

**FILED**

AUG 11 2016

BY  DEPUTY  
REGISTRAR OF VOTERS

RESOLUTION NO. R-74-16

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA CALLING FOR THE PLACEMENT OF A SPECIAL TAX MEASURE TO BE HELD AT THE NOVEMBER 8, 2016 GENERAL MUNICIPAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF A PROPOSED ORDINANCE AMENDING THE CITY'S TRANSIENT OCCUPANCY (HOTEL) TAX BY INCREASING THE RATE FROM 10% TO 12.5%, DEDICATING THE ADDITIONAL 2.5% OF THE TAX RATE ABOVE 10% FOR SPECIFIC PURPOSES, AND ADDRESSING ONLINE TRAVEL COMPANY AND OTHER THIRD PARTY BOOKINGS, AND MAKING VARIOUS CONFORMING CHANGES.

WHEREAS, pursuant to Section 9222 of the California Elections Code, the City Council has authority to place propositions on the ballot to be considered at a Municipal Election; and

WHEREAS, pursuant to Chapter 3.24 of Title 3 of the Colton Municipal Code (C.M.C. §§3.24.010 through 3.24.180), the City currently imposes a Transient Occupancy Tax (Hotel) Tax ("TOT") at the rate of ten percent (10%) upon guests of hotels and other transient accommodations within the City; and

WHEREAS, the current 10% rate of the TOT is a general tax the proceeds of which are deposited into the City's general fund. The general fund pays for important City services such as police protection, fire and paramedic services, street operations and maintenance, library services, parks and recreation services and general municipal services to the public; and

WHEREAS, the City Council desires to amend the Colton Municipal Code to increase the rate of the TOT from ten percent (10%) to twelve and one-half percent (12.5%); and

WHEREAS, the City Council desires that the rate increase in the TOT above the current 10% rate (the additional 2.5% of the rate) be proposed to the voters as a special tax, the proceeds of which will be deposited into a special fund dedicated for paying the costs of construction, maintenance and rehabilitation of athletic/recreational fields and related facilities within the City of Colton; and

WHEREAS, the City Council desires to amend the Colton Municipal Code to allow for the imposition and collection of the TOT on the full rent charged to a guest for hotel occupancy, or occupancy in any short term rental, whether the occupancy is booked directly by the guest, through the guest's employer or agent, through online travel companies which enable guests to purchase occupancy via the Internet, or through online short term rental companies operating to facilitate connections in the rental market or otherwise broker short term rentals between a host and a guest, or by similar electronic means; and

1           **WHEREAS**, on November 6, 1996, the voters of the State of California approved  
2 Proposition 218 (California Constitution, Article XIII C), an amendment to the State  
3 Constitution which requires that all special taxes which are imposed, extended or increased  
4 must be submitted to the electorate and approved by a two-thirds (2/3) supermajority vote of  
the qualified electors voting in the election; and

5           **WHEREAS**, the amendments proposed in the attached ordinance which increase the  
6 rate of the TOT constitute a tax "increase" subject to Proposition 218; and

7           **WHEREAS**, the amendments proposed in the attached ordinance which apply the  
8 TOT rate to the total rent charged to a guest for occupancy in a hotel (including any retail  
9 markup and other charges imposed through purchase of occupancy through an employer,  
agent, on-line travel company, or online short term rental company) may also be characterized  
as an "increase" in the TOT under Proposition 218; and

10           **WHEREAS**, the City Council desires to submit to the voters at the November 8, 2016  
11 General Municipal Election one ballot proposition, entitled:

12           "Shall the City of Colton increase the Transient Occupancy (Room) Tax rate  
13 from 10% to 12.5%, with the extra 2.5% rate increase generating  
14 approximately \$150,000 annually that will specifically pay for the  
15 construction, maintenance and rehabilitation of the City's athletic/recreational  
16 fields and related facilities, until ended by voters, and to apply the Tax to all  
rent charged by hotel operators, including online travel and short term rental  
companies, for transient occupancy of any hotel room?"

17           **WHEREAS**, pursuant to Government Code §53724 ("Proposition 62"), a majority of  
18 the City Council is required to place the Measure on the November 8, 2016 ballot.

19           **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON,**  
20 **CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS**  
21 **FOLLOWS:**

22           **SECTION 1. Findings.** The City Council finds that all of the preceding recitals are  
23 true and correct and are hereby incorporated and adopted as findings and determinations by  
the City Council as if fully set forth herein.

24           **SECTION 2.** By adoption of Resolution No. R-41-16 on June 7, 2016, the City  
25 Council has called and given notice of a General Municipal Election to be held on Tuesday,  
26 November 8, 2016 in the City of Colton, County of San Bernardino, for the election of three  
members of the City Council for a term of four years, a City Clerk for a term of four years,  
27 and a City Treasurer for a term of four years.

28           **SECTION 3. Submission of Measure.** Pursuant to Government Code, §53724 and  
any other applicable requirements of the laws of the State of California relating to general law  
cities, the City Council, by a majority vote, hereby orders the ordinance attached hereto as  
Exhibit "A" and by this reference incorporated herein and made an operative part hereof, to be




1           **SECTION 8.** Certification.   The City Clerk shall certify to the adoption of this  
2 Resolution.


3           **SECTION 9.** Filing with County. The City Clerk shall, not later than the 88th day  
4 prior to the General Municipal Election to be held on Tuesday, November 8, 2016, file with  
5 the Board of Supervisors and the County Clerk – Registrar of Voters of the County of San  
Bernardino, State of California, a certified copy of this Resolution.

6           **SECTION 10.** Public Examination. Pursuant to California Elections Code §9295,  
7 this measure will be available for public examination for no fewer than ten (10) calendar days  
8 prior to being submitted for printing in the sample ballot. The examination period will end on  
9 the day that is seventy-five (75) days prior to the date set for the election. The Clerk shall post  
notice in the Clerk's office of the specific dates that the examination period will run.

10 **PASSED, APPROVED and ADOPTED** this 2nd day of August, 2016.

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14 Richard A. DeLaRosa, Mayor

15 ATTEST:

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18 \_\_\_\_\_  
Carolina R. Padilla, City Clerk

21 APPROVED AS TO FORM:

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23   
24 \_\_\_\_\_  
25 Marco A. Martinez, Assistant City Attorney  
26 Best Best & Krieger  
27  
28





1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF COLTON )

4 CERTIFICATION

5 I, CAROLINA R. PADILLA, City Clerk of the City of Colton, California, do hereby  
6 certify that the foregoing is a full, true and correct copy of RESOLUTION NO. R-75-16,  
7 duly adopted by the City Council of said City, and approved by the Mayor of said City, at its  
8 Regular Meeting of said City Council held on the 2nd day of August, 2016, and that it was  
9 adopted by the following vote, to wit:

10 AYES: COUNCILMEMBER Toro, Jorin, Navarro, González, Suchil  
11 and Mayor DeLaRosa  
12 NOES: COUNCILMEMBER None  
13 ABSTAIN: COUNCILMEMBER None  
14 ABSENT: COUNCILMEMBER Bennett

15  
16 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal  
17 of the City of Colton, California, this 1<sup>th</sup> day of August, 2016  
18

19  
20 Caroline R. Padilla  
21 CAROLINA R. PADILLA  
22 City Clerk  
23 City of Colton

24 (SEAL)  
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**FILED**

AUG 11 2016

BY 2 DEPUTY REGISTRAR OF VOTERS

**RESOLUTION NO. R-76-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA, PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING A CITY MEASURE TO BE SUBMITTED AT THE NOVEMBER 8, 2016 GENERAL MUNICIPAL ELECTION**

**WHEREAS**, a General Municipal Election is to be held in the City of Colton, California on November 8, 2016, at which there will be submitted to the voters the following measure:

"Shall the City of Colton increase the Transient Occupancy (Room) Tax rate from 10% to 12.5%, with the extra 2.5% rate increase generating approximately \$150,000 annually that will specifically pay for the construction, maintenance and rehabilitation of the City's athletic/recreational fields and related facilities, until ended by voters, and to apply the Tax to all rent charged by hotel operators, including online travel and short term rental companies, for transient occupancy of any hotel room?"	Yes
	No

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

**Section 1. Primary Arguments.** That the City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the City measure, 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 below by the City Clerk, after which no arguments for or against the City measure may be submitted to the City Clerk.

The deadline to submit arguments for or against the City Measure pursuant to this Resolution is declared by the City Clerk to be **Thursday, August 25, 2016, at 5:00 p.m.** Each argument shall not exceed 300 words and shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

**Section 2. Rebuttal Arguments.** Pursuant to Section 9285 of the Elections Code of

1 the State of California, when the City Clerk has selected the primary arguments for and  
2 against the City Measure(s) which will be printed and distributed to the voters, the Clerk shall  
3 send copies of the primary argument in favor of the Measure(s) to the authors of the primary  
4 argument against, and copies of the primary argument against to the authors of the primary  
5 argument in favor. The authors or persons designated by them may prepare and submit  
6 rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the  
7 City Clerk not later than **Tuesday, August 30, 2016 at 5:00 p.m.** Rebuttal arguments shall  
8 be printed in the same manner as the primary arguments. Each rebuttal argument shall  
9 immediately follow the primary argument which it seeks to rebut.

7 **Section 3. Prior Resolutions.** That all previous resolutions providing for the filing  
8 of primary and rebuttal arguments related to City measures are repealed.

9 **Section 4. November 8, 2016 Election.** That the provisions of Sections 1 and 2 shall  
10 apply only to the election to be held on November 8, 2016, and shall then be repealed.

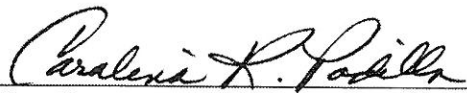
11 **Section 5. Certification.** The City Clerk shall certify to the passage and adoption of  
12 this resolution and enter it into the book of original Resolutions.

13 **PASSED, APPROVED AND ADOPTED** this 2nd day of August, 2016.

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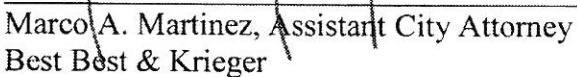
16 Richard A. DeLaRosa, Mayor

17 ATTEST:

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20 Carolina R. Padilla, City Clerk

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23 APPROVED AS TO FORM:

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26   
27 Marco A. Martinez, Assistant City Attorney  
28 Best Best & Krieger

1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF COLTON )

4 CERTIFICATION

5 I, CAROLINA R. PADILLA, City Clerk of the City of Colton, California, do hereby  
6 certify that the foregoing is a full, true and correct copy of RESOLUTION NO. R-76-16,  
7 duly adopted by the City Council of said City, and approved by the Mayor of said City, at its  
8 Regular Meeting of said City Council held on the 2nd day of August, 2016, and that it was  
9 adopted by the following vote, to wit:

10 AYES: COUNCILMEMBER Toro, Jorin, Navarro, González, Suchil  
11 and Mayor DeLaRosa  
12 NOES: COUNCILMEMBER None  
13 ABSTAIN: COUNCILMEMBER None  
14 ABSENT: COUNCILMEMBER Bennett

15  
16 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal  
17 of the City of Colton, California, this 11<sup>th</sup> day of August, 2016.  
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19

20 Carolina R. Padilla  
21 CAROLINA R. PADILLA  
22 City Clerk  
23 City of Colton

24 (SEAL)  
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