

**RESOLUTION NO. 1949.2**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY  
REQUESTING SUBMISSION TO THE VOTERS OF A LOCAL BALLOT MEASURE  
REGARDING AN INCREASE IN THE CITY'S TRANSIENT OCCUPANCY TAX FOR  
INCLUSION ON THE NOVEMBER 6, 2018 CONSOLIDATED GENERAL ELECTION  
BALLOT AND DIRECTING THE CITY ATTORNEY TO PREPARE AN  
IMPARTIAL ANALYSIS OF THE MEASURE**

**WHEREAS**, the City Council has approved Resolution No's 1949 and 1949.1 ordering an election, requesting county elections to conduct the election, and requesting consolidation of the General Municipal Election in the City of Scotts Valley on Tuesday, November 6, 2018; and,

**WHEREAS**, the Election is a regularly scheduled general election for members of the City Council; and

**WHEREAS**, the City imposes a transient occupancy tax upon hotels conducting business in the City; and,

**WHEREAS**, the transient occupancy tax is imposed to raise revenue and not for regulation and constitutes a general tax; and,

**WHEREAS**, the ordinance attached hereto as Exhibit "A" and incorporated herein by reference (the "Ordinance") would update the existing ordinance to modernize its language and to reflect inflation; and,

**WHEREAS**, Elections Code Section 9222 authorizes the City Council to submit an ordinance directly to the voters; and,

**WHEREAS**, the City Council wishes to submit the Ordinance to the voters at the Election.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the Santa Cruz County Elections Department shall conduct the election for the following measure to be voted on at the November 6, 2018 election:

Shall the City of Scotts Valley adopt an ordinance amending Section 3.24.030 of the Municipal Code raising the transient occupancy tax rate from 10% to 11%	Yes	
	No	

**BE IT FURTHER RESOLVED AND ORDERED** that the Santa Cruz County Elections Department is requested to print the attached text exactly as filed or indicated on the filed document in the Voter's Information Pamphlet section of the Sample Ballot for the November 6, 2018 election. Cost of printing and distribution of the measure text will be paid for by the city.

**BE IT FURTHER RESOLVED AND ORDERED** that the City Clerk of the City of Scotts Valley is hereby ordered and directed to cause said proposed ordinance and notice of election to be published in accordance with the provisions of the California State Elections Code.

**BE IT FURTHER RESOLVED AND ORDERED** that in accordance with section 9280 of the California Elections Code, the City Attorney is hereby directed to prepare an impartial analysis of this measure.

The above and foregoing Resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a regular meeting held on the 20<sup>th</sup> day of June, 2018 by the following vote:

AYES: AGUILAR, DILLES, JOHNSON, LIND, REED

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Approved: \_\_\_\_\_

  
Jim Reed, Mayor

Attest: \_\_\_\_\_

  
Tracy A. Ferrara, City Clerk

**EXHIBIT A**

Measure to be voted on: November 6, 2018

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF SCOTTS VALLEY AMENDING SECTION  
3.24.030 OF THE SCOTTS VALLEY MUNICIPAL CODE PERTAINING TO THE CITY  
OF SCOTTS VALLEY TRANSIENT OCCUPANCY TAX**

**THE PEOPLE OF THE CITY OF SCOTTS VALLEY, CALIFORNIA, DO ORDAIN AS  
FOLLOWS:**

**WHEREAS**, it is the purpose of this Ordinance to amend the City of Scotts Valley Municipal Code Section 3.24.030 entitled Tax Imposed, to increase the Transient Occupancy Tax ("TOT") from 10% to 11%; and,

**WHEREAS**, this Ordinance shall be known as the City of Scotts Valley Transient Occupancy Tax increase. The City of Scotts Valley hereinafter shall be call "City". This Ordinance shall be applicable in the incorporated territory of the City; and,

**WHEREAS**, the increase in the TOT rate, if approved, will produce the additional benefit of helping to recoup costs associated with the impacts travelers and visitors have on the City's many amenities, such as but not limited to, police services, traffic circulation, parks and recreation and public roads. It also will reduce the per capita cost of general municipal program and services paid by local residents and businesses.

**NOW THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF SCOTTS VALLEY AS FOLLOWS:**

**SECTION 1.** Section 3.24.030 of Chapter 3.24 of Title 3 of the Scotts Valley Municipal Code is hereby amended to read as follows:

"3.24.030 - Tax imposed.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ~~ten percent (10%)~~ **eleven percent (11%)** of the rent charged by the operator. The 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 due is not paid to the operator of the hotel, the city finance director may require that such tax shall be paid directly to the city finance director."

**SECTION 2.** It is the purpose of this Ordinance to amend the City of Scotts Valley Municipal Code Section 3.24.030 entitled Tax Imposed, of Chapter 3.24 entitled Uniform Transient Occupancy Tax, to increase the Transient Occupancy Tax from 10% to 11%; and,

**SECTION 3.** This Ordinance shall be considered as adopted upon the date that the vote is declared by the City Council, and shall go into effect on January 1, 2019.

**SECTION 4.** City Council Approval. The City Council of the City of Scotts Valley approved this Ordinance for placement on the November 6, 2018 ballot by Resolution \_\_\_\_\_ adopted by a four-fifths vote of all members.

This Ordinance was introduced by the City Council of the City of Scotts Valley on the 20<sup>th</sup> day of June, 2018, and was submitted to the People of the City of Scotts Valley at the November 6, 2018 election. It was adopted by the following vote of the People:

YES: \_\_\_\_\_  
NO: \_\_\_\_\_

Adopted as an Ordinance of the City of Scotts Valley at a regular meeting of the City Council held the \_\_\_\_ day of \_\_\_\_\_, 2018, by Declaration of the results of the November 6, 2018, by the following vote of the City Council of the City of Scotts Valley:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: \_\_\_\_\_  
Jim Reed, Mayor

ATTEST:

\_\_\_\_\_  
Tracy A. Ferrara, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kirsten Powell, City Attorney