



## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SUNNYVALE ON TUESDAY, NOVEMBER 6, 2018, FOR THE PURPOSE OF SUBMITTING TO CITY VOTERS A MEASURE CONCERNING TRANSIENT OCCUPANCY TAXES; REQUESTING CONSOLIDATION WITH THE STATEWIDE GENERAL ELECTION AND ELECTION SERVICES FROM SANTA CLARA COUNTY; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; AND SETTING PRIORITIES FOR BALLOT ARGUMENTS**

WHEREAS, the City Council is interested in submitting to the voters a measure concerning transient occupancy taxes; and

WHEREAS, whenever two or more elections of any legislative or congressional district, public district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, such elections may be either completely or partially consolidated pursuant to Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, and Section 5342 of the Education Code; and

WHEREAS, Elections Code Section 10002 empowers the City Council to request the assistance of the County Registrar of Voters to provide election services to the City and the City Council intends to call a General Municipal Election on November 6, 2018, and for the consolidation of that election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. GENERAL ELECTION. A General Municipal Election hereby is called to be held in and for the City of Sunnyvale on Tuesday, November 6, 2018, for the purpose of submitting to the voters of the City the below-designated measure.

2. MEASURE. The City Council hereby submits to the voters of the City, at the General Municipal Election called for November 6, 2018, the following measure:

CITY OF SUNNYVALE MEASURE	
To protect and maintain essential city services, including: <ul style="list-style-type: none"><li>• Police/fire/911 emergency response;</li><li>• Pothole, streets, sidewalks, and neighborhood park maintenance/repairs;</li><li>• Senior/youth/library programs; and</li><li>• Other services,</li></ul>	YES
Shall the City of Sunnyvale adopt an ordinance increasing the transient occupancy tax paid only by hotel guests from 10.5% to 12.5%, providing approximately \$2,900,000 additional revenue annually until ended by voters, with independent audits, and all funds used locally?	NO

3. ADOPTION OF MEASURE. In the event a majority of the electors voting on the measure set forth above vote in favor thereof, the Sunnyvale Municipal Code shall be amended to read as set forth in Exhibit "A," attached hereto and incorporated herein, effective upon the date of filing.

4. NOTICE OF ELECTION. Notice of the time and place of holding the election is given, and the City Clerk hereby is authorized, instructed and directed to coordinate with the County of Santa Clara Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

5. CONSOLIDATION REQUEST. Pursuant to the requirements of Part 3 (Consolidation of Elections; §§10400 et seq.) of Division 10 of the Elections Code, the City Council hereby requests the governing body of any other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such elections, and to further provide that, upon consolidation, the consolidated election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots opened and returned, returns canvassed, and all other proceedings in connection with the election shall be regulated and done by any body or official authorized to perform such functions and canvass the returns of the elections; and that this City Council consents to such consolidation.

6. REQUEST FOR COUNTY SERVICES. Pursuant to Section 10002 of the California Elections Code, the City Council hereby requests the Board of Supervisors of the County of Santa Clara to permit the Registrar of Voters to render services to the City of Sunnyvale relating to the conduct of Sunnyvale's Special Municipal Election to be held on Tuesday, November 6, 2018. Services shall be of the type normally performed by the Registrar of Voters in assisting the clerks of municipalities in the conduct of elections including, but not limited to, those certain services set forth in Section 4 hereof.

7. ELECTION COSTS. Subject to the approval of the Board of Supervisors of the foregoing requests, the City Clerk is hereby authorized to engage the services of the Registrar of Voters of the County of Santa Clara to aid in the conduct of the election. The City Director of Finance is authorized and directed to pay the costs of services, provided that no payment shall be made for services which the Registrar of Voters is otherwise required by law to perform.

8. BALLOT AND REBUTTAL ARGUMENTS FOR MEASURE. Primary and rebuttal arguments for the measure may be filed consistent with Elections Code Section 9282, *et seq.*

9. BALLOT ARGUMENT [IN FAVOR] OR [AGAINST] MEASURE. The Council hereby selects the following course of action regarding arguments [in favor] or [against] the measure: *[Council to select one of the following concurrent with adoption of resolution]*: a. Authorizes the City Council as a body to submit a written argument [in favor] or [against] the measure, and in the event an argument is filed for the measure, a rebuttal argument.

b. Authorizes —[#]— member(s) of the City Council to submit a written argument [in favor] or [against] the measure: [one or more name(s)]: At [Name(s)] discretion, the argument may also be signed by other members of the City Council, bona fide associations, or individual voters who are eligible to vote on the measure. In the event that an argument is filed for the measure [Name(s)] is also authorized to submit a rebuttal argument on behalf of the City Council, which, at [Name(s)] discretion, may also be signed by members of the City Council, bona fide associations, or individual voters who are eligible to vote on the measure. Signatures on the rebuttal argument may be different from those who signed the primary argument. OR

c. Takes no action with regard to authorizing the Council, or member or members of the Council to submit a written argument [in favor] or [against] the measure; in which case the City Clerk shall select an argument against the measure in accordance with the priority order set forth in Elections Code section 9287.

10. IMPARTIAL ANALYSIS. Pursuant to Elections Code Section 9280, the City Council hereby directs the City Attorney to prepare an impartial analysis of the measure.

11. TRANSMITTAL OF RESOLUTION. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Registrar of Voters.

12. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Sections 15378(b)(4) and 15378 (b)(5), that this resolution is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it involves fiscal and administrative activities that will not result in a potentially significant impact on the environment.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, by the following  
vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**EXHIBIT "A" TO**

**RESOLUTION NO.**

The provisions of the Sunnyvale Municipal Code proposed to be deleted are printed in ~~strike out~~ type, and the new provisions are printed in underlined type.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE TO AMEND SECTION 3.16.040  
("IMPOSITION—RATE—PAYMENT") OF THE  
SUNNYVALE MUNICIPAL CODE TO INCREASE THE  
TRANSIENT OCCUPANCY TAX**

WHEREAS, by Resolution No. \_\_\_\_\_-18, adopted July 17, 2018, the City Council of the City of Sunnyvale submitted a measure to the electors of the City of Sunnyvale proposing an amendment to Section 3.16.040 of the Sunnyvale Municipal Code increasing the Transient Occupancy Tax as set forth in Section 1 of this ordinance; and

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

SECTION 1. SECTION 3.16.040 AMENDED. Section 3.16.040 of Sunnyvale Municipal Code is hereby amended to read as follows:

**Section 3.16.040. Imposition—Rate—Payment.**

(a) For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of eight percent of the rent charged by the operator through June 30, 1995, and eight and one-half percent of the rent charged by the operator on or after July 1, 1995.

(b) Commencing January 1, 2007, and continuing through December 31, 2008, the amount of the tax shall be nine percent of the rent charged by the operator. Effective January 1, 2009, the amount of the tax shall be nine and one-half percent of the rent charged by the operator, provided, however, that the average citywide hotel/motel occupancy rate from January 1 through September 30, 2008, as determined by the director of finance, is at least sixty percent. If the average occupancy rate during this period is less than sixty percent, the increase in the amount of the tax shall be deferred until January 1, 2010. In any event, the amount of the tax on and after January 1, 2010, shall be nine and one-half percent of the rent charged by operator.

(c) Commencing January 1, 2014, and continuing thereafter, the amount of the tax shall be ten and one-half percent of the rent charged by the operator.

(d) Commencing January 1, 2019, and continuing thereafter, the amount of the tax shall be twelve and one-half percent of the rent charged by the operator.

**EXHIBIT "A" TO  
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- (e) 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, or any person paying rent on the transient's behalf, 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 2. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 3. EFFECTIVE DATE. Pursuant to California Election Code Section 9217, this ordinance shall be effective only if approved by a majority of the voters and shall be considered adopted upon the date that the City Council of the City of Sunnyvale certified the election results and shall go into effect 10 days after that date.

SECTION 4. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.