

Plumas County, California

Resolution No. 12-7797

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF PLUMAS, STATE OF CALIFORNIA, AUTHORIZING AN ELECTION TO BE CONSOLIDATED WITH THE NOVEMBER 6, 2012 GENERAL ELECTION, FOR THE PURPOSE OF ENABLING THE VOTERS OF PLUMAS COUNTY TO ENACT OR REJECT PROPOSED ORDINANCE NO. 12-1088 (MEASURE C), CHANGING THE TRANSIENT OCCUPANCY TAX RATE FROM NINE PERCENT TO ELEVEN PERCENT IN THE UNINCORPORATED AREA OF THE COUNTY EFFECTIVE JANUARY 1, 2013, AND EXPIRING JANUARY 1, 2017, AND REQUIRING ANY FUNDS GENERATED AS A RESULT OF THE CHANGE TO BE USED FOR GENERAL GOVERNMENTAL PURPOSES.

WHEREAS, subparagraph (b) of section 2 of Article XIII C of the California Constitution provides that no local government may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote; and

WHEREAS, section 53721 of the Government Code provides that all taxes are either special taxes or general taxes, and that general taxes are taxes imposed for general governmental purposes; and

WHEREAS, section 53723 of the Government Code provides that no local government may impose any general tax unless and until such general tax is submitted to the electorate of the local government and approved by a majority vote of the voters voting in an election on the issue; and

WHEREAS, section 53724 of the Government Code requires that any such general tax shall be proposed by an ordinance or resolution of the legislative body of the local government and that the ordinance or resolution proposing such tax shall include the type of tax and rate of tax to be levied, the method of collection, the date upon which an election shall be held on the issue; and

WHEREAS, the Board of Supervisors of the County of Plumas, State of California, desires to submit the proposed Ordinance No. 12-1088 (Measure C), a copy of which is attached as Exhibit A and is incorporated by this reference, to the voters for a decision on whether it should be enacted or rejected; and

WHEREAS, the proposed Ordinance (Measure C) meets the requirements of section 53724 and, if the voters of Plumas County approve same by a majority vote, will change the transient occupancy tax rate from nine percent (9%) to eleven percent (11%) in the unincorporated area of the county and require all funds generated as a result of the imposition of this change in the transient occupancy tax to be spent for general governmental purposes; and

WHEREAS, in compliance with the statutory provisions referenced above, the Board hereby proposes that the voters of Plumas County now be provided the opportunity to enact or reject Ordinance No. 12-1088 (Measure C); and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Plumas, State of California, pursuant to the provisions of Elections Code section 12001, hereby orders and proclaims that the question of whether the proposed Ordinance No. 12-1088 (Measure C), attached hereto as Exhibit A, should be approved, amending Section 3-4.03 of the Plumas County Code to change the transient occupancy tax rate from nine percent (9%) to eleven percent (11%) in the unincorporated area of the county and requiring all funds generated as a result of the imposition of this change be treated as the proceeds of a general tax and spent for general governmental purposes, shall be submitted to the voters of Plumas County, consolidated with the General Election on the 6th day of November, 2012.

BE IT FURTHER RESOLVED, that the following measure be submitted as a proposition on the ballot identified as Measure C, and that the Registrar of Voters be, and hereby is, instructed to place the measure on the ballot at said election in the following form:

“Shall Ordinance No. 12-1088 be enacted? (The Ordinance would amend section 3-4.03 of the Plumas County Code to change the existing Transient Occupancy Tax in the unincorporated area of the county from nine percent (9%) to eleven percent (11%) effective January 1, 2013, with the proceeds of the tax to be used for general governmental purposes. The Ordinance shall be automatically repealed by its own terms and of no further force or effect on January 1, 2017, causing such tax rate to revert to nine percent (9%) on January 1, 2017.)”

BE IT FURTHER RESOLVED, if the Ordinance is enacted the transient occupancy tax will be collected pursuant to the requirements of Title 3, Chapter 4 of the Plumas County Code; and

BE IT FURTHER RESOLVED, that the Elections Official conducting the election shall publish a notice of the election in a newspaper of general circulation within the County of Plumas not later than fifty (50) days prior to the election.

BE IT FURTHER RESOLVED that the cost of including the measure and consolidating the election with the November 6, 2012 General Election shall be paid by the county.

BE IT FURTHER RESOLVED that a Proclamation of Election is hereby issued for said election and the proposition to be voted on in accordance with the terms hereinabove stated.

THE FOREGOING RESOLUTION was adopted on June 26, 2012, at a special meeting of the Plumas County Board of Supervisors by the following, which is no less than a two-thirds vote of all members of the Board as required by Government Code section 53724(b):

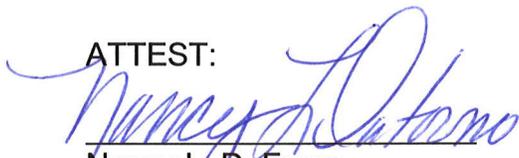
AYES: SUPERVISORS THRALL, SWOFFORD, KENNEDY, SIMPSON, MEACHER

NOES: NONE

ABSENT: NONE


Chair, Board of Supervisors

ATTEST:


Nancy L. DaForno,
Clerk of the Board of Supervisors