

12-00555



City of Buellton

VIA HAND DELIVERY

June 21, 2012

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

2012 JUN 21 10:11:40
COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

Dear Clerk of the Board:

Enclosed please find the original plus seven (7) copies of the following Resolution pertaining to the November 6, 2012 General Municipal Election:

Resolution No. 12-20 – “A Resolution of the City Council of the City of Buellton, California, Calling and Giving Notice of the Holding of an Election to be Consolidated with the General Election to be held on Tuesday, November 6, 2012 for the Purpose of Submitting a Measure to the Qualified Voters of Buellton Regarding Raising the Transient Occupancy Tax Rate”

The above Resolution was adopted by the Buellton City Council on June 19, 2012. Please place the enclosed Resolution on your next Board of Supervisors meeting agenda scheduled for July 10, 2012.

If you have any questions with regard to the enclosed documents, please contact me.

Thank you for your assistance.

Sincerely,
CITY OF BUELLTON

Linda Reid
City Clerk

Enclosures
c: Elections Office (via email)

RESOLUTION NO. 12-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF AN ELECTION TO BE CONSOLIDATED WITH THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012 FOR THE PURPOSE OF SUBMITTING A MEASURE TO THE QUALIFIED VOTERS OF BUELLTON REGARDING RAISING THE TRANSIENT OCCUPANCY TAX RATE

WHEREAS, Chapter 3.28 of the Buellton Municipal Code provides the provisions for the Buellton Transient Occupancy Tax (TOT), a charge for transient occupancy in hotels, motels, etc. (as defined in Section 3.28.020); and

WHEREAS, Section 3.28.030 sets the TOT rate to be charged at ten percent (10%); and

WHEREAS, it is the desire of the City Council to place before the voters of the City of Buellton an amendment to the Buellton Municipal Code to increase the amount of the TOT rate from ten percent (10%) to a maximum twelve percent (12%); and

WHEREAS, it is the further desire and intent of the City Council that all fees and revenues collected through the TOT increase shall be used as the Council shall find will contribute and promote to the growth, enlargement, and prosperity of the City and will forward, encourage, advance, help, aid assist in the growth, enlargement and prosperity of the City; and

WHEREAS, pursuant to existing California Law, the establishment or increase of general or special municipal taxes must be submitted to the voters for approval; and

WHEREAS, under the provisions of the law relating to General Law cities in the State of California, a General Municipal Election shall be held on November 6, 2012; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Buellton 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 Buellton, California on Tuesday, November 6, 2012 an Election for the purpose of submitting to the voters the following Measure:

Shall Section 3.28.030 of the Buellton Municipal Code be amended to increase the Transient Occupancy Tax rate, which applies only to transient occupants of hotels (as defined in Section 3.28.020), from ten percent (10%) to twelve percent (12%)?	YES
	NO

SECTION 2. That the text of the ordinance submitted to the voters is attached as Exhibit "A".

SECTION 3. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 4. The City Clerk is authorized, instructed and directed 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. Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Santa Barbara is requested to place the Buellton Transient Occupancy Tax Measure on the ballot to be consolidated with the General Election scheduled for November 6, 2012.


SECTION 5. That the polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed except as provided in Section 14301 of the Elections Code of the State of California.

SECTION 6. 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 7. 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.

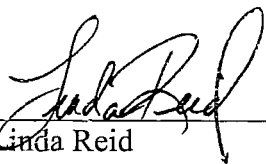
SECTION 8. The City Clerk shall certify the passage and adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 19th day of June, 2012.



Holly Sierra
Mayor

ATTEST:



Linda Reid
City Clerk


I, Linda Reid, City Clerk of the City of Buellton, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Buellton at the special meeting held on the 19th day of June, 2012 by the following vote of the Council:

AYES: 4 Council Members Dale, Elovitz, Mayor Pro Tem King, and Mayor Sierra

NOES: 1 Council Member Andrisek

ABSENT: 0

ABSTAIN: 0



Linda Reid
City Clerk

EXHIBIT A

The Full Text of the Measure is as Follows:

TRANSIENT OCCUPANCY TAX RATE INCREASE

To Be Submitted to the Voters of the City of Buellton

THE PEOPLE OF THE CITY OF BUELLTON DO ORDAIN AS FOLLOWS:

Section 3.28.030 of Chapter 3.28 of the Buellton Municipal Code is hereby amended to read, as follows:

“3.28.030 Rate.

For the privilege of occupancy in any hotel, the City Council may, by ordinance, establish a tax rate at no greater than twelve percent (12%) of the rent actually charged or customarily charged by the operator for the rooms and/or facilities occupied by the transient. Each transient is subject to and shall pay the tax in the amount in the amount set by the City Council. This tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator of the hotel at the time the rent is paid. The unpaid tax is 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 administrator may require that such tax be paid directly to the tax administrator.”