

MEETING DATE: October 24, 2011

AGENDA ITEM: Adoption of Resolutions (1) Calling for the Holding of a General Municipal Election to be Held on Tuesday, April 10, 2012 for the Election of Certain Officers as Required by the City Charter of the City of Culver City and for Submission to the Voters a Question Relating to Increasing the City's Transient Occupancy Tax from 12% to 14%; (2) Requesting the Board of Supervisors of the County of Los Angeles to Render Specified Services to the City Related to the Conduct of said Election; and (3) Approving the Argument in Favor of the Question and Authorizing the City Council and/or Certain Council Members to Submit the Argument in Favor and Rebuttal Argument (if any) Regarding the Question.

ATTACHMENTS

	<u>Pages</u>
1. Proposed Resolution Calling the Election	1-5
2. Proposed Resolution Requesting Services from the County of Los Angeles	6-7
3. Proposed Resolution Approving the Argument in Favor of the Question	8-10

1 RESOLUTION No. 2011- R _____

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
4 CULVER CITY, CALIFORNIA, CALLING FOR THE HOLDING OF
5 A GENERAL MUNICIPAL ELECTION TO BE HELD ON
6 TUESDAY, APRIL 10, 2012 FOR THE ELECTION OF CERTAIN
7 OFFICERS AS REQUIRED BY THE CITY CHARTER OF THE
8 CITY OF CULVER CITY AND FOR THE SUBMISSION TO THE
9 VOTERS A QUESTION RELATING TO INCREASING THE CITY'S
10 TRANSIENT OCCUPANCY TAX FROM 12% TO 14%

11 WHEREAS, Section 1500 of the City Charter of the City of Culver City
12 provides General Municipal Elections for the filling of all elective offices, other than the
13 Board of Education, shall be held in the City on the second Tuesday in April in each
14 even numbered year; and,

15 WHEREAS, in addition to three City Council seats, the City Council has
16 determined it wishes to submit to the voters at the General Municipal Election to be
17 held on Tuesday, April 10, 2012 a question relating to the increase of the Transient
18 Occupancy Tax of the City from 12% to 14%.

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

22 SECTION 1. That pursuant to the requirements of the City Charter
23 related to General Municipal Elections, there is called and ordered to be held in
24 the City of Culver City, California, on Tuesday, April 10, 2012, a General
25 Municipal Election for the purposes of electing three (3) Members of the City
26 Council for the full term of four (4) years.

27 SECTION 2. That the City Council, pursuant to its right and
28 authority, does order submitted to the voters at said General Municipal Election
the following question related to Transient Occupancy Tax:

1
2 Measure X:

3 To preserve funding of essential general city services YES _____
4 including: public safety; street/park maintenance; senior
5 services; job creation; business development; shall Culver
6 City increase the existing Transient Occupancy Tax, ("hotel
7 room tax"), charged only to persons who occupy hotel/motel
8 rooms in Culver City, from 12% to 14% on July 1, 2012, with
9 expenditures approved through general fund budgets NO _____
10 adopted in open 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, as the City Elections Official as
16 designated in Section 1502 of the City Charter, is authorized to procure and
17 furnish any and all official ballots, notices, printed matter and all supplies,
18 equipment, and paraphernalia that may be necessary in order to properly and
19 lawfully conduct the election.

20 SECTION 6. That the polls for the election shall be open at seven
21 o'clock a.m. (7:00 A.M.) of the day of the election and shall remain open
22 continuously from that time until eight o'clock p.m. (8:00 P.M.) of the same day
23 when the polls shall be closed, pursuant to Elections Code §10242, except as
24 provided in §14401 of the Elections Code of the State of California.

25 SECTION 7. Pursuant to Elections Code Section 12310, a stipend
26 for services for the persons named as precinct board members is hereby fixed at
27 the sum of one hundred dollars (\$100.00) for each inspector and eighty dollars
28 (\$80.00) for each clerk for the election. In addition, the sum of twenty-five dollars

1 (\$25.00) will be given to each precinct board member to attend a training class.
2 The rental of each polling place shall be the sum of twenty-five dollars (\$25.00)
3 for the election. When required, the compensation of the custodian of a building
4 shall be twenty-five dollars (\$25.00) for the election.

5 SECTION 8. That in all particulars not recited in this resolution, the
6 election shall be held and conducted as provided by law for holding General
7 Municipal Elections.

8 SECTION 9. That notice of the time and place of holding the
9 election is hereby given and the City Clerk, pursuant to the City Charter, is
10 authorized to give further or additional notice of the election, in time, form and
11 manner as required by law.

12 SECTION 10. That the City Clerk shall certify to the passage and
13 adoption of this Resolution and enter it into the book of original Resolutions.

14 SECTION 11. Pursuant to the City Charter, the City Clerk is
15 empowered to administer said election and all reasonable and actual election
16 expenses shall be paid by the City upon presentation of a properly submitted bill.

17
18 PASSED, APPROVED and ADOPTED ON _____, 2011.

19
20 _____
21 MICHEAL O'LEARY, MAYOR
22 City of Culver City, California

23 ATTEST

APPROVED AS TO FORM

24
25 _____
26 MARTIN R. COLE, City Clerk

25 _____
26 CAROL A. SCHWAB, City Attorney

27 A10-00277

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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.

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

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of fourteen percent (14%) 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.

SECTION 2. Effective Date. These Sections shall become effective immediately upon the date that this Ordinance is confirmed and approved by the voters of Culver City at the General Municipal Election of April 10, 2012.

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

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or 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 10th day of April, 2012.

City of Culver City, California Mayor

ATTEST:

APPROVED AS TO FORM:

MARTIN R. COLE, City Clerk

CAROL A. SCHWAB, City Attorney

A10-00278

1 RESOLUTION NO. 2011- 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 RENDER SPECIFIED SERVICES TO THE CITY RELATING TO
7 THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE
8 HELD ON TUESDAY, APRIL 10, 2012.

9 WHEREAS, pursuant to Section 1500 of the City Charter of the City of
10 Culver City, the City Council has called a General Municipal Election to be held on April
11 10, 2012 for the purpose of electing certain officers and submitting to the voters a
12 question relating to the City's Transient Occupancy Tax; and,

13 WHEREAS, in the course of conduct of the election it is necessary for the
14 City to request services of the County; and,

15 WHEREAS, all necessary expenses in performing these services shall be
16 paid by the City of Culver City; and,

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

20 SECTION 1. That pursuant to the provisions of Section 10002 of
21 the Elections Code of the State of California, this City Council requests the Board
22 of Supervisors of the County to permit the County Election Department to
23 prepare and furnish the following for use in conducting the election:

24 A. A listing of County precincts with number of registered voters in each,
25 so City may consolidate election precincts into City voting precincts, and maps of
26 the voting precincts

27 .B. A list of polling places and poll workers the City uses for their election
28

1 C. The computer record of the names and addresses of all eligible
2 registered voters in the City in order that the City's consultant may:

- 3 1. Produce labels for vote-by-mail voters;
- 4 2. Produce labels for Sample Ballot pamphlets
- 5 3. Print Rosters of Voters and Street Indexes

6 D. Voter signature verification services as needed

7 E. Make available to the City election equipment and assistance as
8 needed according to State law.

9 SECTION 2. That the City of Culver City recognizes that additional
10 costs will be incurred by the County by reason of this request and agrees to
11 reimburse the County for any costs for such services when the work is completed
12 and upon presentation of a properly approved bill.

13 SECTION 3. That the City Clerk is authorized to file a certified
14 copy of this resolution with the Board of Supervisors and the county election
15 department of the County of Los Angeles.

16 SECTION 4. That the City Clerk shall certify to the passage and
17 adoption of this resolution and enter it into the book of original resolutions

18
19 PASSED, APPROVED and ADOPTED ON _____, 2011.

20
21 _____
22 MICHEÁL O'LEARY, MAYOR
23 City of Culver City, California

24 ATTEST

25 APPROVED AS TO FORM

26 _____
27 MARTIN R. COLE, City Clerk

28 _____
CAROL A. SCHWAB, City Attorney

A10-0027

7

RESOLUTION No. 2011- R _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, APPROVING AN ARGUMENT IN FAVOR OF A QUESTION RELATED TO THE CITY'S TRANSIENT OCCUPANCY TAX AND AUTHORIZING THE CITY COUNCIL OR CERTAIN COUNCIL MEMBERS TO SUBMIT ARGUMENTS (BOTH INITIAL AND REBUTTAL IF NECESSARY) REGARDING THE INCREASE OF THE EXISTING TRANSIENT OCCUPANCY TAX MEASURE ON THE BALLOT FOR THE APRIL 10, 2012 GENERAL MUNICIPAL ELECTION

WHEREAS, a General Municipal Election (Election) is to be held in the City of Culver City on April 10, 2012, at which time there will be submitted to the voters the following question:

Measure X

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 14% on July 1, 2012, with expenditures approved through general fund budgets NO _____
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. The Argument in Favor of said Measure X attached hereto as Exhibit "A" is hereby approved; and,

2. That the City Council hereby authorizes Mayor Micheál O'Leary, Vice Mayor D. Scott Malsin, and Council Members Christopher Armenta, Jeffrey Cooper, and Andrew Weissman to file a written arguments 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 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 the arguments.

APPROVED and ADOPTED this ____ day of _____, 2011.

MICHEAL O'LEARY, MAYOR
City of Culver City, California

ATTEST

APPROVED AS TO FORM

MARTIN R. COLE, City Clerk

CAROL A. SCHWAB, City Attorney

A10-00276

Measure X provides funds for important City services at no cost to Culver City residents.

Culver City's Transient Occupancy Tax (TOT), commonly called the "hotel tax," is paid by visitors who rent hotel rooms in our community. Our current TOT is 12%. This measure would increase the TOT to 14%, on par with Santa Monica and Beverly Hills and below the 15.5% rate in the City of Los Angeles. Our hotels will remain competitive.

The TOT is used to offset the cost of city services used by visitors. While costs have increased, Culver City's TOT has not been increased since 1989. Along with reductions in our workforce and negotiated reductions in employee benefits, an increase in our TOT is part of the City's overall strategy for long-term fiscal sustainability.

It is estimated that this 2% increase – just a few dollars on an average hotel bill – will generate \$550,000 during the next fiscal year to help pay for services such as police, fire, paramedics, parks and recreation, environmental protection and after-school programs.

Unlike other sources of revenue, this local tax can't be taken away by the State to solve its budget problems. The proceeds will stay right here in Culver City.

Please join us in voting YES on Measure X.