

THE FOREGOING INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

ATTEST Joseph Al
TOWN CLERK
TOWN OF YUCCA VALLEY, CALIFORNIA
July 19, 2022

RESOLUTION NO. 22-40

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE TOWN OF YUCCA VALLEY A MEASURE AMENDING THE TRANSIENT OCCUPANCY TAX ORDINANCE OF THE TOWN AND APPROVING THE FORM OF THE ORDINANCE TO BE SUBMITTED TO THE VOTERS

WHEREAS, pursuant to section 2.05.090 of the Yucca Valley Municipal Code, the general municipal election of the Town shall be held on the same day as the statewide general election; and

WHEREAS, pursuant to Section 9222 of the California Elections Code the Town Council may submit a proposition for the repeal, amendment, or enactment of an Ordinance directly to the voters; and

WHEREAS, Town of Yucca Valley currently imposes a Transient Occupancy Tax ("TOT") on all visitors for the privilege of occupancy in any hotel, as defined in Section 3.24.020 of the Town of Yucca Valley Municipal Code; and

WHEREAS, the TOT Ordinance imposes a general tax, as defined by California Constitution Articles XIII C, § 1(a); and

WHEREAS, the Town Council desires to submit to the voters at the general municipal election scheduled for Tuesday, November 8, 2022 (the "Election"), a measure amending the TOT Ordinance to adjust the TOT tax from seven percent (7%) to twelve percent (12%); and

WHEREAS, such an amendment must be presented to and adopted by a majority the qualified voters of the Town, pursuant to California Constitution Article XIII C, § 2(c) and Government Code § 53723; and

WHEREAS, the County of San Bernardino will be conducting a statewide general election in Yucca Valley on November 8, 2022; and

WHEREAS, an increase in Short Term Vacation Rentals has placed an additional burden on the services provided by the Town of Yucca Valley; and

WHEREAS, the Town is required to maintain 145+ miles of roads, Yucca Valley needs to

FILED

JUL 25 2022

BY JA DEPUTY
REGISTRAR OF VOTERS

keep up with repairs, maintenance to streets, sidewalks, storm drains, and other facilities before they become more expensive in the future; and

WHEREAS, additional funding to maintain the quality of services, such as police, 9-1-1 response times, maintenance of streets, parks, infrastructure, and programs for youth and seniors is needed; and

WHEREAS, by keeping Yucca Valley safe, clean, and well-maintained, the Town seeks to protect property values and preserve the small-town character that makes Yucca Valley a special place to live; and

WHEREAS, the TOT does not raise residents' taxes, it applies only to those who stay in local hotels, motels and short-term vacation rentals, ensuring visitors pay their fair share of services they use while in town; and

WHEREAS, it is in the best interest of the Town of Yucca Valley to consolidate the Town election with the County election to be conducted on November 8, 2022; and

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Yucca Valley does resolve, declare, determine and order as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Pursuant to Government Code section 36503, and Yucca Valley Municipal Code section 2.05.090, on June 21, 2022, via Resolution No. 22-33, the Town Council called and ordered to be held in the Town of Yucca Valley a general municipal election.

SECTION 3. The Town Council orders submitted to the voters a measure for the approval of a proposed ordinance amending the TOT Ordinance of the Town to adjust the TOT tax applicable within the Town from seven percent (7%) to twelve percent (12%) ("Proposed Ordinance"). The full text of the Proposed Ordinance, attached hereto as Exhibit A, shall be printed and made available to voters pursuant to Section 9223 of the California Elections Code. The Town Council hereby approves the Proposed Ordinance, and its submission to the voters of the Town at the November 8, 2022, election.

SECTION 4. Pursuant to Elections Code Section 10002, the Town Council hereby requests the Board of Supervisors of the County of San Bernardino to consolidate the election

FILED

JUL 25 2022

BY WA DEPUTY
REGISTRAR OF VOTERS

for the above referenced Proposed Ordinance with the November 8, 2022, general election and to permit the San Bernardino County Elections Department to provide any and all services necessary for conducting the election. The County of San Bernardino and its staff are authorized and instructed to procure and furnish any and all official ballots, notices, printed matter and all supplies and equipment and other necessary items in order to properly and lawfully conduct the election; the County of San Bernardino is authorized to canvass the returns of the election, which shall be held in all respects as if there were only one election, and only one form of ballot shall be used; and the Town Council recognizes that additional cost will be incurred by the County of San Bernardino by reason of the consolidation of the election with the Statewide election and agrees to reimburse the County of San Bernardino for any costs that are not reimbursed by the State. The Town Council hereby authorizes the Town Manager to pay the County of San Bernardino for said services in full.

SECTION 5. The Proposed Ordinance measure shall be designated by letter by the San Bernardino County Elections Department. The question to appear on the ballot for voter consideration shall be as follows:

<p>Hotel / Vacation Rental Tax Measure To fund general services in the Town of Yucca Valley, such as: Police patrols / 9-1-1 emergency response; Gang / crime prevention; Street maintenance / traffic management; Keeping parks / facilities safe and clean; Supporting fire protection; Affordable housing; shall an ordinance be adopted changing the Town’s existing transient occupancy tax (paid by hotel / vacation rental guests) to 12%, providing an additional \$1,300,000 annually for general government use until ended by voters, with all funds locally controlled?</p>	<p>YES</p>
	<p>NO</p>

SECTION 6. Pursuant to Article XIII C of the California Constitution, this measure shall not take effect unless a majority of votes cast on the measure at the Election are in favor of the measure, unless another threshold is otherwise required by law.

SECTION 7. The Town Clerk is hereby directed to transmit a copy of the Proposed Ordinance to the Town Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure in accordance with Section 9280 of the California Elections Code.

SECTION 8. The Board of Supervisors of San Bernardino County is hereby requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the election and to consolidate this ballot measure with any other applicable election conducted on the same day in the Town. The Board of Supervisors is further requested to order the County Clerk to set forth in the voter information portion of all sample ballots to be mailed to the qualified electors of the Town the full text of the Proposed

FILED

JUL 25 2022

LA

BY _____ DEPUTY REGISTRAR OF VOTERS

Ordinance and to mail with the sample ballots to the electors printed copies of the full text of the Proposed Ordinance, together with the arguments and rebuttal arguments (if any) for and against the measure.

SECTION 9. Notice of the Election is hereby given and the Town Clerk shall give such further notice of the election as required by law. In accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code, the Town Clerk is hereby authorized and directed to cause notice of the measure in Section 6 to be published once in a newspaper of general circulation, printed, published, and circulated in the Town of Yucca Valley and hereby designated for that purpose by the Town Council of the Town of Yucca Valley. The Town Clerk may request that the County of San Bernardino Elections Department prepare and publish the required notice.

SECTION 10. The Town Clerk is hereby directed to file a certified copy of this Resolution with the San Bernardino County Board of Supervisors and the San Bernardino County Elections Department.

SECTION 11. The Town Clerk is authorized and directed to take all other steps necessary to conduct the election on the Proposed Ordinance.

SECTION 12. The Town Manager is authorized and directed to appropriate the funds necessary to fund the cost of the Election.

SECTION 13. The adoption of this resolution is not a "project" subject to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.). CEQA Guideline 15378(b)(4) provides that the creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to a specific project that may result in a potentially significant physical impact on the environment are not projects subject to the requirements of CEQA.

SECTION 14. In all particulars not recited in this resolution, the Election shall be held and conducted as provided by State law for holding municipal elections.

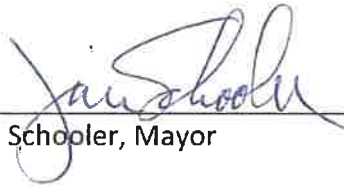
SECTION 15. This Resolution shall take effect upon its adoption by a two thirds vote of the Town Council.

FILED

JUL 25 2022

BY LA DEPUTY
REGISTRAR OF VOTERS

PASSED, APPROVED AND ADOPTED this 16th day of July, 2022.



Jim Schooler, Mayor

ATTEST:



Lesley Copeland, Town Clerk


APPROVED AS TO FORM:



Thomas Jex, Town Attorney

FILED

JUL 25 2022

BY  DEPUTY
REGISTRAR OF VOTERS