RESOLUTION NO. 10-16

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF WILLIAMS
CALLING AN ELECTION ON AMENDMENT TO
TRANSIENT OCCUPANCY TAX ORDINANCE

WHEREAS, the City of Williams is authorized to impose a transient occupancy tax for the privilege of occupying a hotel in the City (see California Constitution article 11, section 5 and 7; Government Code section 37100.5 and 53723; Revenue and Taxation Code section 7280); and

WHEREAS, in 1982, the Williams City Council adopted by ordinance a transient occupancy tax to be levied and collected in the City (see Ordinance No. 2082, as amended by Ordinance No. 41-88), and the ordinance is codified in section 3.24.030 of the Williams Municipal Code; and

WHEREAS, in 2000, the Williams City Council adopted an ordinance amending the transient occupancy tax ordinance to increase the rate of such tax from eight percent to ten percent (See Ordinance No. 121-00), which ordinance was approved by the voters of the City of Williams in the November 7, 2000 election; and

WHEREAS, the City's transient occupancy tax is a general tax in that the tax revenue is deposited in the City's general fund and used for general governmental purposes; and

WHEREAS, under Williams Municipal Code section 3.24.030, the rate of the City's transient occupancy tax currently is ten percent of the rent charged by a hotel operator; and

WHEREAS, the City has identified a need to increase the amount of its general fund to pay for governmental services within the City; and

WHEREAS, the City desires to generate additional general funds by increasing the rate of the transient occupancy tax; and

WHEREAS, California Constitution, Article 13C, Section 2, and Government Code Section 53723 prohibit the City from imposing an increased general tax unless the proposed increase first is submitted to the City electorate and approved by a majority vote of those voting on the issue; and

WHEREAS, Government Code section 53724, subdivision (b), requires that before the City presents the increased general tax to the voters at an election, two-thirds of the members of the City Council must approve an ordinance proposing the increase; and

WHEREAS, on May 19, 2010, the City Council introduced Ordinance No. 178-10 adopting an increase in the transient occupancy tax subject to voter approval, and a copy of Ordinance No. 178-10 is attached to this resolution as Exhibit A; and

WHEREAS, the City Council expects to finally adopt Ordinance No. 178-10, by at least a two-thirds vote, on June 16, 2010; and

WHEREAS, the City desires to submit to the City voters the question of whether or not to approve Ordinance No. 178-10 and the tax increase described therein, and that this question be submitted to the voters at the statewide general election on November 2, 2010.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Williams as follows:

1. Pursuant to California Constitution, Article 13C, Section 2, Government Code Section 53723 and Elections Code Sections 9222 and 10201, the City Council hereby orders that:

a. There shall be an election for the City voters to consider approval of Ordinance No. 178-10 in the form of the attached Exhibit A;

b. The proposition question that appears on the election ballot shall read as follows:

"City of Williams Transient Occupancy Tax Ordinance. Shall City of Williams Ordinance No. 178-10 which ordinance increases the rate of the City's transient occupancy tax from ten percent of the rent charged by a hotel to twelve percent of the rent charged, be adopted?"

Yes____   No____

c. The proposition shall be submitted to the City voters at the regular statewide election that is scheduled for Tuesday, November 2, 2010.

2. Pursuant to Elections Code sections 10002 and 10403 and other applicable authority, the City Council hereby requests the Colusa County Board of Supervisors and the Colusa County Clerk to: (a) consolidate the election on this City proposition with, and place it upon the same ballot as that provided for, the regular statewide election scheduled for Tuesday, November 2, 2010; and (b) perform election services relating to the vote on the City proposition in accordance with City of Williams Resolution No. 10-15 requesting election services on behalf of the City for the November 2, 2010 election, which resolution was adopted by the City Council on May 19, 2010 and is being forwarded to the County. This resolution supplements, and does not supersede, Resolution No. 10-15.

4. The City Clerk is hereby authorized and directed forthwith to file certified copies of this resolution with the Colusa County Board of Supervisors and the Colusa County Clerk.

5.   The City Clerk is hereby authorized and directed to provide, without cost, a copy of Ordinance No. 178-10 to any voter who requests it. Copies shall be given to persons who request them in person at the City Clerk's office, and shall be mailed to persons who request them by telephoning the City Clerk's office. (See Elections Code sections 9223 and 9280.)

6.   The City Clerk and other City officers and employees are hereby authorized and directed to take all other actions that are necessary to have the City's proposition properly submitted to the City voters at the November 2, 2010 election.

PASSED AND ADOPTED by the City Council of the City of Williams on this 19th day of May, 2010, by the following votes:

AYES: Ash, Troughton, Jr., Barker, and Plachek-Fulcher.
NOES: Johnson.
ABSTAIN: None.
ABSENT: None.

_____
Angela Plachek-Fulcher, Mayor

Attest:

_____
Charles Bergson, Interim City Clerk