

1 RESOLUTION NO. 16-75
2 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN
3 AMENDING A MEASURE PLACED ON THE NOVEMBER 8, 2016 BALLOT
4 BY RESOLUTION NO. 16-60

5
6 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN,
7 CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS
8 FOLLOWS:

9
10 **SECTION 1.** All references to "Exhibit A" in Resolution No. 16-60 are
11 hereby repealed and replaced with "Exhibit 1" attached to this Resolution.

12
13 **SECTION 2.** Section 12 of Resolution No. 16-60 is amended to read as
14 follows:

15
16 The Transient Occupancy Tax is a general tax imposed upon transients for the
17 privilege of occupying defined hotels located within the city limits of Auburn. If
18 approved by a majority of the electorate voting on the measure, the ordinance
19 attached to this resolution as Exhibit 1 will raise the rate of the tax, and amend
20 the definition of "operator" so that the tax must be collected and remitted by
21 all persons receiving revenue from the rental of a hotel room, including on-line
22 hotel brokers and vacation rental agencies. It will also eliminate an existing
23 limitation on taxed hotels to those with three or more rooms or units for rent
24 to include those with one or two units or rooms for rent. If the ordinance is
25 passed, the definitions of "operator" and "hotel" will be amended. If the
26 ordinance is not passed, the definition will remain unchanged and the tax will
27 not be collected from on-line hotel brokers and vacation rental agencies or on
28 hotels with fewer than three units or rooms for rent.

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SECTION 3. Section 16 of Resolution No. 16-60 is amended to read as follows:

The questions to be submitted to the City voters at said election shall be:

<p>TRANSIENT OCCUPANCY TAX INCREASE</p> <p>Shall an ordinance be adopted to amend the Auburn Transient Occupancy (Hotel Bed) Tax so (i) the tax must be collected by every person collecting rent, including on-line hotel brokers and vacation rental agencies, (ii) to eliminate a requirement that taxed hotels have three or more rooms, and (ii) to increase the tax rate to 10% to fund police, fire, street and other general City services?</p>	Yes
	No

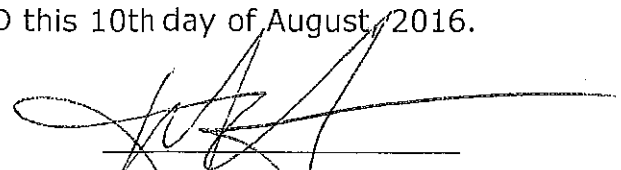
<p>APPOINTMENT OF CITY CLERK</p>	Yes
<p>Shall the office of city clerk be appointive?</p>	No

SECTION 4. All other provisions of Resolution No. 16-60 shall remain in full force and effect.

AZ

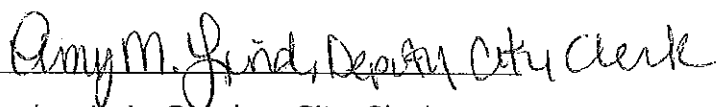
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PASSED, APPROVED AND ADOPTED this 10th day of August, 2016.



William Kirby, Mayor

ATTEST:



Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a special meeting of the City Council of the City of Auburn held on the 10th day of August, 2016 by the following vote on roll call:

Ayes: Powers, Spokely, Kirby

Noes:

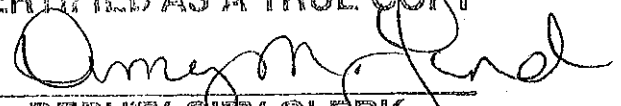
Abstain:

Absent: Nesbitt, Berlant



Stephanie L. Snyder, City Clerk

CERTIFIED AS A TRUE COPY



DEPUTY CITY CLERK

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EXHIBIT "1"
PROPOSED ORDINANCE

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ORDINANCE NO. _____

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF AUBURN AS
APPROVED BY THE CITY'S QUALIFIED ELECTORS AT THE GENERAL
MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2016 AMENDING THE
AUBURN MUNICIPAL CODE DEFINITION OF HOTEL AND OPERATOR TO
CHARGE THE TRANSIENT OCCUPANCY TAX ON ALL PERSONS
RECEIVING REVENUE FROM HOTEL OCCUPANCY (SUCH AS ON-LINE
HOTEL BROKERS AND VACATION RENTAL AGENCIES) AND
INCREASING THE RATE TO 10%**

The People of the City of Auburn do ordain as follows:

SECTION 1. CODE AMENDMENT

The definition of "Hotel" contained in Section 33.186 of the Auburn Municipal Code is hereby set forth for voter approval to read as follows:

HOTEL

- (1) Any structure, or any portion of any structure, which is occupied, or intended or designed for occupancy, by transients for dwelling, lodging or sleeping purposes and shall include any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure, or portion thereof.
- (2) This definition includes bed and breakfast establishments, such as any portion of a private home or structure which is rented out to members of the public for any form of compensation.

1 **SECTION 2. CODE AMENDMENT**

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3 The definition of "Operator" contained in Section 33.186 of the Auburn
4 Municipal Code is hereby set forth for voter approval to read as follows:

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6

7 **OPERATOR.**

8

9 (1) possessing or having an ownership interest in a hotel, or who is the
10 proprietor of the hotel, whether in the capacity of owner, lessee,
11 sublessee, mortgagee in possession, licensee or any other capacity;

12

(2) engaged in the business of operating a hotel; or

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(3) receiving any consideration for the rental of a hotel room for sleeping
14 accommodations, including, without limitation, any broker, service
15 provider, or other intermediary:

16

(i) with which a hotel has contracted to arrange for the rental of a
17 hotel room for sleeping accommodations; or

18

(ii) that has acquired any hotel room for subsequent rental from
19 the hotel for sleeping accommodations.

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21 Where the operator performs his or her functions through a managing
22 agent of any type or character other than an employee, the managing
23 agent shall also be deemed an operator for the purposes of this chapter
24 and shall have the same duties and liabilities as his or her principal.

25

26 Compliance with the provisions of this chapter by either the principal or
27 the managing agent, however, shall be considered to be compliance by
28 both.

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1 **SECTION 3. CODE AMENDMENT**

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3 Section 33.187 of the Auburn Municipal Code is hereby amended to read as
4 follows:

5

6 A.) For the privilege of occupancy in any hotel or lodging
7 establishment, each transient shall be subject to and shall pay a
8 tax in the amount of 10% of the rent charged by the operator.
9

10 **SECTION 4. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL**
11 **QUALITY ACT (CEQA).** Pursuant to CEQA Guidelines Section 15378(b) (4),
12 adoption of this ordinance as a government funding mechanism is not a project
13 subject to the requirements of CEQA. Prior to commencement of any project
14 that may result from the expenditure of revenues from this tax increase, any
15 necessary environmental review required by CEQA shall be completed.
16

17 **SECTION 5. SEVERABILITY.** If any provision of this ordinance or the
18 application thereof to any person or circumstance is held invalid, the remainder
19 of the ordinance and the application of such provision to other persons or
20 circumstances shall not be affected thereby.
21

22 **SECTION 6. ELECTION.** Voter approval of this ordinance shall have the effect
23 of making the changes to the Auburn Municipal Code stated above. If the
24 measure is defeated, the Auburn Municipal Code remains unchanged.
25

26 **SECTION 6. ADOPTION.** If a majority of qualified electors vote in favor of the
27 ballot measure regarding this Ordinance, this Ordinance shall be effective 10
28

1 days after the vote therefor is declared by the City Council as provided by
2 Elections Code section 9217.

3
4 **SECTION 7. EFFECTIVE DATE.** If approved by a majority of qualified electors
5 vote in favor of the ballot measure regarding this Ordinance, the amendments
6 to Section 33.186 as specified in this Resolution shall be effective January 1,
7 2017.

8
9 **SECTION 8. EXECUTION.** The People of the city of Auburn hereby authorize
10 the Mayor and City Clerk of the City to execute this Ordinance to reflect its
11 adoption at the November 8, 2016 election.

12
13 I hereby certify that the foregoing ordinance was duly adopted by a majority of
14 the voters of the City casting votes on the question on November 8, 2016.

15
16 _____
17 , Mayor (date)

18
19 ATTEST:

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22 _____
23 , City Clerk (date)

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City of Auburn

August 11, 2016 | 225 Lincoln Way, Auburn, CA 95603 • (530)823-4211 • FAX (530)885-5508
www.auburn.ca.gov

Mr. Sam Kipp
Placer County Election Department

Re: Typographical Error in Ballot Question Regarding Transient Occupancy Tax Increase (Measure J)

Dear Mr. Kipp

As we discussed on the telephone today, there is a non-substantive typographical error in the ballot question regarding the transient occupancy tax increase, approved by the City Council on August 10, 2016 by Resolution No. 16-75. In the Section 3 of the Resolution, it states:

TRANSIENT OCCUPANCY TAX INCREASE Shall an ordinance be adopted to amend the Auburn Transient Occupancy (Hotel Bed) Tax so (i) the tax must be collected by every person collecting rent, including on-line hotel brokers and vacation rental agencies, (ii) to eliminate a requirement that taxed hotels have three or more rooms, and (ii) to increase the tax rate to 10% to fund police, fire, street and other general City services?	Yes
	No

However, it should read:

TRANSIENT OCCUPANCY TAX INCREASE Shall an ordinance be adopted to amend the Auburn Transient Occupancy (Hotel Bed) Tax so (i) the tax must be collected by every person collecting rent, including on-line hotel brokers and vacation rental agencies, (ii) to eliminate a requirement that taxed hotels have three or more rooms, and (iii) to increase the tax rate to 10% to fund police, fire, street and other general City services?	Yes
	No

As the Elections Official for the City of Auburn, I am authorized to correct non-substantive typographical errors such as this. Please consider this my formal request to correct the error.

If you have any questions or would like to discuss, please let me know.

Sincerely,



Amy Lind, CMC
Assistant City Clerk
City of Auburn