

F I L E D

JUN 27 2022

RESOLUTION NO. 22-48

DEPUTY

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS CALLING FOR AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE REGULARLY SCHEDULED GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, TO PRESENT TO VOTERS A MEASURE TO AMEND CHAPTER 3.3 OF THE MUNICIPAL CODE TO INCREASE THE TRANSIENT OCCUPANCY TAX BY TWO PERCENT (2%), AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; REQUESTING CONSOLIDATION THEREOF WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE; REQUESTING THAT THE FRESNO COUNTY BOARD OF SUPERVISORS AUTHORIZE THE FRESNO COUNTY CLERK/REGISTRAR OF VOTERS TO RENDER SPECIFIED SERVICES TO THE CITY OF CLOVIS RELATING TO THE CONDUCT OF THE SPECIAL MUNICIPAL ELECTION; APPROVING THE PROPOSED BALLOT MEASURE DESCRIPTION; AND AUTHORIZING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSIS

WHEREAS, in January 2022, the City Council of the City of Clovis formed a 25-member Citizen's Advisory Committee ("Committee") and appointed the committee members to review the Police Department funding and staffing and to make recommendations to the City Council; and

WHEREAS, the Committee held several meetings to review and discuss information on Police Department staffing and funding, hear presentations from City staff, consider funding constraints and options for raising revenue to fund City services including public safety staffing and services; and

WHEREAS, on April 6, 2022, the City Council held a joint meeting with the Committee during which the Committee's recommendations to add additional sworn police officers over the next five years and seek additional revenue in the form of a tax measure to be considered by the voters were provided to and discussed with the City Council; and

WHEREAS, the City Council met at its regularly scheduled meeting of May 9, 2022, to discuss and consider the Committee's recommendations, and directed City staff to prepare materials for the Council to consider placement of a proposed ballot measure for a proposed general tax increase to the City's current Transient Occupancy Tax rate of 10%; and

WHEREAS, applicable provisions of the California Revenue and Taxation Code authorize the City to increase a transient occupancy tax for general purposes by ordinance following approval by a majority vote of the qualified electors of the City voting in an election on the issue; and

WHEREAS, the City currently imposes a uniform Transient Occupancy Tax of ten percent (10%) on visitors who stay overnight in hotels, inns, motels, or other short-term rentals in the City for thirty (30) days or less; and

WHEREAS, in accordance with applicable provisions of the California Constitution and California Elections Code the City Council desires to submit to the voters of the City of Clovis

a ballot measure proposal to increase the existing rate of the transient occupancy tax in the City of Clovis by two percent (2%), for a total rate of twelve percent (12%) (hereinafter the "Measure"); and

WHEREAS, if the Measure is approved by the voters, the increased transient occupancy tax is a general tax, the revenue of which will be placed in the City's general fund and be used to pay for any general City services; and

WHEREAS, if the Measure is approved by the voters, every operator of a hotel, motel, inn, or other short-term rental property in the City shall collect the tax from occupants who stay for thirty (30) days or less and are subject to the tax and remit the funds to the City; and

WHEREAS, Section 10401 of the Elections Code authorizes the Fresno County Board of Supervisors to consolidate the special municipal election with the statewide general election scheduled for November 8, 2022; and

WHEREAS, the transient occupancy tax increase required by the Measure cannot be imposed without voter approval; and

WHEREAS, voter approval of the Measure increasing the City's transient occupancy tax rate will require an ordinance amending the Clovis Municipal Code defining the rate and more completely describing the Measure and details of the tax, which ordinance shall be prepared by the City Attorney so as to be enacted if the Measure is approved by the voters (hereinafter "Ordinance").

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

SECTION 1. Pursuant to Article XIII C, Section 2(b) of the California Constitution, Section 53724 of the Government Code, and applicable provisions of the Elections Code, the City Council of the City of Clovis hereby calls and orders an election at which the Measure relating to the increase of the City's transient occupancy tax shall be submitted to the qualified voters of the City.

SECTION 2. The City Council requests the Fresno County Board of Supervisors to consolidate the special municipal election for this Measure with the statewide general election on November 8, 2022, pursuant to section 10403 of the Elections Code, and acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code section 10418.

SECTION 3. The City requests that the Fresno County Clerk/Registrar of Voters conduct the election and canvass the returns, and the City agrees to pay the proportionate share of reasonable expenses of said election, said share to consist of all direct costs as determined by the Fresno County Clerk/ Registrar of Voters to be directly related to the conduct of the City of Clovis' special municipal election together with the City's proportionate share of the expenses for election services rendered by Fresno County that are being shared equally with other jurisdictions, if any, by virtue of the consolidation of the City's special municipal election with the elections being held by other jurisdictions, if any, in the City of Clovis on November 8, 2022.

SECTION 4. At the statewide general election to be held on November 8, 2022, the following question shall be submitted to registered voters of the City of Clovis and shall be printed on the election ballot in the form set forth as follows:

CITY OF CLOVIS PUBLIC SAFETY IMPROVEMENT MEASURE: Shall the measure to maintain and improve public safety services including emergency response times, police protection, neighborhood services, anti-gang and antidrug programs, and provide other City services be adopted to increase the Transient Occupancy Tax (hotel bed tax paid by hotel guests) from 10% to 12%, with the 2% increase providing approximately \$500,000 annually until ended by voters, subject to publicly available annual audits, with all funds benefitting Clovis residents?

YES NO

SECTION 5. The measure shall be designated on the ballot by a letter, as provided in Elections Code Section 13116. This measure shall be designated by letter by the Fresno County Clerk/Registrar of Voters.

SECTION 6. Passage of the Measure requires a simple majority of votes from qualified voters of the City voting in the election.

SECTION 7. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 8. Pursuant to Elections Code section 12111, the City Council hereby directs the City Clerk, with the assistance of the City Attorney, to prepare a synopsis of the Measure and transmit the synopsis to the Fresno County Clerk/Registrar of Voters to be published in accordance with section 12111.

SECTION 9. The full text of the Measure submitted to the voters will appear in the sample ballot and voter's pamphlet. The Ordinance to be enacted to implement the Measure, if the Measure is approved by the voters, will not be printed in the sample ballot and voter's pamphlet. However, the full text of the Measure and the full text of the Ordinance will be made available at the Office of the Fresno County Clerk/Registrar of Voters and the Office of the City Clerk.

SECTION 10. Arguments in favor of or against the proposed measure are permissible and shall be filed with the Fresno County Clerk/Registrar of Voters in accordance with applicable provisions of the Elections Code, including sections 9280 through 9287 thereof.

SECTION 11. Pursuant to Elections Code section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Measure to the City Attorney, and the City Attorney shall prepare an impartial analysis of the Measure in accordance with Elections Code section 9280 and file it with the Fresno County Clerk/Registrar of Voters.

SECTION 12. The City Clerk shall file a certified copy of this resolution with the Fresno County Clerk/Registrar of Voters as required by applicable law. The City Clerk is hereby authorized and directed to work with the Fresno County Clerk/Registrar of Voters and take all steps necessary to cause placement of the Measure and any associated arguments, analysis, synopsis, summary, or ballot question on the ballot.

SECTION 13. The City Clerk and City Attorney are authorized to make any typographical, clerical, non-substantive corrections to this resolution and the Measure to be placed on the ballot as may be deemed necessary by the Fresno County Clerk/Registrar of Voters.

SECTION 14. California Environmental Quality Act (CEQA). The adoption of this Resolution is exempt from the California Environmental Quality Act, Public Resources Code §§ 21000 et seq. ("CEQA") and 14 Cal. Code Reg. §§ 15000 et seq. ("CEQA Guidelines"). The calling and noticing of a Special Municipal Election for the submission of a ballot measure to voters is not a project within the meaning of CEQA Guidelines Section 15378. The transient occupancy tax increase submitted to the voters is a general tax that can be used for any governmental purpose; it is not a commitment to any particular action or actions. As such, under CEQA Guidelines Section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.

SECTION 15. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or its application to other persons and circumstances. The City Council of the City of Clovis hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

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The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on June 6, 2022, by the following vote, to wit.

AYES: Councilmembers Bessinger, Mouanoutoua, Whalen, Mayor Flores
NOES: Councilmember Ashbeck
ABSENT: None
ABSTAIN: None

DATED: June 6, 2022



Mayor

City Clerk