

RESOLUTION NO. 08-800

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLVANG, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2008 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE

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 department 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;

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

SECTION 1. That pursuant to the requirements of § 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 a General Municipal Election with the Statewide General election on Tuesday, November 4, 2008, for the purpose of the election of a Mayor with a term of two (2) years and one Council Member with a term of four (4) years.

SECTION 2. That a measure is to appear on the ballot as follows: (attached Exhibit A)

SHALL AN ORDINANCE AMENDING THE GENERAL TRANSIENT OCCUPANCY TAX INCREASING FROM 10% TO 11% BE ADOPTED?

YES

NO

SECTION 3. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Solvang recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

**SECTION 5.** That 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 ballot designations meet all legal requirements.
- (c) Accept and process the impartial analysis, direct arguments, and rebuttal arguments for all City measures. Conduct the 10-day public exam period.
- (d) Upon Election Officials certification, issue certificates of election.
- (e) Take any other action necessary that is not the responsibility of the County Elections Official.

**SECTION 6.** That the City Council recognizes that the County Elections Official will be providing the following services:

- (a) Verify Nomination petitions as requested.
- (b) Designate polling places and provide supplies and equipment.
- (c) Appoint and train election officers.
- (d) Furnish any and all official 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 at seven o'clock 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 election 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 costs.

**SECTION 7.** That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of Santa Barbara.

**SECTION 8.** That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED ON** this the 23<sup>rd</sup> day of June 2008.

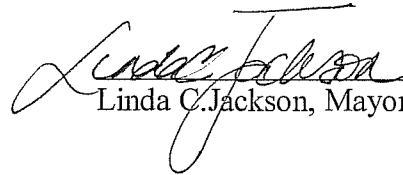
I, Mary Ellen Rio, City Clerk of the City of Solvang, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Solvang at a regular meeting held on the 23<sup>rd</sup> date of June 2008 by the following vote:

AYES: Mayor Jackson, Council Members Boyle, Palmer, Richardson and Skytt

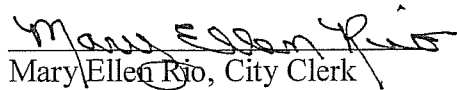
NOES:

ABSTAIN:

ABSENT:

  
Linda C. Jackson, Mayor

ATTEST:

  
Mary Ellen Rio, City Clerk



**AN ORDINANCE BY THE VOTERS OF THE CITY OF  
SOLVANG AMENDING SECTION 3-2-2 OF CHAPTER 2  
TITLE 6 OF THE SOLVANG MUNICIPAL CODE  
PERTAINING TO THE CITY OF SOLVANG TRANSIENT  
OCCUPANCY TAX**

**SECTION 1. ENACTMENT**

Amending Section 3-2-2 (Tax Imposed) of Chapter 2 of Title 3 of the Solvang Municipal Code is hereby amended to read as follows:

**3-2-2: TAX IMPOSED:**

(a) For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of eleven percent (11%) 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 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 is not paid to the operator of the hotel, the finance director may require that such tax shall be paid directly to the finance department.

**SECTION 2. SEVERABILITY**

If any provision of this Section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Section which can be given effect without the invalid provision or application, and to this end the provisions of this Section are severable.

### SECTION 3. EFFECTIVE DATE

This Ordinance shall be in force and take effect ten (10) days after the official canvas of the November 4, 2008 Election.

ADOPTED at a regular meeting of the City Council held this 23rd day of June 2008 on motion of Council Member Boyle, seconded by Council Member Palmer, and on the following roll call vote, to wit:

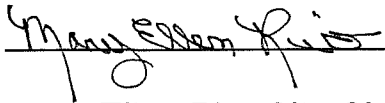
AYES: Mayor Jackson, Council Members Boyle, Palmer and Richardson

NOES:

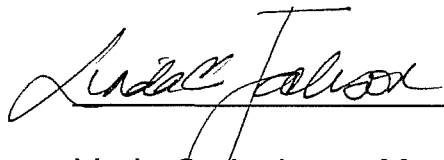
ABSENT: Council Member Skytt

ABSTAIN:

ATTEST:



Mary Ellen Rio, City Clerk



Linda C. Jackson, Mayor