

JUL 27 2011

RESOLUTION NO. 2011-77

MARK CHURCH, Chief Elections Officer
By [Signature]
DEPUTY CLERK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY PLACING BEFORE THE VOTERS AN ORDINANCE OF THE PEOPLE OF THE CITY OF FOSTER CITY INCREASING THE CITY'S TRANSIENT OCCUPANCY TAX ON RENT CHARGED TO HOTEL GUESTS FROM EIGHT PERCENT (8%) TO NINE AND ONE-HALF PERCENT (9.5%)

CITY OF FOSTER CITY

WHEREAS, the City Council approved Resolution 2011-52 calling and giving notice of the holding of a General Municipal Election to be held on November 8, 2011 for the election of three members of the City Council as required by the provisions of the laws of the State of California relating to general law cities; and

WHEREAS, the City Council desires to submit to the voters at the election a question relating to increasing the transient occupancy tax; and

WHEREAS, California Government Code Section 53724(b) authorizes the City Council to place such a tax measure before the voters subject to a two-thirds vote of all members of the legislative body; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the other county and state elections to be held on the same date, that within the city, precincts, polling places and election offices of the two elections to be the same, that the County Election Department of the County of San Mateo canvass the returns of the General Municipal Election, and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Foster City that the City Council does hereby declare, determine and order as follows:

- A. That the City Council, pursuant to its right and authority, does order submitted to the voters at the November 8, 2011 General Municipal Election the following question:

CITY OF FOSTER CITY
INCREASE OF TRANSIENT OCCUPANCY TAX ON THE
RENT CHARGED TO HOTEL GUESTS
FROM EIGHT PERCENT (8%) TO NINE AND ONE-HALF PERCENT
(9.5%)

MEASURE _____

To provide funding for general city services, including police, fire, parks, recreation, and repairing and maintaining the levee, lagoon, streets and other infrastructure, shall the City of Foster City approve an ordinance amending the Foster City Municipal Code to increase the transient occupancy tax rate from eight percent (8%) to nine and one-half (9.5%) percent on the rate charged to hotel guests staying within the City to be effective January 1, 2012?	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>

B. That the ordinance to be enacted by a majority of the voters pursuant to Part A above shall be in the form set forth in Exhibit A, attached hereto.

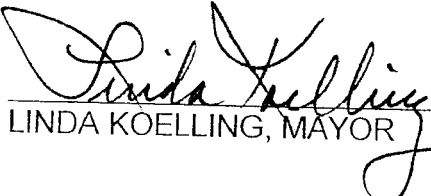
PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the Regular Meeting held on the 18th day of July, 2011, by the following vote:

AYES: Councilmembers Bronitsky, Frisella, Kiesel, and Mayor Koelling

NOES: Councilmember Wykoff


ABSENT: None

ABSTAIN: None


 LINDA KOELLING, MAYOR

ATTEST:


 DORIS L. PALMER, CITY CLERK

Doris L. Palmer, City Clerk of the City of Foster City does hereby certify that the foregoing is a full, true and correct copy of the document it purports to be, which document is on file in the Office of the City Clerk

 Doris L. Palmer, City Clerk 7/21/11 Date

ORDINANCE NO. _____

AN ORDINANCE OF THE PEOPLE OF THE CITY OF FOSTER CITY AMENDING SECTION 3.20.030 OF THE FOSTER CITY MUNICIPAL CODE TO INCREASE THE TRANSIENT OCCUPANCY TAX ON RENT CHARGED TO HOTEL GUESTS FROM EIGHT PERCENT (8%) TO NINE AND ONE-HALF PERCENT (9.5%)

CITY OF FOSTER CITY

(November 8, 2011 Ballot Measure)

The People of the City of Foster City ordain as follows:

Section 1. Section 3.20.030 of the Foster City Municipal Code is amended to read as follows:

3.20.030 Tax Imposed. For the privilege of occupancy in any hotel each transient is subject to and shall pay a tax in the amount of nine and one-half percent (9.5%) 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 tax administrator may require that the tax be paid directly to the tax administrator.

Section 2. Approval General Municipal Election; Effective Date.

This Ordinance amending Section 3.20.030 of Chapter 3.20 Transient Occupancy Tax of Title 3 Revenue and Finance of the Foster City Municipal Code shall be in full force and effect ten (10) days after the date on which the City Council has approved the canvass of votes and declared that the voters of the City of Foster City have approved said ordinance by a vote of no less than a majority of the votes cast by the electors voting on the tax measure set forth in this ordinance at the general municipal election to be held on Tuesday, November 8, 2011. The effective date for purposes of levying the increased tax shall be January 1, 2012.

Section 3. This ordinance shall be amended or repealed by the voters of the City of Foster City.

Section 4. The proponent of any amendments subject to a vote of the people under this ordinance shall pay all costs associated with placing said amendments on the ballot.

Section 5. Severability. If any section, subsection, 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, such decision shall not affect the validity of the remaining portions of this ordinance. The People of the City of Foster City hereby declare that it would have adopted this ordinance irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion be declared invalid or unconstitutional or ineffective.

Section 6. The Mayor is hereby authorized to subscribe this ordinance where indicated below to evidence its adoption by the voters of the City and upon that subscription, the City Clerk shall certify to the passage and adoption of this ordinance, enter it into the book of original ordinances, and shall cause the same within fifteen (15) days after its adoption, to be posted in three (3) public places designated by the City Council according to law.

LINDA KOELLING, MAYOR

ATTEST:

DORIS L. PALMER, CITY CLERK

APPROVED AS TO FORM:

JEAN B. SAVAREE, CITY ATTORNEY

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I hereby certify that the foregoing Ordinance No. _____ was introduced on July 18, 2011, and adopted at a regular meeting of the Foster City City Council on August 1, 2011 by the following votes.

AYES:

NOES:

ABSENT:

DORIS L. PALMER, CITY CLERK

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HISTORY: This ordinance was approved / not approved by the voters of the City of Foster City at the General Municipal Election of November 8, 2011 by the following vote:

AYES: _____

NOES: _____

_____ This ordinance became effective on _____ (10 days after certification of the election results) pursuant to City Resolution No. _____.

_____ This ordinance was not passed by a majority vote of the voters, and, therefore, did not go into effect.