RESOLUTION NO. 19-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING THE SUBMISSION OF A MEASURE TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION ON APRIL 14, 2020 TO INCREASE THE CITY’S TRANSIENT OCCUPANCY TAX TO NINE PERCENT (9 %)

WHEREAS, pursuant to Chapter 3.16 of the Lancaster Municipal Code (“L.M.C.”), the City of Lancaster (“City”) currently levies a Transient Occupancy Tax (“TOT”) of seven percent (7%) on persons who occupy hotel or motel rooms in the City for thirty (30) consecutive calendar days or less;

WHEREAS, the City Council for the City of Lancaster (“City Council”) desires to amend the L.M.C. to increase the TOT, by 2 percentage points, from 7% to 9%;

WHEREAS, by its Resolution No. 19-52, adopted concurrently herewith, the City Council called a general municipal election for April 14, 2020 (“Election”) to consider, among other things, the proposed increase to the TOT; and

WHEREAS, pursuant to Government Code Section 53724, the City Council desires to submit the proposed increase to the TOT to the voters of the City at the Election; and

WHEREAS, the proposed increase to the TOT is more completely described in the ordinance attached hereto as Exhibit “A” and incorporated herein by reference (the “TOT Ordinance”).

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

SECTION 1. The foregoing recitals are true and correct and are a substantive part of this Resolution.

SECTION 2. The City Council proposes to increase the general tax set forth in Chapter 3.16 of the L.M.C. and to present this proposal to the voters at the Election on April 14, 2020.

SECTION 3. Pursuant to Government Code Section 53274, the City Council hereby submits the proposed increase to the TOT to the voters at the Election and orders the following question to be submitted to the voters at the Election:

“Shall the City of Lancaster adopt an ordinance increasing the transient occupancy tax paid by hotel, motel, or other lodging guests staying within the City of Lancaster for a period of thirty (30) consecutive days or less by 2%, providing approximately $642,537.23 in increased annual revenue to the City?"

SECTION 4. The proposed increase to the TOT is more completely described in the ordinance attached hereto as Exhibit A and incorporated herein by this reference.
SECTION 5. Notice of the time and place of holding the election is hereby given, and the City Clerk or Acting 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 6. Pursuant to Elections Code Section 9280, the City Council hereby directs the City Clerk or Acting 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, and transmit such impartial analysis to the City Clerk or Acting City Clerk on or before March 13, 2020.

SECTION 7. Pursuant to Elections Code Section 9286, et seq., March 20, 2020 at 5:00 p.m. shall be the deadline for submission of arguments in favor of, and arguments against, any local measures on the ballot. If more than one argument for and/or against is received, the priorities established by Elections Code Section 9287 shall control.

SECTION 8. The provisions of Elections Code Section 9285 shall control the submission of any rebuttal arguments. The deadline for filing rebuttal arguments shall be March 30, 2020 at 5:00 p.m.

SECTION 9. The City Council acknowledges that the Election will be held and conducted according to procedures in the Elections Code, including Section 10418.

PASSED, APPROVED and ADOPTED this 22nd day of October, 2019, by the following vote:

AYES: Council Members Malhi, Mann, Underwood-Jacobs, Vice Mayor Crist, Mayor Parris

NOES: None

ABSTAIN: None

ABSENT: None

ATTEST: 

____________________________
RONDA PEREZ
Acting City Clerk
City of Lancaster

APPROVED:

____________________________
R. REX PARRIS
Mayor
City of Lancaster
CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____________________________, _________________________ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Resolution No. 19-56, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this __________ day of _____________________, ________.

(seal)

__________________________________
EXHIBIT A

ORDINANCE NO. _____


THE PEOPLE OF THE CITY OF LANCASTER DO ORDAIN AS FOLLOWS:

Section 1. Section 3.16.030 of the Lancaster Municipal Code is hereby amended to read as follows:

“3.16.030. – Tax Imposed.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of seven-nine percent of the rent charged by the operator. This tax constitutes a debt owed by the transient to the city which is extinguished only by payment 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 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason 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 City Council of the City of Lancaster hereby declares that it would have adopted this Ordinance 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.

Section 3. This ordinance shall be effective if approved by a majority of the voters and shall go into effect immediately after the vote is declared by the City Council.

This Ordinance was approved and adopted by the People of the City of Lancaster at the City’s April 14, 2020 general municipal election.
CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, __________________________, ___________________________ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. _____, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _________ day of _________________, ________.

(seal)