

RESOLUTION NO. 10384

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA (1) CALLING FOR AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF EL MONTE OF A PROPOSED ORDINANCE INCREASING THE CITY'S EXISTING TRANSIENT OCCUPANCY TAX (TOT) BY AN ADDITIONAL FOUR PERCENT THEREBY ESTABLISHING A NEW OVERALL RATE OF FOURTEEN PERCENT (14%); (2) REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES GRANT THE CITY'S REQUEST FOR CONSOLIDATION OF SAID GENERAL MUNICIPAL ELECTION WITH THE NOVEMBER 8, 2022 STATEWIDE GENERAL ELECTION ADMINISTERED BY THE REGISTRAR-RECORDER/COUNTY CLERK ("COUNTY CLERK") OF THE COUNTY OF LOS ANGELES; (3) REQUESTING THAT THE COUNTY CLERK PROVIDE SPECIFIC ELECTION ADMINISTRATION SERVICES IN CONNECTION WITH THE CITY'S GENERAL MUNICIPAL ELECTION; AND (4) SETTING RULES AND DEADLINES FOR ARGUMENTS AND REBUTTALS FOR AND AGAINST THE ORDINANCE

WHEREAS, on June 21, 2022, the City Council of the City of El Monte ("City Council") adopted Resolution No. 10372 ("Resolution No. 10372") calling a General Municipal Election to be held on Tuesday, November 8, 2022 (said election hereinafter referred to as the "2022 City Election"), for the election of various City officials (including City Council members, the City Treasurer and the City Clerk) and for said election to be consolidated with the County-administered General Election of the same date; and

WHEREAS, by this Resolution, the City Council seeks to place a local measure on the November 2022 ballot seeking voter approval of an increase to the rate of the City of El Monte's existing transient occupancy tax paid by hotel, motel, and other short-term guests from its current rate of 10% to a new rate of 14%; and

WHEREAS, the City's existing transient occupancy tax was established as a "general tax" within the meaning of Section 1(a) of Article XIII C of the California Constitution whose proceeds may be used for any general governmental purpose; and

WHEREAS, pursuant to Section 2(b) of Article XIII C of the California Constitution and Government Code Section 54723, no local government may increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote; and

WHEREAS, the text of the Ordinance to be submitted to the voters is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, the proposed increase to the City's transient occupancy tax is estimated to raise an additional \$350,000 in general fund revenue annually, which estimate is to be stated in the ballot question as required by Elections Code Section 13119(b) which provides that if a proposed measure imposes a tax or raises the rate of a tax, the ballot shall include in the statement of the measure to be voted on the amount of money to be raised annually and the rate and duration of the tax to be levied; and

WHEREAS, the election contest for the ballot measure contemplated under this Resolution shall be in addition to the election contests referenced by the City Council in prior Resolution No. 10372; and

WHEREAS, the City Council also requests that the Los Angeles County Registrar-Recorder/County Clerk ("County Clerk") provide full election services to the City in order to conduct the General Municipal Election for the Ordinance described herein to be held on November 8, 2022; and

WHEREAS, the City Council also desires to establish deadlines and rules for the submission of written arguments and rebuttals for and against the Ordinance in accordance with applicable California Elections Code procedures; and

WHEREAS, the City Council, at its Regular meeting of August 2, 2022, approved the placement of the above-referenced transient occupancy tax measure by no less than 2/3's vote of all members of the City Council as required by Government Code Section 53724(a)-(b); and

WHEREAS, as provided under paragraph (e) of Government Code Section 54954.6, the placement of the proposed measure establishing an increase to an existing general tax to the November 8, 2022 General Municipal Election ballot is not subject to the specific meeting procedures set forth under Government Code Section 54954.6(a)-(d) in that approval of the proposed general tax increase requires an election by El Monte voters; and

WHEREAS, the proposed transient occupancy tax ballot measure is to be included as part of a regularly scheduled local election of the City of El Monte at which all of the electors of the City are entitled to vote in accordance with Government Code Section 54724(c); and

WHEREAS, in accordance with Section 2(b) of Article XIII C, consideration of the proposed transient occupancy tax, general tax ballot measure is to be consolidated with the City's regularly scheduled 2022 City Election at which members of the City Council will also be up for election.

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

SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. The City Council, pursuant to Elections Code Section 9222 hereby orders the Ordinance attached hereto as **Exhibit "A"** to be submitted to the qualified voters of the City at the General Municipal Election to be held on Tuesday, November 8, 2022, which is to be consolidated with the County Clerk-administered General Election of the same date. The proposed Ordinance shall be in the form attached hereto as **Exhibit "A"** to this Resolution and is incorporated by this reference as if fully set forth herein.

SECTION 3. The City Council does hereby order that the Ordinance shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth herein. On the ballot to be submitted to the qualified voters at the General Municipal Election to be held on Tuesday, November 8, 2022, which is to be consolidated with the County-administered General Election of the same date, in addition to any other matters required by law, there shall be printed substantially the following:

<i>To enhance funding for police protection and public safety services, community code enforcement and beautification efforts and other general governmental purposes, shall the City of El Monte increase its existing transient occupancy tax paid only by hotel and motel guests from its current rate 10% to a new increased rate of 14% providing an estimated \$350,000 annually in additional general fund revenues, until ended by El Monte voters?</i>	Yes
	No

The City Council further requests that the City be granted the letter designation "OT" such that the Measure may be identified on the ballot as "Measure "OT". If the letter designation "OT" is unavailable, it is requested that the following alternative letter designations be given in order of preference: "H" and "M".

SECTION 4. In connection with the County Clerk's administration of the 2022 City Election, the City further requests that the County Clerk be authorized and directed to: (a) review and verify absentee voter applications and signatures; (b) conduct registered voter verifications (including signature verifications); (c) provide the City with the appropriate election precinct data, to the extent required; (d) provide election facilities, ballot casting equipment, and assistance as may be necessary to conduct the election in compliance with state law and Los Angeles County Board of Supervisors' approval; (e) canvass all election returns; (f) print and supply ballots for the election and voting equipment; (g) mail the City's sample ballots; and (h) administer the 2022 City Election in all respects as if it were part and parcel of any other County Clerk-administered election of the same date, implementing all such legally required or customarily employed measures and practices as may be necessary to conduct the election in a timely and legally compliant manner.

SECTION 5. The City shall reimburse the County Clerk for any costs associated with the administration of the 2022 City Election.

SECTION 6. The City hereby consents to have the 2022 City Election consolidated with the County Clerk-administered Statewide General Election of November 8, 2022, and that the 2022 City Election be administered by the County Clerk as if it were part and parcel of County Clerk-administered Statewide General Election of the same date.

SECTION 7. The ballots to be used at the election shall be in form and content as required by law or as directed by the County Clerk to facilitate the consolidation of the 2022 City Election with the County-administered election of the same date.

SECTION 8. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, district data, printed matter and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the 2022 City Election.

SECTION 9. The polls for the 2022 City Election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, pursuant to Election Code Section 10242, unless otherwise directed by the County Clerk, in accordance with state law.

SECTION 10. The City Council authorizes the City Clerk to cooperate and coordinate with the County Clerk in the administration of 2022 City Election and further authorizes the City Clerk to see that all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill by the County Clerk.

SECTION 11. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the City measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and may change the argument until and including August 19, 2022 by 5:00 p.m., after which no arguments for or against the measure may be submitted to the City Clerk. Arguments in favor of or against the measure shall each not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, and shall take all necessary actions to cause the selected arguments to be printed and distributed to the voters.

SECTION 12. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in

length, showing the effect of the measure on the existing law and the operation of the measure. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis to be published in the voter information guide along with the ballot measure as provided by law. The Impartial Analysis shall be filed by the deadline set for filing of primary arguments as set forth in Section 11, above. The impartial analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: "The above statement is an impartial analysis of Ordinance or Measure. If you desire a copy of the ordinance or measure, please call the election official's office at (insert phone number) and a copy will be mailed at no cost to you."

SECTION 13. Pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the various City initiated measures which will be printed and distributed to the voters, the Clerk shall send copies of the argument in favor of the measures to the authors of the argument against, and copies of the argument against to the authors of the argument in favor.

SECTION 14. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than August 29, 2022 by 5:00 p.m. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 15. The full text of the Ordinance shall not be printed in the voter information guide, and a statement shall be printed in the ballot pursuant to Section 9223 of the Elections Code advising voters that they may obtain a copy of this ordinance/measure at no cost, upon request made to the City Clerk.

SECTION 16. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 17. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 18. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 19. That the City Clerk shall forward without delay, a copy of this Resolution to Board of Supervisors and the County Clerk.

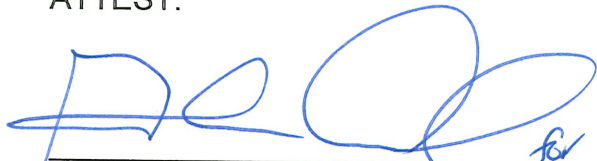
SECTION 20. Pursuant to Elections Code Section 9295, this measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The Clerk shall post notice in the Clerk's office of the specific dates that the examination period will run.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at the regular meeting of this 2nd day of August 2022.



Jessica Ancona, Mayor
City of El Monte

ATTEST:



Catherina A. Eredia, City Clerk
City of El Monte

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

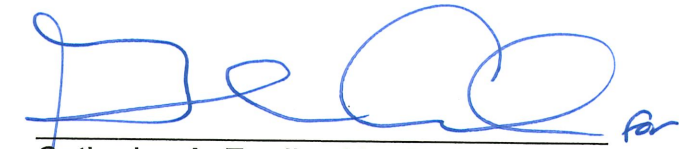
I, Catherine A. Eredia, City Clerk of the City of El Monte, do hereby certify that the above and foregoing Resolution No. 10384 was passed, approved, and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at an adjourned regular meeting of said City held on this 2nd day of August 2022, and that said Resolution was adopted by the following votes to wit:

AYES: Mayor Ancona, Mayor Pro Tem Puente, Councilmembers Herrera,
 Martinez Muela and Dr. Morales

NOES: None

ABSTAIN: None

ABSENT: None



Catherine A. Eredia, City Clerk
City of El Monte

ORDINANCE NO. _____

AN ORDINANCE OF THE PEOPLE OF THE CITY OF EL MONTE, CALIFORNIA, INCREASING THE CITY'S EXISTING TRANSIENT OCCUPANCY TAX CODIFIED UNDER CHAPTER 3.16 (UNIFORM TRANSIENT OCCUPANCY TAX) OF TITLE 3 (REVENUE AND FINANCE) OF THE EL MONTE MUNICIPAL CODE TO A NEW INCREASED RATE OF FOURTEEN PERCENT (14%)

WHEREAS, in accordance with California Constitution Article XIIC Section 2(b), the City Council of the City of El Monte ("City") by unanimous vote of its membership called a General Municipal Election held on November 8, 2022 so that qualified voters could consider whether to approve an ordinance increasing the City's existing transient occupancy tax by an additional four percent (4%) such that the new tax rate would be fourteen percent (14%); and

WHEREAS, pursuant to Chapter 3.16 (Uniform Transient Occupancy Tax) of Title 3 (revenue and Finance) of the El Monte Municipal Code, the City currently levies ten percent (10%) transient occupancy tax, the proceeds of which are deposited into the general fund and may be used for any general governmental purpose; and

WHEREAS, the transient occupancy tax measure was presented to the voters at the November 8, 2022 General Municipal Election of the City of El Monte (the "General Municipal Election") at which the measure received a majority of the votes cast; and

WHEREAS, the El Monte City Council, at its Regular meeting of August 2, 2022, approved the placement of the above-referenced transient occupancy tax measure by no less than 2/3's vote of all members of the City Council as required by Government Code Section 54724(a)-(b); and

WHEREAS, the ballot question presented to El Monte voters was given the letter designation [redacted] such that it was identified on the City's November 8, 2022 General Municipal Election ballot as Measure [redacted] which read as follows:

<i>To enhance funding for police protection and public safety services, community code enforcement and beautification efforts and other general governmental purposes, shall the City of El Monte increase its existing transient occupancy tax paid only by hotel and motel guests from its current rate 10% to a new increased rate of 14% providing an estimated \$350,000 annually in additional general fund revenues, until ended by El Monte voters?</i>	Yes
	No

WHEREAS, the City's transient occupancy tax was originally established as a "general tax" within the meaning of Section 1(a) of Article XIIC of the California Constitution whose proceeds may be used for any general governmental purpose; and

WHEREAS, the proposed transient occupancy tax ballot measure was part of the regularly scheduled November 8, 2022 General Municipal Election of the City of El Monte in accordance with Government Code Section 54724(c); and

WHEREAS, in accordance with Section 2(b) of Article XIIC, consideration of the proposed transient occupancy tax, general tax ballot measure was consolidated with the City's regularly scheduled November 8, 2022 General Municipal Election at which members of the City Council were also up for election; and

WHEREAS, pursuant to Section 2(b) of Article XIIC of the California Constitution and Government Code Section 54723, the City Council submitted the tax measure to the electorate where it was approved by El Monte voters by a margin of _____% (or _____ votes) "Yes" to _____% (or _____ votes) "No"; and

EXHIBIT A TO
RESOLUTION NO. _____

WHEREAS, the City Council results of the City's November 8, 2022 were certified by the City Council at its meeting of _____ 2022, inclusive of the City Council's ratification of this Ordinance.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF EL MONTE, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and incorporated herein by reference.

SECTION 2. Section 3.16.030 (Imposition and Rate) of Chapter 3.16 (Uniform Transient Occupancy Tax) of Title 3 (Revenue and Finance) of the El Monte Municipal Code is hereby amended in its entirety to read as follows:

"3.16.030. Imposition and rate.

Tax imposed for the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of fourteen (14) percent of the rent charged by the operator. Said 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 Tax Administrator may require that such tax shall be paid directly to the Tax Administrator."

SECTION 3. The City Council is authorized to make subsequent amendments to the text of Title 3 (Revenue and Finance), Chapter 3.16 (Uniform Transient Occupancy Tax), of the El Monte Municipal Code to reflect changes in terminology or definitions that may be established by the California legislature, provided that no such amendments shall operate to increase the rate of the tax rate established under this Ordinance without first obtaining approval of El Monte voters at a municipal election.

SECTION 4. To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof.

SECTION 5. In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes of consistency with applicable law.

SECTION 6. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares the Council would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. This Ordinance shall become effective immediately upon the following conditions: (i) approval of the ballot measure for the approval of this Ordinance by a majority of the voters casting votes at the General Municipal Election; (ii) certification of all votes cast by the City Council confirming that a majority of voters have approved this Ordinance; and (iii) confirmation and approval of this Ordinance by the City Council upon certification of the election results. The foregoing notwithstanding, collection of the City transient occupancy tax at the new increased tax rate shall commence beginning at 12:00AM on January 1, 2023 or as soon thereafter as may be legally permitted by applicable law.

EXHIBIT A TO
RESOLUTION NO. _____

SECTION 8. The Mayor shall sign this Ordinance and the City Clerk shall attest and certify to the approval thereof and cause same to be published at least once in a weekly newspaper of general circulation, published in the City of El Monte, which newspaper is hereby designated for that purpose (Government Code Section 40806). This Ordinance shall only be in effect following the approval of a majority of the voters at an election on November 8, 2022, as certified by the election official.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte this
____ day of _____, 2022.

Jessica Ancona, Mayor
City of El Monte

ATTEST:

Catherine A. Eredia, City Clerk
City of El Monte

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Catherine A. Eredia, City Clerk of the City of El Monte, hereby certify that the foregoing Ordinance No. _____ was passed and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the _____ day of _____, 2022 and that said Ordinance was adopted by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Catherine A. Eredia, City Clerk
City of El Monte