. The estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the City Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. in the event of underpayment, the City Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of receiving the actual cost invoice from the County of Santa Barbara.

SECTION 4. MISCELLANEOUS.

- A. All translations shall be provided by professionally certified translators.
- B. The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.
- C. No candidate will be permitted to include additional materials in the voter information guide.

SECTION 5. The candidate shall be required to pay for the cost of printing the candidate's statement in English and any other language requested by the candidate.

SECTION 6. That the City Clerk shall provide each candidate or the candidate's representative a copy of this resolution at the time nominating petitions are issued.

SECTION 7. That all previous resolutions establishing council policy of payment for candidate's statement are repealed.

SECTION 8. That the resolution shall apply only to the election to be held on November 3, 2020 and shall then be repealed.

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

SECTION 10. The City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

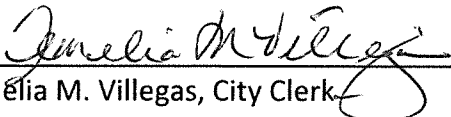
PASSED, APPROVED AND ADOPTED at a regular meeting on the June 14, 2022, by the following vote:

MOTION: TONY RAMIREZ / EUGENE COSTA JR.

AYES: 5 Councilmembers: Ramirez, Cardenas, Julian, Robles, Costa Jr.
NOES: 0
ABSENT: 0
ABSTAIN: 0

I, Amelia M. Villegas, City Clerk of the City of Guadalupe, do hereby certify that the foregoing Resolution, being **Resolution No. 2020-49**, has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held June 14, 2022, and that same was approved and adopted.

ATTEST:




Amelia M. Villegas, City Clerk



Ariston Julian, Mayor

APPROVED AS TO FORM:



Philip F. Sinco, City Attorney

RESOLUTION NO. 2022-50

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA,
SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY
MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL
ANALYSIS**

WHEREAS, a general municipal election is to be held in the City of Guadalupe, California, on November 8, 2022, at which there will be submitted to the voters the following measure:

CITY OF GUADALUPE MEASURE _____		
Shall the measure be adopted to increase the City of Guadalupe's Transient Occupancy Tax from 6% to 10% until repealed by city voters, and to add short-term rentals of any type, RV Parks, and campgrounds as lodgings subject to the tax, which is anticipated to raise \$20,000 annually, and more if additional lodging facilities commence operations in the City?	YES	
	NO	

NOW, THEREFORE, THE CITY COUNCIL DOES RESOLVE, DECLARE, DETERMINE AND REQUEST AS FOLLOWS:

SECTION 1. That the City Council authorizes the filing of a written argument in favor of the City measure specified above on behalf of the City Council, not exceeding 300 words, which shall have first priority among arguments submitted in favor of the measure for printing and distribution to the voters, and which shall be accompanied by the printed name(s) and signature(s) of the person(s) submitting it, in accordance with Article 4, Chapter 2, Division 9 of the Elections Code of the State of California, and to change the argument 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 Council further authorizes the filing of a rebuttal argument on behalf of the City Council, if an argument against the measure is filed, in accordance with the above-cited provisions of the Elections Code. Furthermore, at the City Council's discretion, the argument and rebuttal, if any, may be signed by up to five persons including members of the City Council or bona fide associations or by individual voters who are eligible to vote on the measure.

SECTION 2. That the City Council 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 exceeding 500 words showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 3. That the analysis shall include a statement indicating that the measure was placed on the ballot by the City Council of the City of Guadalupe.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

SECTION 5. That the City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

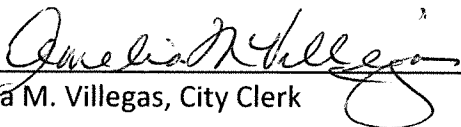
PASSED, APPROVED, AND ADOPTED at a regular meeting on the 14th day of June 2022, by the following vote:

MOTION: TONY RAMIREZ / EUGENE COSTA JR.

AYES: 5 Councilmembers: Ramirez, Cardenas, Julian, Robles, Costa Jr.
NOES: 0
ABSENT: 0
ABSTAIN: 0

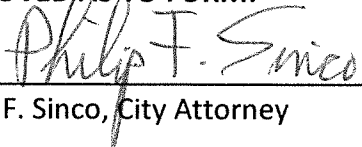
I, Amelia M. Villegas, City Clerk of the City of Guadalupe, do hereby certify that the foregoing Resolution, being **Resolution No. 2022-50**, has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held June 14, 2022, and that same was approved and adopted.

ATTEST:


Amelia M. Villegas, City Clerk


Ariston Julian, Mayor

APPROVED AS TO FORM:


Philip F. Sinco, City Attorney

RESOLUTION NO. 2022-51

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA,
PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR THE CITY MEASURE
SUBMITTED AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY,
NOVEMBER 8, 2022**

WHEREAS, Section 9282 of the Elections Code of the State of California provides for written arguments to be filed in favor of or against a city measures not to exceed 300 words in length; and

WHEREAS, Section 9285 of the Elections Code of the State of California authorizes a city council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for city measures submitted at municipal elections.

NOW, THEREFORE, THE CITY COUNCIL DOES RESOLVE, DECLARE, DETERMINE AND REQUEST AS FOLLOWS:

SECTION 1. That pursuant to Section 9285 of the Elections Code of the State of California, when the City Clerk has selected the arguments for and against the measure (not exceeding 300 words each) 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 authors 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. Rebuttal arguments may not be signed by more than five (5) authors.

The rebuttal arguments shall be filed with the City Clerk accompanied by the printed name(s) and signature(s) of the person(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.

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.

SECTION 2. That the City Council authorizes the filing of a rebuttal argument, if an argument against the measure is filed, in accordance with the provisions of the Elections Code. Furthermore, at the City Council's discretion, the rebuttal, if any, may be signed by up to five persons, including members of the City Council or bona fide associations or by individual voters who are eligible to vote on the measure.

SECTION 3. That all previous resolutions providing for the filing of rebuttal arguments for city measures are repealed.

SECTION 4. That the provisions of Section 1 shall apply only to the election to be held on November 8, 2022.

SECTION 5. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 6. The City Clerk is hereby authorized to make minor changes hereinto address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

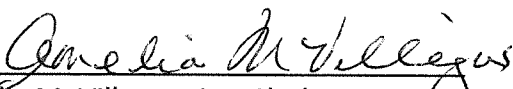
PASSED, APPROVED and ADOPTED at a regular meeting on the 14th day of June 2022, by the following vote:

MOTION: TONY RAMIREZ / EUGENE COSTA JR.


AYES: 5 **Councilmembers:** Ramirez, Cardenas, Julian, Robles, Costa Jr.
NOES: 0
ABSENT: 0
ABSTAIN: 0

I, Amelia M. Villegas, City Clerk of the City of Guadalupe, do hereby certify that the foregoing Resolution, being **Resolution No. 2022-51**, has been duly signed by the Mayor and attested by the City Clerk, all at the regular meeting of the City Council, held June 14, 2022, and that same was approved and adopted.

ATTEST:

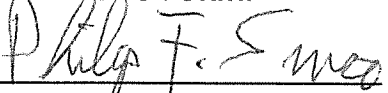


Amelia M. Villegas, City Clerk



Ariston Julian, Mayor

APPROVED AS TO FORM:



Philip F. Sinco, City Attorney