

ORDINANCE NO. 24-05

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

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.

...

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:

APPROVED:



Amy Lind, City Clerk



Rachel Radell-Harris, Mayor

1 RESOLUTION 24-140

2 A RESOLUTION OF THE AUBURN CITY COUNCIL DECLARING THE RESULTS OF
3 THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 5, 2024
4 -----

5 **WHEREAS**, the City Council of the City of Auburn called and ordered a General
6 Municipal Election held and conducted in the City of Auburn, California,
7 November 5, 2024, in accordance with applicable law; and
8

9 **WHEREAS**, a notice of the election was given in time, form and manner as
10 provided by law; voting precincts were properly established; election officers
11 were appointed and that in all respects the election was held and conducted
12 and the votes were cast, received and canvassed and the returns made and
13 declared in time, form and manner as required by the provisions of the
14 Elections Code of the State of California for holding of elections in General Law
15 cities; and
16

17 **WHEREAS**, the County Registrar of Voters, who conducted the election on
18 behalf of the City, canvassed the returns of the election and has certified the
19 results to this City Council, the results are received, attached and made a part
20 hereof as "Exhibit A."
21

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

25 **SECTION 1.** That the whole number of votes cast for City of Auburn
26 Member of City Council 4 year term was 9,616 and the whole number votes
27 cast for City of Auburn Member of City Council 2 year term was 6,537. The
28 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:

3
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
6

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
10

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.
15

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.

3
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.

10
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.

20
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

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26 
Rachel Radell-Harris, Mayor

27 ATTEST:

28 
Amy Lind, City Clerk

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

Ayes: Dowdin Calvillo, Amara, Holmes, Radell-Harris
Noes:
Absent: Sierra Sammons



Amy Lind, City Clerk