

ORDINANCE NO. 20-2010

AN ORDINANCE OF THE VOTERS OF CITY OF CARSON AMENDING SECTION 6402 OF CHAPTER 4 OF ARTICLE 6 OF THE CARSON MUNICIPAL CODE, THEREBY INCREASING THE TRANSIENT OCCUPANCY TAX RATE BY 3%

WHEREAS, pursuant to Chapter 4 of Article 6 of the Carson Municipal Code, the City currently has a transient occupancy tax at the rate of 9% (“TOT”); and

WHEREAS, the TOT is a general tax; and

WHEREAS, this measure would increase the TOT by 3% such that the TOT rate is 12%; and

WHEREAS, Article XIIC, Section 2, of the California Constitution provides that any general tax or increase of an existing general tax must be submitted to the electorate and approved by a majority vote of the electorate; and

WHEREAS, approving this proposed measure requires approval of the majority of voters at either a general or special municipal election;

NOW THEREFORE, ON THE BASIS OF THE FORGOING, THE PEOPLE OF THE CITY OF CARSON, AT THE NOVEMBER 3, 2020, GENERAL MUNICIPAL ELECTION DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 6402 of Chapter 4 of Article 6 of the Carson Municipal Code is hereby amended in its entirety as follows:

“6402. Tax Imposed.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax at the rate of twelve percent (12%). The tax imposed shall be calculated as a percentage of the occupancy rent charged by the operator. Said 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 shall be paid directly to the Tax Administrator.”

Section 2. **Council Authority to Amend.** This is a City Council-sponsored initiative Ordinance which otherwise would only be subject to amendment by the voters of the City. However, pursuant to Elections Code Section 9217, the City Council shall have and retain the right and authority to amend the Ordinance to further its purposes and intent (including but not limited to amendment for more efficient administration as determined by the City Council) in any manner that does not increase a tax rate, or otherwise constitute a tax increase for which

voter approval is required by Article XIII C of the California Constitution.

Section 3. **CEQA Exemption.** The adoption of this ordinance 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 4. **Severability.** If any section, subsection, sentence, clause or phrase of this ordinance or the application thereof to any person or circumstance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The People of the City of Carson hereby declared that they would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional.

Section 5. **Appropriations Limit.** Pursuant to Article XIII B of the California Constitution, the appropriations limit for the City of Carson is increased to the maximum extent over the maximum period of time allowed under the law consistent with the revenues generated by this tax.

Section 6. **Effective Date.** If a majority of the voters of the City of Carson voting at the General Municipal Election of November 3, 2020, vote in favor of this Ordinance, then this Ordinance shall become a valid and binding ordinance of the City of Carson, and shall be considered as adopted upon the date that the vote is declared by the City Council of the City of Carson, and this Ordinance shall go into effect ten (10) days after that date, pursuant to Election Code section 9217.

Section 7. **Passage and Execution.** The Mayor shall sign this Ordinance and the City Clerk shall attest and certify to the approval thereof and cause same to be published or posted pursuant to law.

PASSED AND ADOPTED by the voters of the City of Carson at an election held on November 3, 2020.

Albert Robles, Mayor

ATTEST:

Donesia Gause-Aldana, City Clerk