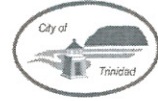


TRINIDAD CITY HALL
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Steve Ladwig, Mayor
Gabriel Adams, City Clerk



RESOLUTION NO. 2022-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, CALIFORNIA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF TRINIDAD A CERTAIN MEASURE RELATING TO A PROPOSED ORDINANCE APPROVING AND AUTHORIZING AN INCREASE TO THE TOURIST OCCUPANCY TAX FOR GENERAL PURPOSES AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; SETTING THE DATES FOR ARGUMENTS ON THE MEASURE; AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT TO CONSOLIDATE SAID ELECTION PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, pursuant to Ordinance No. 2022-03, a copy of which is attached as **Exhibit A** hereto, the City Council of the City of Trinidad ("City") approved for the submission to and approval of the qualified voters of the City an increase in the tourist occupancy tax ("TOT") from eight percent (8%) to twelve percent (12%) for general purposes; and

WHEREAS, a locally enacted TOT would protect and maintain the City's essential services because the money is legally required to stay in the community and cannot be taken by the State, providing locally controlled funds for essential services, including but not limited to roads, law enforcement, and other essential services; and

WHEREAS, the City Council has determined that the most prudent, reasonable, and financially responsible action it can take to preserve the fiscal stability of the City and to protect vital services in the City is to place before the voters a ballot measure to approve the local tax measure and to recommend its adoption to the voters; and

WHEREAS, Revenue and Taxation Code Section 7280 authorizes the City to levy a tax on the privilege of occupying a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging; and,

WHEREAS, on February 15, 1992, the City Council of the City of Trinidad adopted Ordinance No. 92-1 related to the imposition of a TOT and the Ordinance has since been amended by Ordinance No. 92-1 on November 11, 1992, Ordinance No. 2011-02 on August 10, 2011, and Ordinance No. 2020-02 on November 10, 2020; and

WHEREAS, the TOT rate was set at 10% by Ordinance No. 2011-02 on August 10, 2011, and the City Council of the City of Trinidad adopted Resolution No. 2021-14 on November 9, 2021 setting the TOT rate at 12% that was rescinded by Resolution No. 2022-04 on March 8 2022, and the TOT rate was set at 8% by Resolution No. 2022-06 on April 12, 2022; and

WHEREAS, a General Municipal Election will occur on Tuesday, November 8, 2022, at which time the City Council of the City of Trinidad desires and intends to have the qualified voters of the City vote upon the question of whether to adopt the proposed ordinance; and

WHEREAS, the City Council of the City of Trinidad desires that the County of Humboldt Elections Department conduct the municipal election, pursuant to Elections Code Section 10403.

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

SECTION 1. The City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election of November 8, 2022, the following question:

Trinidad Tourist Occupancy Tax Measure	
To maintain and improve essential public safety services, including law enforcement, roads, and essential services, shall the City of Trinidad measure to increase the existing tourist occupancy tax rate from 8% to 12%, raising an approximate additional amount of \$65,000 annually, with all funds remaining in Trinidad, be adopted?	Yes
	No

SECTION 2. The proposed measure submitted to the voters is attached as **Exhibit A**. The City Council hereby approves the ordinance by a two-thirds vote of the City Council, the form thereof, and its submission to the voters of the City at the November 8, 2022, General Municipal Election, as required by Government Code Section 53724. The ordinance specifies that the rate of the tourist occupancy tax shall be twelve percent (12%) on the rent charged to the tourist.

SECTION 3. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections, including but not limited to Elections Code section 10418.

SECTION 4. Pursuant to the requirements of Section 10403 of the Elections Code, the City Council of the City of Trinidad hereby requests the Board of Supervisors of the County of Humboldt to agree to the consolidation of the Municipal Election with the Statewide General Election on November 8, 2022, and issue instructions to the Humboldt County Elections Department that the election in all respects be held as if there were only one election and to conduct the Municipal Election including the publishing of all election materials, the mailing of sample ballots, the hiring of election officers, canvassing the returns, and the actual conduct of the election.

SECTION 5.

- a. The last day for submission of primary arguments for or against the measure shall be by 5:00 p.m. on August 12, 2022.
- b. The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on August 22, 2022.
- c. Primary arguments shall not exceed three hundred (300) words and shall be signed by not more than five persons.
- d. Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five persons; those persons may be different persons than the persons who signed the primary arguments.
- e. Pursuant to California Elections Code Section 9282, Mayor Steve Ladwig is hereby authorized to file a written argument in favor of the proposed measure on behalf of the City Council. At Mayor Ladwig's discretion, the argument may be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote

on the measure. In the event that an argument is filed against the measure, Mayor Ladwig is also authorized to file a rebuttal argument on behalf of the City Council, which may be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote on the measure, which may be different from those who signed the primary argument.

f. Pursuant to California Elections Code Section 9285, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument, which it seeks to rebut.

g. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a certified 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 file the impartial analysis with the City Clerk by August 22, 2022.

SECTION 6. The City of Trinidad recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County of Humboldt for all costs associated with the conduct of the City of Trinidad's municipal election to be held on November 8, 2022; and

SECTION 7. 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 8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 9. The approval of this resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 *et seq.*, "CEQA," and 14 Cal. Code Reg. §§ 15000 *et seq.*, "CEQA Guidelines"). The tourist occupancy tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines section 15060, review under CEQA is not required.

NOW, THEREFORE BE IT FURTHER RESOLVED the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Humboldt County Registrar of Voters.

PASSED AND ADOPTED this 14th day of June, 2022, by the following vote.

AYES: West, Grover, Kelly, Tuttle
NOES: None
ABSENT: None
ABSTAIN: None

Attest:



Gabriel Adams
City Clerk



Steve Ladwig
Mayor