

MEASURE N

COMPLETE TEXT OF MEASURE N

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE N

ORDINANCE NO. 2133

Since 1973, the City of Campbell has imposed a Transient Occupancy Tax on persons staying in hotels, inns or similar lodging facilities for a period of thirty days or less. This tax is expressly authorized by State Law, and is commonly known as a Hotel Tax.

BEING AN ORDINANCE OF THE CITY COUNCIL AND PEOPLE OF THE CITY OF CAMPBELL AMENDING SECTION 3.34.020 OF THE CAMPBELL MUNICIPAL CODE TO INCREASE THE TRANSIENT OCCUPANCY TAX FROM TEN PERCENT TO TWELVE PERCENT

The tax rate is a percentage of the amount charged for occupying the lodging facilities. The current tax rate is ten percent, which was enacted by an ordinance of the City Council in 1995, and ratified by the voters in 1998. A yes vote on Measure N would increase the tax rate charged for occupying hotels and other lodging facilities to twelve percent starting on January 1, 2011; and there would be independent annual financial audits.

The City Council and the People of the City of Campbell to ordain as follows:

According to the City's Finance Department, the approval of Measure N would raise approximately \$250,000 in additional revenue for the City. This revenue would be deposited in the City's general fund, and would be available for use by the City for any of its general expenses, including such things as 911 emergency responses, firefighting efforts, police patrols, crime prevention, city streets and pothole repair, after-school programs for children/teens and nutrition programs for seniors.

SECTION ONE: Section 3.34.020 of the Campbell Municipal Code is hereby amended to read:

/s/ William R. Seligmann
Campbell City Attorney

3.34.020 Tax imposed.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of **twelve** percent of the rent charged by the operator. The 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 TWO: The proceeds of the tax increased by this ordinance shall be deposited in the City's general fund for use by the City for any of the City's general expenses, such as, without limitation or necessary inclusion 911 emergency responses, firefighting efforts, police patrols, crime prevention, city streets and pothole repair, after-school programs for children/teens and nutrition programs for seniors. The taxes referenced in this ordinance shall be collected as provided in Chapter 3.34 of Campbell Municipal and applicable law. There will be independent annual financial audits.

SECTION THREE: The City Council may also amend, revise, or clarify any provision of Chapter 3.34 of the Campbell Municipal Code without additional approval of the voters, so long as those amendments, revisions or clarifications do not increase or extend any tax.

SECTION FOUR: This ordinance shall take effect on January 1, 2011, provided that the tax increase set forth herein is approved by a majority of the votes cast by voters voting on the measure by which such increase is presented to them.

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COMPLETE TEXT OF MEASURE N - Continued

PASSED AND ADOPTED this 3rd day of August, 2010 by the following roll call vote of the City Council of the City of Campbell:

AYES: Councilmembers: Kotowski, Kennedy, Furtado, Baker, Low

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Evan D. Low, Mayor

ATTEST: Anne Bybee, City Clerk

ARGUMENT IN FAVOR OF MEASURE N

Vote YES on Measures M and N, companion measures to maintain vital city services and protect our quality of life in Campbell.

The State has taken millions of dollars from Campbell to deal with the State's deficit. To be fiscally responsible and operate efficiently, the City of Campbell has cut more than \$7 million and mandated furlough days for all staff. Our community simply cannot afford additional cuts.

Vote YES on Measures M and N to provide protected and reliable sources of local revenue to help maintain critical services, including:

- rapid 911 emergency response times;
- current levels of firefighters and police officers;
- police patrols and crime prevention programs;
- city street and pothole repairs; and
- the Campbell Community Center, including senior nutrition programs and after-school programs for children and teens.

Only hotel guests will pay Measure N and the rate in Campbell will still be lower than San Jose. This measure will not hurt local hotels or discourage visitors to Campbell. The Campbell Chamber of Commerce and local businesses support Measure N.

Vote Yes on Measures M and N for important taxpayer protection provisions:

NO MONEY GOES TO THE STATE – these measures will give Campbell local control over local funds for local needs.

ANNUAL INDEPENDENT FINANCIAL AUDITS AND YEARLY REPORTS TO THE COMMUNITY to keep the City accountable for how funds are spent.

Please support our City and join a broad coalition of community leaders, business owners and residents: **VOTE YES ON MEASURE M AND YES ON MEASURE N.**

Visit www.SupportCampbell.org for more information.

/s/ Ann Height
Campbell Chamber of Commerce, President

/s/ Alan G. Lowder
Retired Firefighter

/s/ Gary Berg
Campbell Police Officers' Assoc. President

/s/ Arthur E. Ring
Campbell Representative, Council on Aging

NO ARGUMENT AGAINST MEASURE N WAS SUBMITTED

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