

RESOLUTION NO. 18-0521

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL ORDERING THAT A MEASURE TO INCREASE THE CITY'S UNIFORM HOTEL/MOTEL OCCUPANCY TAX (TOT) UP TO 14% BE SUBMITTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2019, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, pursuant to the requirements of the laws of the State of California relating to general law cities, there has been called and ordered to be held in the City of Manhattan Beach on Tuesday, March 5, 2019, a General Municipal Election for the purpose of electing two members of the City Council;

WHEREAS, pursuant to its existing authority under the Elections Code, the City Council proposes to submit a proposed ballot measure to increase the City's existing Uniform Hotel/Motel Occupancy Tax (TOT) to the voters of the City at the General Municipal Election on Tuesday, March 5, 2019;

WHEREAS, the City of Manhattan Beach currently has one of the lowest TOT rates among neighboring cities such as El Segundo, Hermosa Beach, as well as other cities such as Inglewood, Santa Monica and Los Angeles. If enacted, this measure would simply bring the City's rate in line with neighboring cities;

WHEREAS, this measure would not tax Manhattan Beach residents or property, but would apply only to guests staying in local lodging such as hotels or motels in Manhattan Beach;

WHEREAS, revenue generated by the updated TOT can be used to maintain and enhance community identified priorities, such as: providing quick responses to 9-1-1 emergencies, providing police services including neighborhood police patrols, crime prevention and investigations, maintaining streets and repairing potholes, keeping public areas clean and free of graffiti and providing fire protection and emergency medical services;

WHEREAS, fast emergency response times for 9-1-1 calls was identified as a top community priority. This measure could help ensure there are enough police officers, firefighters, and paramedics to respond quickly to 9-1-1 emergencies;

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

WHEREAS, revenue generated by this measure will maintain the quality of life in Manhattan Beach by keeping the City clean, safe and well maintained;

WHEREAS, the City Council proposes to maintain the City's existing TOT at 10% until April 30, 2020 to provide ample time for hotels/motels to transition to 12%. Thereafter, the City Council will maintain the rate at 12% for at least two additional years.

WHEREAS, the City Clerk has been authorized, instructed and directed to coordinate with the County of Los Angeles Registrar-Recorder/County Clerk 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;

WHEREAS, the City Council previously authorized the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill; and

WHEREAS, the City Council previously requested the Board of Supervisors of the County to permit the County Election Department to prepare and furnish full election services for use in connection with the election and agreed to reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1. Pursuant to California Elections Code Sections 9222 and 10201, the City Council, pursuant to its right and authority, does hereby order that a ballot measure be submitted to the voters at the General Municipal Election on Tuesday, March 5, 2019 in the form set forth herein.

SECTION 2. The City Council hereby orders that the question to be submitted to the voters at the said General Municipal Election shall appear and be printed on the ballot as follows:

<p>Manhattan Beach's Quality of Life Measure. To fund essential City services such as police patrols/crime prevention, fire, paramedic/9-1-1 emergency response, street maintenance, pothole repair, community facilities, infrastructure improvements/other general services, shall an ordinance be adopted increasing the City's existing transient occupancy (hotel) tax paid by hotel/motel guests up to 14%, providing more than \$1,000,000 annually for City services, until ended by voters, requiring citizen oversight, independent audits, and all funds locally controlled?</p>	<p>YES</p> <hr/>	<p>NO</p> <hr/>
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SECTION 3. The text of the proposed ordinance to be submitted to the voters, as attached hereto as Exhibit "A," is hereby approved and incorporated herein by reference and shall be printed in the voter pamphlet. The type of tax proposed is an existing Uniform Hotel/Motel Occupancy Tax (Transient Occupancy Tax) collected by hotel (as defined) operators from guests as a percentage of the amount paid for lodging, and the recommended rate increase is proposed to be up to 14%. The measure shall not take effect unless and until approved by a vote of at least a majority of the voters voting on the question at the election.

SECTION 4. The ballots to be used at the election shall be in form and content as required by law.

SECTION 5. The City Attorney's Impartial Analysis of the ballot measure and the arguments in favor or against the ballot measure shall proceed in accordance with the following:

- A) The City Council directs the City Clerk to transmit a copy of the above referenced 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 in accordance with Article 4, Chapter 3, Division 9 of the California Elections Code, including Section 9280. The impartial analysis shall be filed by the date set by the City Clerk

for the filing of primary arguments.

- B) The City Council authorizes any and all members of the City Council to file a written argument in favor or against the above referenced measure in accordance with Article 4, Chapter 3, Division 9 of the California Elections Code, including Section 9282(b), and to change the arguments until and including the date fixed by the City Clerk after which no arguments for or against the measure may be submitted to the City Clerk. Any voter eligible to vote on the measure, bona fide association of citizens, or any combination of voters and associations may also file a written argument in favor or against the above referenced measure with the City Clerk in accordance with Article 4, Chapter 3, Division 9 of the California Elections Code, including Sections 9282 through 9287.


SECTION 6. The election on this measure shall be conducted on the same ballot as the General Municipal Election for candidates, and shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. The Mayor and all other officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they may deem necessary or advisable in order to complete the process for placing the measure on the March 5, 2019 ballot.

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

ADOPTED on December 4, 2018.

AYES: Howorth, Lesser, Montgomery, Hersman and Mayor Napolitano.
NOES: None.
ABSENT: None.
ABSTAIN: None.



STEVEN A. NAPOLITANO
Mayor

ATTEST:



LIZA TAMURA
City Clerk

EXHIBIT "A"

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING THE PROVISIONS OF MANHATTAN BEACH MUNICIPAL CODE SECTION 8.20.020 TO INCREASE THE RATE OF THE CITY'S EXISTING UNIFORM HOTEL/MOTEL OCCUPANCY TAX (TOT) FROM 10% TO UP TO 14%

THE PEOPLE OF THE CITY OF MANHATTAN BEACH HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 8.20.020 of Chapter 8.20 of Title 8 of the Manhattan Beach Municipal Code is hereby amended by increasing the TOT rate to read as follows:

"For the privilege of occupancy in any hotel, each transient shall be subject to and shall pay a tax in the amount of 10% of the rent charged by the operator. Commencing May 1, 2020, each transient shall be subject to and shall pay a tax in the amount of 12% of the rent charged by the operator. Said tax shall constitute a debt owed by the transient to the City which debt shall be 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 due is not paid to the operator of the hotel, the Tax Administrator may require that such tax shall be paid directly to the Tax Administrator."

SECTION 2. Notwithstanding California Elections Code Section 9217, without a vote of the people, the City Council may do any and all of the following: (i) repeal this Ordinance; (ii) maintain or reduce the rate of the uniform hotel/motel occupancy tax below the percentages set forth in Section 1 of this Ordinance; or (iii) increase the rate of the uniform hotel/motel occupancy tax back to a rate not to exceed such percentages if it has been previously reduced below such rate; (iv) increase the percentage of 12% set forth in Section 1 of this Ordinance to a percentage not to exceed 14% at any time after April 30, 2022; and (v) amend any other provision of Manhattan Beach Municipal Code Chapter 8.20 that does not increase the rate of the tax above such percentages. In no event shall the City Council increase the rate of the uniform hotel/motel occupancy tax in excess of 14% without approval by a majority of the voters voting in an election on the increase.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The People of the City of Manhattan Beach hereby declare that they would have

adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

SECTION 4. If adopted, this Ordinance will increase the rate of the City's existing uniform hotel/motel occupancy tax, which is a general tax of the City collected by hotel operators from guests up to 14%. This Ordinance was proposed by the Manhattan Beach City Council through the approval of this Ordinance and the adoption of Resolution No. 18-0521.

SECTION 5. The Mayor is hereby authorized to attest to the adoption of this Ordinance by signing where indicated below. This Ordinance shall take effect ten days following certification of the vote by the City Council.

AYES:
NOES:
ABSENT:
ABSTAIN:

STEVEN A. NAPOLITANO
Mayor

ATTEST:

LIZA TAMURA
City Clerk