

ORDINANCE NO. 24-05

AN ORDINANCE OF THE PEOPLE OF THE CITY OF  
AUBURN AMENDING THE CITY'S UNIFORM  
TRANSIENT OCCUPANCY TAX LAW

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THE PEOPLE OF THE CITY OF AUBURN DO ORDAIN AS FOLLOWS:

**SECTION ONE. Definitions.** The definition of "Hotel" in Section 33.186 of the Auburn Municipal Code is amended to read as follows. Additions are noted in underline and deletions are indicated by ~~strikethrough~~.

**33.186. Definitions**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*HOTEL.*

- A. Any structure, or any portion of any structure, ~~containing 3 or more units~~, which is occupied, or intended or designed for occupancy, by transients for dwelling, lodging or sleeping purposes and shall include any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure, or portion thereof.
- B. This definition includes ~~short-term rentals governed by § 159.510 et seq. of this Code and~~ bed and breakfast establishments ~~governed by § 159.540 et seq. of this Code~~, such as any portion of a private home or structure ~~containing 3 or more units~~ which is rented out to members of the public for any form of compensation. ~~This interpretation is declarative of existing law, and is intended to clarify the code, not add to it.~~

...

**SECTION 2. Tax Rate.** Section 33.187, subdivision (A) of the Auburn Municipal Code is amended to read as follows. Additions are noted in underline and deletions are indicated by ~~strikethrough~~.

### **33.187. Imposed; Rate**

A. For the privilege of occupancy in any hotel, each transient shall be subject to and shall pay a tax in the amount of 810% of the rent charged by the operator.

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**SECTION 3. CEQA:** The City Council finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) on the grounds that it can be seen with certainty that the Ordinance will not have a significant effect on the environment. Further, this Ordinance is not a "project" under State CEQA Guidelines Section 15378(b)(4) because it simply creates a government funding mechanism that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

**SECTION 4. Severability:** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

**SECTION 5. Effective Date:** This Ordinance shall take effect 10 days after certification of its approval by a majority of the electorate voting at the general election to be held November 5, 2024. (Elec. Code, §§ 9217, 9222.)

**SECTION 6. Certification:** The Mayor shall sign, and the City Clerk shall attest to the passage of, this Ordinance upon certification by the City Council of the results of the election approving it.

ATTEST:

  
Amy Lind, City Clerk

APPROVED:

  
Rachel Radell-Harris, Mayor

## RESOLUTION 24-140

A RESOLUTION OF THE AUBURN CITY COUNCIL DECLARING THE RESULTS OF  
THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 5, 2024

**WHEREAS**, the City Council of the City of Auburn called and ordered a General Municipal Election held and conducted in the City of Auburn, California, November 5, 2024, in accordance with applicable law; and

**WHEREAS**, a notice of the election was given in time, form and manner as provided by law; voting precincts were properly established; election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for holding of elections in General Law cities; and

**WHEREAS**, the County Registrar of Voters, who conducted the election on behalf of the City, canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as "Exhibit A."

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN,  
CALIFORNIA DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS  
FOLLOWS:**

**SECTION 1.** That the whole number of votes cast for City of Auburn Member of City Council 4 year term was 9,616 and the whole number votes cast for City of Auburn Member of City Council 2 year term was 6,537. The whole number of votes cast for City of Auburn City Treasurer was 5,878. The whole number of votes cast for Measure F (TOT Tax) was 7,812.

1                   **SECTION 2.**    That the names of persons voted for at the election for  
2 City of Auburn Member of City Council was as follows:

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4                   City Council 2 year term: Kelley Davis and Michelle Sierra-Sammons  
5                   City Council 4 year term: Rachel Radell-Harris and Alice Dowdin Calvillo

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7                   That the names of person voted for at the election for City of Auburn City  
8 Treasurer was as follows:

9                   City Treasurer 4 year term: Donna Silva

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11                  **SECTION 3.**    That the number of votes given at each precinct and  
12 the number of votes given in the City to each of the persons above named for  
13 the respective offices for which the persons were candidates were listed in  
14 Exhibit "A" attached.

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16                  **SECTION 4.**    The City Council does declare and determine that  
17 Rachel Radell-Harris was re-elected as City of Auburn Member of City Council  
18 for a full term of four years, Alice Dowdin Calvillo was re-elected as City of  
19 Auburn Member of City Council for a full term of four years; and Kelley Davis  
20 was elected as City of Auburn Member of City Council for a short term of two  
21 years. The City Council does declare and determine that Donna Silva was re-  
22 elected as City of Auburn City Treasurer.

23                  The measure voted on at the general election was entitled Measure F (TOT  
24 Tax). The number of votes given for and against Measure F is in attached  
25 exhibit A. The City Council does declare and determine that Measure F was  
26 successful with a majority of the votes cast in the election.  
27                  Measure Certification: The Mayor shall sign, and the City Clerk shall attest to  
28 the passage of, this Ordinance (Ordinance 24-05) upon certification by the City

1 Council of the results of the election approving it. This Ordinance shall take  
2 effect 10 days after approval of this certification resolution.

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4 **SECTION 5.** The City Clerk shall enter on the records of the City  
5 Council of the City, a statement of the result of the election, showing (1) The  
6 whole number of votes cast in the City; (2) the names of the persons voted  
7 for; (3) For what office each person was voted for; (4) The number of votes  
8 given at each precinct to each person, (5) The total number of votes given to  
9 each person.

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11 **SECTION 6.** If she has not already done so, the City Clerk shall  
12 immediately make and deliver to each of the persons so elected a Certificate of  
13 Election, signed by the County Clerk and authenticated. The City Council  
14 affirms that that each person elected shall take the Oath of Office prescribed in  
15 the Constitution of the State of California on December 9, 2024 and, if he or  
16 she has not already done so, and shall also subscribe to it and file it in the  
17 office of the City Clerk. The City Council affirms that each and all of the  
18 persons so elected shall be inducted into the respective office to which they  
19 have been elected on December 9, 2024.

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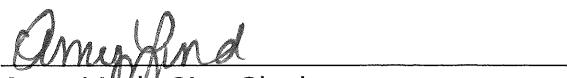
21 **SECTION 7.** That the City Clerk shall certify to the passage and  
22 adoption of this resolution and enter it into the book of original resolutions.

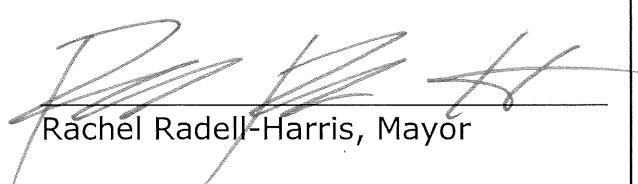
23

24 DATED: December 9, 2024

25

26 ATTEST:

27   
28 Amy Lind, City Clerk



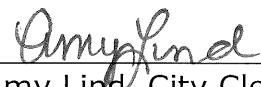
Rachel Radell-Harris, Mayor

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2 I, Amy Lind, City Clerk of the City of Auburn, hereby certify that the  
3 foregoing resolution was duly passed at a regular meeting of the City Council  
4 of the City of Auburn held on the 9<sup>th</sup> day of December 2024 by the following  
vote on roll call:

5 Ayes: Dowdin Calvillo, Amara, Holmes, Radell-Harris

6 Noes:

7 Absent: Sierra Sammons

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9 Amy Lind, City Clerk

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