

**MEETING DATE:**

07/26/2010

**AGENDA ITEM:**

Adoption of Resolutions (1) (Unanimous Vote Requirement) Declaring an Emergency Pursuant to Article XIII C of the Constitution of the State of California; (2) Calling and Giving Notice of the Holding of a Special Municipal Election to be Consolidated with the Statewide General Election to be Held on Tuesday, November 2, 2010 for the Purpose of Submitting to the Voters a Measure Relating to Increasing the City's Transient Occupancy Tax; (3) Requesting the Board of Supervisors of the County of Los Angeles Render Specified Services Related to the Conduct of said Election; and (4) Authorizing the City Council and/or Certain Council Members to Submit Ballot Arguments and Rebuttals Regarding the Measure; and (5) (Four-Fifths Vote Requirement) Approving a Related Budget Amendment.

**ATTACHMENTS**

- |                                                                                                                                                                                                                                                                               |       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 1. Resolution declaring an emergency pursuant to Section XIII C of the California Constitution                                                                                                                                                                                | 1-2   |
| 2. Resolution Calling and Giving Notice of the Holding of a Special Municipal Election to be Consolidated with the Statewide General Election to be held on Tuesday, November 2, 2010; Submitting a Question Relating to the Increase of the Existing Transient Occupancy Tax | 3-8   |
| 3. Resolution Requesting the Board of Supervisors of the County of Los Angeles to Render Specified Services to the City of Culver City Relating to the Conduct of a Special Municipal Election to be Held in the City on Tuesday, November 2, 2010                            | 9-11  |
| 4. Resolution Authorizing the City Council and/or Certain Council Members to Submit Arguments Regarding the Increase of the Transient Occupancy Tax                                                                                                                           | 12-13 |

1 RESOLUTION No. 2010- R\_\_\_\_\_

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
3 CULVER CITY, CALIFORNIA, DECLARING AN EMERGENCY IN  
4 ACCORDANCE WITH ARTICLE XIII C OF THE CALIFORNIA  
5 CONSTITUTION

6 WHEREAS, Article XIII C of the California Constitution provides in  
7 pertinent part: "...No local government may impose, extend, or increase any  
8 general tax unless and until that tax is submitted to the electorate and approved  
9 by a majority vote. A general tax shall not be deemed to have been increased if  
10 it is imposed at a rate not higher than the maximum rate so approved. The  
11 election required by this subdivision shall be consolidated with a regularly  
12 scheduled general election for members of the governing body of the local  
13 government, except in cases of emergency declared by a unanimous vote of the  
14 governing body..." and,

15 WHEREAS, for several years, and most recently during the budget  
16 process, staff has presented the City Council and community with information  
17 related to the City's structural deficit and the lack of funding for significant  
18 deferred maintenance and other long-term liabilities; and,

19 WHEREAS, the severe economic downturn currently being  
20 experienced and the significant impacts said downturn has necessitated for the  
21 current and foreseeable fiscal years (including, but not limited to, the recent  
22 reduction in workforce and significant cuts in operational and capital  
23 improvement budgets) demonstrate that the City is in the midst of a fiscal  
24 emergency.  
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NOW, THEREFORE, the City Council of the City of Culver City,  
California, DOES HEREBY RESOLVE, as follows:

1. That based upon the above recitals and other substantial  
information available as part of the public record, an emergency exists for the  
purposes described in California Constitution Section XIII C, Section 2(b).

APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
CHRISTOPHER ARMENTA, MAYOR  
City of Culver City, California

ATTEST

APPROVED AS TO FORM

\_\_\_\_\_  
MARTIN R. COLE, City Clerk

\_\_\_\_\_  
CAROL A. SCHWAB, City Attorney

A10-00276

1 RESOLUTION No. 2010- R\_\_\_\_\_

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3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
4 CULVER CITY, CALIFORNIA, CALLING FOR THE HOLDING OF  
5 A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY,  
6 NOVEMBER 2, 2010, FOR THE SUBMISSION TO THE VOTERS  
7 A QUESTION RELATING TO THE TRANSIENT OCCUPANCY  
8 TAX

9 WHEREAS, Section 1501 of the City Charter of the City of Culver City  
10 provides that the City Council may, at its discretion, call an election for any reason  
11 sanctioned by law at any time it deems necessary and that such election shall be  
12 known as a Special Municipal Election; and

13 WHEREAS, the City Council has determined it wishes to submit to the voters at  
14 such Special Municipal Election a question relating to the Transient Occupancy Tax of  
15 the City.

16 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER  
17 CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDERS AS  
18 FOLLOWS:

19 SECTION 1. That pursuant to the requirements of the City Charter  
20 related to Special Municipal Elections, there is called and ordered to be held in  
21 the City of Culver City, California, on Tuesday, November 2, 2010, a Special  
22 Municipal Election.

23 SECTION 2. That the City Council, pursuant to its right and  
24 authority, does order submitted to the voters at said Special Municipal  
25 Election the following question related to Transient Occupancy Tax:  
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1 Measure 2010-\_\_\_\_:

2 To preserve funding of essential general city services YES \_\_\_\_\_  
3 including: public safety; street/park maintenance; senior  
4 services; job creation; business development; shall Culver  
5 City increase the existing Transient Occupancy Tax, ("hotel  
6 room tax"), charged only to persons who occupy hotel/motel  
7 rooms in Culver City, from 12% to 13% on July 1, 2011 and  
8 from 13% to 14% on July 1, 2012, with expenditures NO \_\_\_\_\_  
9 approved through general fund budgets adopted in open  
10 public hearings, subject to annual audits?

11 SECTION 3. That the proposed complete text of the measure  
12 submitted to the voters is attached hereto as Exhibit "A."

13 SECTION 4. That the ballots to be used at the election shall be in  
14 form and content as required by law.

15 SECTION 5. That the City Clerk is, directly or through  
16 consolidation with the County of Los Angeles (as such consolidation may  
17 be authorized by the City Council), authorized, instructed and directed to  
18 procure and furnish any and all official ballots, notices, printed matter and  
19 all supplies, equipment, and paraphernalia that may be necessary in order  
20 to properly and lawfully conduct the election.

21 SECTION 6. That the polls for the election shall be open at seven  
22 o'clock a.m. of the day of the election and shall remain open continuously  
23 from that time until eight o'clock p.m. of the same day when the polls shall  
24 be closed, pursuant to Elections Code § 10242, except as provided in §  
25 14401 of the Elections Code of the State of California.

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

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SECTION 8. 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 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 10. Pursuant to the City Charter, the City Clerk is empowered to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

PASSED, APPROVED and ADOPTED ON \_\_\_\_\_, 2010.

\_\_\_\_\_  
CHRISTOPHER ARMENTA, MAYOR  
City of Culver City, California

ATTEST

APPROVED AS TO FORM

\_\_\_\_\_  
MARTIN R. COLE, City Clerk  
A10-00275

\_\_\_\_\_  
CAROL A. SCHWAB, City Attorney

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**EXHIBIT "A"**

ORDINANCE NO. 2010-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF CULVER CITY AMENDING  
SECTION 11.02.105 OF THE CULVER CITY MUNICIPAL CODE,  
TO INCREASE THE TRANSIENT OCCUPANCY TAX.

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

SECTION 1: Section 11.02.105 of the Culver City Municipal Code is  
hereby amended effective July 1, 2011 and July 1, 2012, and it shall read as follows:

**Effective July 1, 2011:**

§ 11.02.105 TAX IMPOSED.

For the privilege of occupancy in any hotel, each transient is  
subject to and shall pay a tax in the amount of thirteen percent (13%) 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, or if any amount paid is less than the full amount of the rent and  
tax accrued to the time of payment, a proportionate share of the tax shall be deemed  
to have been paid with each such payment or installment. The unpaid tax shall be due  
upon the transient's ceasing to occupy space in the hotel. If for any reason the tax is  
not paid to the operator of the hotel, the City Treasurer may require that such tax shall  
be paid directly to the City.

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2                   **Effective July 1, 2012**

3                   § 11.02.105 TAX IMPOSED.

4                   For the privilege of occupancy in any hotel, each transient is  
5 subject to and shall pay a tax in the amount of fourteen percent (14%) of the rent  
6 charged by the operator. Said tax constitutes a debt owed by the transient to the City  
7 which is extinguished only by payment to the operator or to the City. The transient  
8 shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is  
9 paid in installments, or if any amount paid is less than the full amount of the rent and  
10 tax accrued to the time of payment, a proportionate share of the tax shall be deemed  
11 to have been paid with each such payment or installment. The unpaid tax shall be due  
12 upon the transient's ceasing to occupy space in the hotel. If for any reason the tax is  
13 not paid to the operator of the hotel, the City Treasurer may require that such tax shall  
14 be paid directly to the City.

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16                   SECTION 2. Effective Date. These Sections shall become effective  
17 immediately upon the date that this Ordinance is confirmed and approved by the  
18 voters of Culver City at the Special Municipal Election of November 2, 2010.

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20                   SECTION 3. Amendment or Repeal. Section 11.02.105 of the Culver  
21 City Municipal Code may be repealed or amended by the City Council without a vote  
22 of the people. However, as required by Article XIIC of the California Constitution,  
23 voter approval is required for any amendment provision that would increase the rate of  
24 any tax levied pursuant to this Ordinance.

25  
26                   SECTION 4. Severability. If any section, subsection, sentence, clause,  
27 phrase, or portion of this Ordinance is for any reason held to be invalid or  
28 unenforceable by a court of competent jurisdiction, the remaining portions of this



Ordinance shall nonetheless remain in full force and effect. The people hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

SECTION 5. Execution. The Mayor is hereby authorized to attest to the adoption of this Ordinance by the voters of the City by signing where indicated below.

I hereby certify that the foregoing Ordinance was PASSED, APPROVED and ADOPTED by the people of the City of Culver City voting on the 2nd day of November, 2010.

CHRISTOPHER ARMENTA, Mayor  
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

MARTIN R. COLE, City Clerk

CAROL A. SCHWAB, City Attorney

A10-00278

1 RESOLUTION No. 2010- R\_\_\_\_\_

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
4 CULVER CITY, CALIFORNIA, REQUESTING THE BOARD OF  
5 SUPERVISORS OF THE COUNTY OF LOS ANGELES TO  
6 CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD  
7 ON TUESDAY, NOVEMBER 2, 2010, WITH THE STATEWIDE  
8 GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT  
9 TO §10403 OF THE ELECTIONS CODE.

10 WHEREAS, the City Council of the City of Culver City called a Special  
11 Municipal Election to be held on November 2, 2010 for the purpose of submitting to the  
12 voters the question relating to the City's Transient Occupancy Tax; and,

13 WHEREAS, it is desirable that the special municipal election be  
14 consolidated with the statewide general election to be held on the same date and that  
15 within the city the precincts, polling places and election officers of the two elections be  
16 the same, and that the county election department of the County of Los Angeles  
17 canvass the returns of the Special Municipal Election and that the election be held in all  
18 respects as if there were only one election.

19 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CULVER  
20 CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDERS AS  
21 FOLLOWS:

22 SECTION 1. That pursuant to the requirements of §10403 of the  
23 Elections Code, the Board of Supervisors of the County of Los Angeles is hereby  
24 requested to consent and agree to the consolidation of a Special Municipal  
25 Election with the statewide general election on Tuesday, November 2, 2010.

26 SECTION 2. That a measure is to appear on the ballot as  
27 contained in Exhibit "A" hereof and summarized as follows:  
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1 Measure 2010-\_\_\_\_:

2 To preserve funding of essential general city services YES \_\_\_\_\_  
3 including: public safety; street/park maintenance; senior  
4 services; job creation; business development; shall Culver  
5 City increase the existing Transient Occupancy Tax, ("hotel  
6 room tax"), charged only to persons who occupy hotel/motel  
7 rooms in Culver City, from 12% to 13% on July 1, 2011 and  
8 from 13% to 14% on July 1, 2012, with expenditures NO \_\_\_\_\_  
9 approved through general fund budgets adopted in open  
10 public hearings, subject to annual audits?

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12 SECTION 3. That the county election department is authorized to  
13 canvass the returns of the Special Municipal Election. The election shall be held  
14 in all respects as if there were only one election, and only one form of ballot shall  
15 be used.

16 SECTION 4. That the Board of Supervisors is requested to issue  
17 instructions to the county election department to take any and all steps  
18 necessary for the holding of the consolidated election.

19 SECTION 5. That the City of Culver City recognizes that additional  
20 costs will be incurred by the County by reason of this consolidation and agrees to  
21 reimburse the County of any costs upon presentation of a duly submitted and  
22 accurate bill.

23 SECTION 6. That the City Clerk is authorized to file a certified  
24 copy of this resolution with the Board of Supervisors and the county election  
25 department of the County of Los Angeles.

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SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions

PASSED, APPROVED and ADOPTED ON \_\_\_\_\_, 2010.

\_\_\_\_\_  
CHRISTOPHER ARMENTA, MAYOR  
City of Culver City, California

ATTEST

APPROVED AS TO FORM

\_\_\_\_\_  
MARTIN R. COLE, City Clerk  
A10-00275

\_\_\_\_\_  
CAROL A. SCHWAB, City Attorney

RESOLUTION No. 2010- R\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, AUTHORIZING THE CITY COUNCIL OR CERTAIN COUNCIL MEMBERS TO SUBMIT ARGUMENTS REGARDING THE INCREASE OF THE EXISTING TRANSIENT OCCUPANCY TAX MEASURE ON THE BALLOT FOR THE NOVEMBER 2, 2010 SPECIAL MUNICIPAL ELECTION

WHEREAS, a Special Municipal Election ("the Election") is to be held in the City of Culver City on November 2, 2010, at which time there will be submitted to the voters the following question:

Measure 2010-\_\_\_\_:

To preserve funding of essential general city services YES \_\_\_\_\_ including: public safety; street/park maintenance; senior services; job creation; business development; shall Culver City increase the existing Transient Occupancy Tax, ("hotel room tax"), charged only to persons who occupy hotel/motel rooms in Culver City, from 12% to 13% on July 1, 2011 and from 13% to 14% on July 1, 2012, with expenditures NO \_\_\_\_\_ approved through general fund budgets adopted in open public hearings, subject to annual audits?

NOW, THEREFORE, the City Council of the City of Culver City, California, DOES HEREBY RESOLVE, as follows:

1. That the City Council authorizes \_\_\_\_\_ to file \_\_\_\_\_ (a) written argument(s) regarding the City measure as specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the argument until and including the date fixed

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by the Elections Official after which no arguments for or against the City measure may be submitted to the Elections Official.

2. The arguments shall be filed with the Elections Official, signed, with the printed name(s) and signature(s) of the author(s) submitting it. The arguments shall be accompanied by the Form of Statement To Be Filed by Author(s) of Argument.

APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
CHRISTOPHER ARMENTA, MAYOR  
City of Culver City, California

ATTEST

APPROVED AS TO FORM

\_\_\_\_\_  
MARTIN R. COLE, City Clerk

\_\_\_\_\_  
CAROL A. SCHWAB, City Attorney

A10-00276