

RESOLUTION NO. 23- 141

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CALLING AND ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF BENICIA A BALLOT MEASURE TO INCREASE TRANSIENT OCCUPANCY TAX (TOT) RATE BY FOUR PERCENT AT THE PRIMARY ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2024

WHEREAS, unlike many cities of similar size in the Bay Area, Benicia is a full service city, equipped with its own City-run police, fire, park, library and water and wastewater services; and

WHEREAS, the health and safety of all residents in the City of Benicia (“the City”) is the City’s top priority; and

WHEREAS, the City of Benicia faces a structural budget deficit that it is trying to solve; and

WHEREAS, as part of the City’s effort to meet the service needs of the community, maintain the status as a full-service city, and address millions of dollars in unfunded capital infrastructure the City is looking to move forward with adding a Transient Occupancy Tax measure to the March 5, 2024, election ballot; and

WHEREAS, the general fund pays for important City services such as police, fire, and paramedic services; 911 emergency response; emergency street repairs and maintenance; neighborhood park and recreation services; and general municipal services to the public; and

WHEREAS, the City proposes an increase in the amount of four percent to the existing Transient Occupancy Tax (TOT) as directed by City Council; and

WHEREAS, the proposed, locally enacted, Transient Occupancy Tax measure is projected to generate general fund revenue of approximately \$250,000 annually for a four percent rate increase; and

WHEREAS, the proposed revenue measure has a sunset date of 12 years and Council will review the measure again in 10 years; and

WHEREAS, a Transient Occupancy Tax is paid by hotels, motels, guests, and tourists; and

WHEREAS, local, voter-approved funding for essential services will provide a guaranteed source of funding for the City of Benicia that cannot be taken by Sacramento or Washington D.C. as all funds will be legally required to be spent in Benicia; and

WHEREAS, the proposed measure will include strict accountability requirements such as public disclosure of all spending; annual independent financial audits that ensure

funds are used effectively and as promised and only to benefit the Benicia community; and an Independent Citizen's Oversight Committee; and

WHEREAS, pursuant to California Revenue and Taxation Code Section 7280 the City of Benicia ("City") has the authority to levy a Transient Occupancy Tax for general purposes, and subject to voter approval; and

WHEREAS, the general rule is that a Transient Occupancy Tax must be placed on a regularly scheduled general election for members of the City Council, unless the City Council adopts a resolution proclaiming a fiscal emergency; and

WHEREAS, at the November 7, 2023 Council meeting, by unanimous vote, Council declared a fiscal emergency; and

WHEREAS, if Benicia's measure passes, then the Transient Occupancy Tax rate will be 13 percent; and

WHEREAS, to qualify for the ballot, 2/3 of the City Council (4 members) are required to vote affirmatively for the Transient Occupancy Tax ordinance. If a council member is absent from the meeting, 4 City Council Members are still required to vote affirmatively for the item to qualify for the ballot; and

WHEREAS, if so approved by the Council, and then passed by the voters on Tuesday, March 5, 2024 with a majority of voters (50% plus 1) supporting the measure, it would go into effect on October 1, 2024.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Benicia does resolve, declare, determine and order as follows, that:

SECTION 1. The City Council pursuant to its right and authority, does order to be submitted to the voters at the Primary Election to be held on March 5, 2024, the following question:

THE BENICIA TRANSIENT OCCUPANCY TAX (TOT) MEASURE

| | |
|--|---------------------------|
| <p>Benicia Hotel Tax Shall the City of Benicia enact a measure protecting essential Benicia services, including:</p> <ul style="list-style-type: none"> • maintaining police services • protecting 911 response times • maintaining local parks and library services • promoting economic development | <p align="center">YES</p> |
| <p>by adopting an ordinance increasing the transient occupancy tax, paid by hotels and vacation rentals, from 9% to 13%, paid only by guests and tourists, providing approximately \$250,000 annually for general governmental purposes, sunseting in twelve years, subject to accountability by annual audits and an independent citizens' oversight committee?</p> | <p align="center">NO</p> |

SECTION 2. The proposed measure submitted to the voters is as attached in Exhibit A to this Resolution, which is incorporated herein by this reference.

SECTION 3. The City will reimburse the county for the actual cost incurred in conducting the election upon receipt of a bill stating the amount due as determined by the elections official.

SECTION 4. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 5. 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 6. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a 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 transmit such impartial analysis to the City Clerk within ten (10) days of the adoption of this Resolution.

SECTION 7. Arguments for or against this measure shall be submitted not later than 5 p.m. on December 15, 2023 to the City Clerk.

SECTION 8. The City Council adopts the provisions of subdivision (a) of Section 9285 of the Elections Code to permit rebuttal arguments if arguments have been filed in favor of and against the measure which is being submitted to the voters of the City at this special election. Rebuttal arguments shall be filed not later than 5:00 p.m. on December 19, 2023.

SECTION 9. The City Clerk is hereby directed to file a certified copy of this Resolution with the Solano County Board of Supervisors and the Solano County Registrar of Voters.

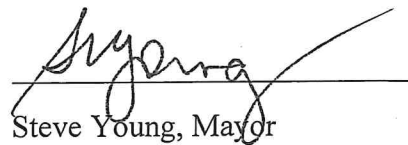
On motion of Council Member **Young**, seconded by Council Member **Macenski**, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 21st day of November 2023 by the following vote:

Ayes: **Council Members Birdseye, Campbell, Macenski, Scott, and Mayor Young**

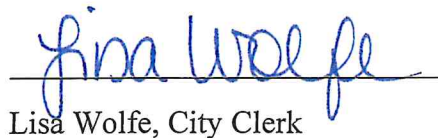
Noes: **None**

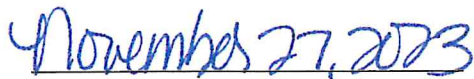
Absent: **None**

Abstain: **None**


Steve Young, Mayor

Attest:


Lisa Wolfe, City Clerk



Date

I, Lisa Wolfe, City Clerk of the City of Benicia, County of Solano, State of California, hereby certify that the foregoing Resolution was adopted by the City Council of the City of Benicia at a regular meeting held the 21st day of November 2023.

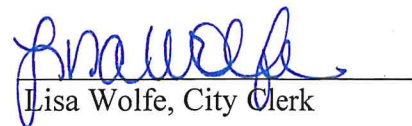

Lisa Wolfe, City Clerk

Exhibit A
Proposed Transient Occupancy Tax Measure Submitted to the Voters
[see next page]

THE BENICIA TRANSIENT OCCUPANCY TAX (TOT) MEASURE

Benicia Hotel Tax

Shall the City of Benicia enact a measure protecting essential Benicia services, including:

- maintaining police services
- protecting 911 response times
- maintaining local parks and library services
- promoting economic development

YES

NO

by adopting an ordinance increasing the transient occupancy tax, paid by hotels and vacation rentals, from 9% to 13%, paid only by guests and tourists, providing approximately \$250,000 annually for general governmental purposes, sunseting in twelve years, subject to accountability by annual audits and an independent citizens' oversight committee?