RESOLUTION NO. 2022-151

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN
DECLARING A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022,
AND REQUESTING THE PLACER COUNTY BOARD OF SUPERVISORS CONSOLIDATE THE ELECTION
WITH THE STATE-WIDE GENERAL ELECTION; REQUESTING THE COUNTY ELECTIONS OFFICIAL TO
RENDER ELECTION SERVICES FOR THE GENERAL MUNICIPAL ELECTION; AND SUBMITTING A
TRANSIENT OCCUPANCY TAX MEASURE TO THE VOTERS OF THE CITY OF ROCKLIN

WHEREAS, under the provisions of the law relating to general law cities in the State of California and Rocklin Municipal Code Chapter 2.04, a general election shall be held on Tuesday, November 8, 2022, for the election of municipal officers; and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to a general tax, a transient occupancy tax.

NOW, THEREFORE, the City Council of the City of Rocklin does resolve as follows:

Section 1. Call of the Election.

Pursuant to the requirements of the laws of the State of California pertaining to municipal elections in general law cities, and the Rocklin Municipal Code Chapter 2.04, there is hereby called and ordered to be held in the City of Rocklin on Tuesday, the 8th of November 2022, a general municipal election. The issues to be presented to the voters shall be:

A. Nomination of Candidates for the City Council:

1. The election shall be to fill vacancies for two (2) City Council seats for officers whose terms are set to expire:

Incumbent's Name	Office	Term
Jill Gayaldo	City Council	Regular/4 Year
Bill Halldin	City Council	Regular/4 Year

2. The terms of office shall expire upon the election of the successors thereto at the general municipal election in November 2026. Members of the City Council are elected at large. There are no divisions in the City, all voters within the City vote for all candidates.

3. If by the close of candidate filing the number of qualified candidates does not exceed the number of seats to be filled in a particular office, the City Council may, in accordance with Elections Code Section 10229(a) adopt one of the following courses of action: 1) appoint to the office the person who has been nominated; 2) appoint to

the office an eligible elector if no one has been nominated; 3) hold the election, if either no one, or only one person has been nominated. Pursuant to Elections Code Section 10229(b), this provision shall not apply if, at the regularly scheduled municipal election, more than one person has been nominated to another city office to be elected on a citywide basis or a city measure has qualified and is to be submitted to the voters at that municipal election.

4. The City of Rocklin has determined the following election particulars:

    a. The length of the Candidate Statement shall not exceed 200 words.
    b. The cost of the Candidate Statement shall be paid by the Candidate.
    c. In the case of a tie vote, the election shall be determined by lot.

B. <u>Measure to be Submitted to Voters</u>:

1. The City of Rocklin requests the Transient Occupany Tax Measure attached hereto as Exhibit "A" and incorporated herewith by reference, be submitted to all qualified voters of the City of Rocklin on November 8, 2022, along with arguments and rebuttals submitted in the timeframe prescribed by the California Elections Code, in the form of the following question:

Hotel and Lodging Definition and Tax Measure To maintain local funding for essential services including: Police and Fire/Emergency Medical Service response, street/road repair, and park maintenance in the City of Rocklin, shall a measure expanding the	YES
definition of hotel to include campgrounds, and increasing the existing Transient Occupancy Tax (paid by hotel/lodging guests) from 8% to 10%, providing an estimated $300,000 annually, with independent audits, until ended by voters, be adopted?	NO

2. The TOT Measure is a general tax.

Section 2. Request for Consolidation of Election and Services of County Elections Official.

A. Pursuant to Elections Code section 10403 and Rocklin Municipal Code Chapter 2.04, the Board of Supervisors of the County of Placer is hereby requested to consolidate the City of Rocklin's general municipal election on November 8, 2022, with the state-wide general election held on the same day. The consolidated election will be held and conducted in the manner prescribed by Elections Code section 10418.

B. Pursuant to Elections Code section 10002, the Board of Supervisors of the County of Placer is hereby requested to authorize and direct the county Elections Official as defined by Elections Code Section 320, to render all necessary election services to

the City of Rocklin relating to the conduct of the municipal election to be held on November 8, 2022, at City expense.
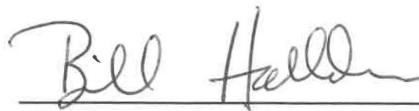
C. Pursuant to Elections Code section 10411, the Board of Supervisors for the County of Placer is authorized to canvass the returns of the election.

D. Pursuant to Elections Code section 10002, the City of Rocklin shall reimburse the County of Placer in full, for municipal election services performed upon presentation of a bill to the City of Rocklin.

E. The City of Rocklin hereby certifies that there have been no changes to the City boundary lines since the last election, for reference a map is attached hereto as Exhibit "B."

Section 3. This Resolution shall be considered a Notice of Election. In all particulars not recited by this Resolution, the general municipal election on November 8, 2022 shall be held and conducted as provided by the California Elections Code for the conduct of general municipal elections.

Section 4. The City Clerk is hereby directed to file a certified copy of this resolution with the Placer County Board of Supervisors and the Placer County Elections Office.

PASSED AND ADOPTED this 28th day of June, 2022, by the following vote:

AYES:	Councilmembers:	Broadway, Gayaldo, Halldin, Janda
NOES:	Councilmembers:	Patterson
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None

Bill Halldin, Mayor

ATTEST:

Hope Ithurburn, City Clerk

Measure to be Submitted Directly to the Voters

ORDINANCE NO.

ORDINANCE OF THE CITY OF ROCKLIN AMENDING THE DEFINITION OF HOTEL AND AMENDING THE TRANSIENT OCCUPANCY TAX RATE BY REPEALING AND REENACTING SECTIONS 5.24.020, 5.24.030, AND 5.24.040 OF CHAPTER 5.24 OF THE ROCKLIN MUNICIPAL CODE REGARDING TRANSIENT OCCUPANCY TAX

The city council of the City of Rocklin does ordain as follows:

      Section 1. Section 5.24.020 of Chapter 5.24 of Title 5 of the Rocklin Municipal Code is hereby repealed and replaced in its entirety as follows:

5.24.020 – Definitions:

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter:

"Hotel" means 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 includes 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, or campground at a fixed location or other similar structure or portion thereof.

"Occupancy" means the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

"Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee or any other capacity. Where the operator performs his or her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

"Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

"Rent" means the consideration charged whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

"Tax administrator" means the City finance manager, or his or her designee.

"Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both, prior and subsequent to the effective date of this chapter may be considered.

Section 2. Section 5.24.020 of Chapter 5.24 of Title 5 of the Rocklin Municipal Code is hereby repealed and replaced in its entirety as follows:

5.24.030 – Tax Imposed - Generally:

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ten percent of the rent charged by the operator. Such 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, 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 be paid directly to the tax administrator.

The tax administrator may make rules and regulations not inconsistent with the provisions of this chapter as may be necessary or desirable to aid in the enforcement and administration of this chapter. Any such rule or regulation that may affect the amount of tax owed the city shall be subject to approval of the city council. The rules and regulations shall be filed in the office of the tax administrator and maintained in an orderly and readily accessible manner. Taxes are considered paid only upon receipt of the return, and penalty, interest, and completed exemption certificate when appropriate. The burden to secure and comply with the rules and regulations shall be upon the operator.

Section 3. Section 5.24.040 of Chapter 5.24 of Title 5 of the Rocklin Municipal Code is hereby repealed and replaced in its entirety as follows:

5.24.040 – Exemptions

No tax shall be imposed upon any person if the imposition is beyond the power of the city as herein provided. Without limitation, the following are specifically exempt:

Any federal or state employee when on official business.
Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.
Any of the exclusions and/or exemptions set forth in California Revenue and Tax Code section 7280 et seq., as may be amended from time to time.

No exemption shall be granted except upon a claim made at the time rent is collected and under penalty of perjury upon a form prescribed by the tax administrator. When a claim of exemption is defective, the operator: (1) shall be responsible for all taxes due with respect to the purposed exempt transient; and (ii) the tax administrator shall give notice to the operator of all taxes due as a result of rejection of the exemption claims. The operator shall pay all sums due within ten working days of notification.
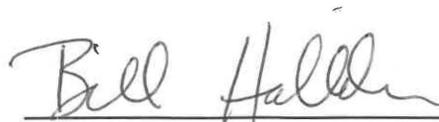
Section 4. This Ordinance relates to the levying and collecting of the City of Rocklin Transient Occupancy Tax and, pursuant to California Elections Code Section 9217, shall be in full force and effect ten (10) days after the certification by the City Council of the election returns indicating passage of the Ordinance by the voters casting votes in the election. The collection of transient occupancy tax shall be in accordance with Chapter 5.24 of the Rocklin Municipal Code.

Section 5. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City council hereby declares that they would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivision, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 6. Within 15 days of passage of this ordinance, the City Clerk shall cause the full text of the ordinance, a summary of the ordinance, or an advertisement of the ordinance to be published in a newspaper of general circulation, with the names of those City Councilmembers voting for and against the ordinance, in accordance with Government Code section 36933.

I hereby certify that the foregoing Ordinance was approved by the voters of the City of Rocklin by a vote of _____ at a General Municipal Election on the 8th day of November, 2022, and by the City Council of the City of Rocklin at a general meeting of the City Council held on June 28, 2022 by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

_____
Bill Halldin, Mayor

ATTEST:

_____
Hope Ithurburn, City Clerk

Legend

⬚ Rocklin City Limits

⬚ Rocklin Sphere of Influence

Lincoln

Loomis

Rocklin

Roseville

Granite Bay

STONERIDGE BLVD

E LINCOLN PKWY

INDUSTRIAL AVE

WILDCAT BLVD

WILLOW TREE BLVD

PARK DR

STANFORD RANCH RD

BLUE OAKS BLVD

SUNSET BLVD

FAIRWAY DR

PLEASANT GROVE BLVD

WASHINGTON BLVD

ROSEVILLE PKWY

GALLERIA BLVD

JUNCTION BLVD

WHITNEY BLVD

SIERRA COLLEGE BLVD

KING RD

PACIFIC ST

GRANITE DR

ROCKLIN RD

BARTON RD

65

Source: NAIP 2005, City of Rocklin, Placer County, Jones and Stokes 2008, PMC

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Figure 3.0-2

City of Rocklin and Surrounding Area