

RESOLUTION NO. 2024-62

BY _____ DEPOSES
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, SUBMITTING TO CITY VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION TO BE HELD NOVEMBER 5, 2024, A BALLOT MEASURE TO ADOPT AN ORDINANCE EXPANDING THE DEFINITION OF HOTEL, AMENDING THE DEFINITION OF "TAX ADMINISTRATOR" AND APPROVING AN INCREASE OF THE TRANSIENT OCCUPANCY TAX FROM SIX PERCENT (6%) TO TWELVE PERCENT (12%) AND REQUESTING THAT THE BOARD OF SUPERVISORS CONSOLIDATE THAT ELECTION WITH THE STATEWIDE ELECTION AND REGULAR MUNICIPAL ELECTION HELD ON THAT SAME DATE

WHEREAS, under the provisions of the laws relating to general law cities in the State of California a General Municipal Election shall be held in the City of McFarland on November 5, 2024, 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 the definitions of "Hotel" and "Tax Administrator" and the increase of the Transient Occupancy Tax from six percent (6%) to twelve percent (12%); and

WHEREAS, the City of McFarland provides essential public safety and park services to the residents of McFarland; and

WHEREAS, a vibrant and healthy downtown promotes economic well-being and growth for the City and encourages new business development in the City; and

WHEREAS, the City General Fund lacks funds for basic repairs and maintenance to streets, storm drains and facilities, construction of senior center and police station, and other similar projects, as well as downtown revitalization; and

WHEREAS, keeping the City clean, safe and well-maintained attracts families to the community and maintains our quality of life and local property values; and

WHEREAS, the City Council has reviewed its economic forecast and determined that without an additional revenue source, the City will be unable to maintain high-quality essential city services, repair potholes and maintain local streets and ensure the City has enough police officers to respond quickly to 9-1-1 emergencies; and

WHEREAS, such a measure will also allow the City to provide police services including neighborhood police patrols, crime prevention and investigations and expand and improve the number of services provided locally to seniors; and

WHEREAS, the State cannot take away funds from a local transient occupancy tax measure and a measure will have a clear system of fiscal accountability with annual audits to ensure funds are spent properly and all funds stay local; and

WHEREAS, at its meeting of May 23, 2024, the Council considered a staff report, public testimony, and deliberated on the matter regarding submitting a ballot measure to the voters concerning the Transient Occupancy Tax; and

WHEREAS, Revenue and Taxation Code section 7280 et seq. authorizes the City Council to levy a transient occupancy tax for general purposes, if the ordinance proposing the tax is approved by a two thirds vote of all members of the City Council and the tax is approved by a majority vote of the qualified voters of the city voting in an election on the issue; and

WHEREAS, the City Council wishes to approve the attached transient occupancy tax ordinance and submit it to the voters in the form of the McFarland Transient Occupancy Tax Measure, which imposes a twelve percent (12.00%) transient occupancy tax, subject to adoption by the voters of the City; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of McFarland that it hereby finds and determines as follows:

SECTION 1. The recitals set forth above are true and correct.

SECTION 2. The City Council submits to the voters of the City of McFarland at its next regular municipal election to be held on November 5, 2024, a ballot measure for consideration of an ordinance to amend the definitions of "Hotel" and "Tax Administrator" and increase the Transient Occupancy Tax from six percent (6%) to twelve percent (12.00%).

SECTION 3. The City Council requests the Kern County Board of Supervisors that the election for this measure be consolidated with the statewide election also held on November 5, 2024, and the general municipal election to be held on that same date.

SECTION 4. The question to be submitted to the voters with respect to the ballot measure shall be printed on the election ballot with the title and in the form set forth as follows:

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 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 McFarland, shall a measure expanding the definition of hotel to include campgrounds, amending the definition of "Tax Administrator" to the Finance Director, and increasing the existing Transient Occupancy Tax (paid by hotel/lodging guests) from 6% to 12%, providing an estimated \$500,000 annually, with independent audits, until ended by voters, be adopted? | YES |
| | NO |

SECTION 5. The following constitutes the synopsis of the measure to be voted on for purposes of meeting the publication requirements of Elections Code Section 12111:

MEASURE TO BE VOTED ON

Notice is hereby given that the following measure is to be voted on at the general municipal election to be held in the City of McFarland, on Tuesday, the 5th day of November, 2024. **ADOPTION OF ORDINANCE EXPANDING THE DEFINITION OF HOTEL TO INCLUDE CAMPGROUNDS, AND INCREASING THE TRANSIENT OCCUPANCY TAX FROM SIX PERCENT (6%) TO TWELVE PERCENT (12%).** Ordinance No. _____ would amend Chapter 3.24.020 of the McFarland Municipal Code to expand the definition of Hotel to include campgrounds, amend the definition of "Tax Administrator" to mean "Finance Director," and increase the Transient Occupancy Tax from six percent (6%) to twelve percent (12%) and generate approximately \$500,000 annually. To become effective, Ordinance No. _____ as a general tax measure must be approved by a majority of the City's voters at the November 5, 2024, regular municipal election. If approved by the voters, the ordinance would continue until ended by the voters. The ordinance would allow the City to provide funding for essential city services and projects such as: police patrols, crime prevention, and quick 9-1-1 emergency response; fire service; repairing roads, potholes, maintaining streets, repairing infrastructure, revitalizing the downtown area, and improving community facilities, parks, senior services, and other general city services. The ordinance requires annual independent audits.

Dated: _____

City of McFarland, City Elections Official Code No. _____
BY ORDER OF THE BD/SUPV
Referred To Elections

Copies Furnished _____

Filed by BD Supv 5-30-2024
KATHLEEN KRAUSE

Clerk of the Board of Supervisors
By _____

SECTION 6. The full text of the ordinance submitted to the voters is attached as Exhibit 'A' and incorporated by reference. The full text of the proposed ordinance is not required to be printed in the Sample Ballot and Voters Pamphlet. However, the full text of the measure shall be made available to the public and to any voter at the Office of the Kern County Clerk/Registrar of Voters and the McFarland City Clerk's Office.

SECTION 7. Passage of this measure requires a majority (50% plus 1) of votes cast at the election.

SECTION 8. The City of McFarland requests that the Kern County Clerk/Registrar of Voters conduct the election and canvass the returns, and the City consents to reimburse the Registrar of Voters for all costs incurred by said services.

SECTION 9. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 10. Arguments in favor or against the proposed measure are permissible and shall be filed with the Kern County Clerk/Registrar in accordance with Elections Code Section 9282. The Mayor and Vice Mayor are authorized to prepare and file a written argument in favor of the proposed measure not to exceed 300 words on behalf of the City Council. The City Manager and City Clerk are authorized to provide input to the Kern County Clerk/Registrar in determining a letter designation for this measure. In the event that an argument is filed against the Measure, the Mayor and Vice Mayor are also authorized to submit a rebuttal argument on behalf of the City Council.

SECTION 11. The Kern County Clerk/Registrar of Voters shall give the appropriate notices for the election and shall conduct the election pursuant to appropriate provisions of state law. The City of McFarland acknowledges the Kern County Clerk/Registrar may conduct the election in accordance with Elections Code 10418.

SECTION 12. The City Attorney shall prepare an impartial analysis of the measure in accordance with Elections Code Section 9280 and file it with the Kern County Clerk/Registrar of Voters.

SECTION 13. The City Clerk shall file a certified copy of this resolution with the Kern County Clerk/Registrar of Voters as required by applicable law. The City Clerk is hereby authorized and directed to work with the Kern County Clerk/Registrar of Voters and take all steps necessary to cause placement of the Measure on the ballot.

SECTION 14. The City Clerk and City Attorney are authorized to make any typographical, clerical, non-substantive corrections to this resolution as may be deemed necessary by the Kern County Clerk/Registrar of Voters.

SECTION 15. This Resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA guidelines (Title 14, Chapter 3 of the California Code of Regulations) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland on May 23, 2024 by the following vote:

| | Aye | Nae | Abstain | Absent |
|----------------|------------|------------|----------------|---------------|
| Saul Ayon | ✓ | | | |
| Ricardo Cano | ✓ | | | |
| Amador Ayon | | | | ✓ |
| María T. Pérez | ✓ | | | |
| Anita Gonzalez | ✓ | | | |

CITY OF MCFARLAND



Saul Ayon, Mayor

ATTEST:



Francisca R. Alvarado, City Clerk

I, F. Alvarado, City Clerk of the City of McFarland, California, DO HEREBY CERTIFY that the foregoing resolution is a true and accurate copy of the Resolution passed and adopted by the City Council of the City of McFarland on the date and by the vote indicated herein.



Francisca R. Alvarado, City Clerk



STATE OF CALIFORNIA }
COUNTY OF KERN } §

I, F. Alvarado, City Clerk of the City of McFarland,
State of California, hereby certify the foregoing and annexed to be full, true
and correct copy of the original Resolution NO. 2024-62

On file in this office and that I have compared the same with the original.
WITNESS my hand and seal this 23rd day of May, 2024.

City Clerk

