



CITY OF NEWARK

CITY COUNCIL

City Administration Building, City Council Chambers

37101 Newark Boulevard, Newark, CA 94560 | (510) 578-4266 | E-mail: city.clerk@newark.org



AGENDA and NOTICE Special Meeting

Thursday, December 12, 2024
6:00 P.M

A. ROLL CALL

B. CITY MANAGER REPORTS

1. Resolution and ordinance declaring the results of the November 5, 2024, General Municipal Election

C. ADJOURNMENT

MEETING INFORMATION

Members of the public may attend the meeting in person, watch online or watch on Cable Channel 26. The ability to observe online or Cable Channel 26 is predicated on those technologies being available and functioning without technical difficulties. Should those platforms not be available, or become non-functioning, or should the City Council otherwise encounter technical difficulties that make those platforms unavailable, the City Council will proceed with business in person unless otherwise prohibited by law.

How to view the meeting remotely:

Livestream online at YouTube <https://www.youtube.com/@cityofnewark3077/streams>

Copy/paste the YouTube URL into your browser if the link does not automatically open.

Cable Channel 26 - if the meeting does not broadcast live, please contact your service provider and request the City of Newark channel lineup.

Zoom will no longer be available for public participation unless required by Assembly Bill 2449. Should a Council Member or the Mayor attend the meeting via Zoom pursuant to Assembly Bill 2449, then the Webinar ID No. 828 1280 5756 will be activated. The Mayor will make an announcement at the beginning of the meeting that the City will be allowing public comment via Zoom. Raise your virtual hand to notify the City Clerk that you would like to speak during the item that you wish to speak on.

How to submit written Public Comment:

Send an email to City Clerk by 3:00 p.m. the day of the meeting. Please identify the agenda item number in the subject line of your email. Emails will be compiled into one file and will be distributed to the City Council before the meeting.

No question shall be asked of a council member, city staff, or an audience member except through the Mayor. No person shall interrupt the meeting. Any person who refuses to carry out instructions given by the Mayor for the

purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.

Council Meeting Access/Materials:

The agenda packet is available for review at [Agendas and Minutes](#). The packet is typically posted to the City website the Friday before the meeting, but no later than 24 hours before a special meeting.

Pursuant to Government Code 54957.5, supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and will be posted at <https://www.newark.org/departments/city-manager-s-office/agendas-minutes> and will concurrently be made available for public inspection during regular business hours at the David W. Smith City Hall, 37101 Newark Boulevard, Newark CA. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection. For those persons who require special accommodations, please contact the City Clerk at least two days prior to the meeting at [City Clerk](#) or 510-578-4266.

Mission Statement

It is our mission to serve and partner with our community to continually enhance the quality of life of everyone in Newark.

Executive Team Members

David J. Benoun City Manager	Lenka Hovorka Assistant City Manager
Kristopher J. Kokotaylo City Attorney	Steven Turner Community Development Director
Jonathan Arguello Police Chief	Edwin Miranda CIO/Information Technology Director
Howard Young Public Works Director	Nicholas Cuevas Recreation and Community Services Director
Krysten Lee Finance Director	Ryan Nishimoto ACFD Deputy Chief



STAFF REPORT

Item B. 1.

DATE 12/12/2024
TO Honorable Mayor and City Council Members
FROM Sheila Harrington, City Clerk
SUBJECT Resolution and ordinance declaring the results of the November 5, 2024, General Municipal Election

On Tuesday, November 5, 2024, a General Municipal Election was held in the City of Newark (City) for the purpose of electing a Mayor to a two-year term, two City Council Members to four-year seats, and one City Council Member for a short term of two-years. Measure LL was also on the ballot for voter approval to increase the transient occupancy (hotel) tax from 10% to 14%. The City's election was consolidated with the Statewide General Election conducted by the Alameda County Registrar of Voters (ROV) which was responsible for conducting the canvas of all votes cast and certifying the election results.

The Alameda County Registrar of Voters has certified the following election results:

- Michael Hannon elected as Mayor
- Terrence Grindall and Julie Del Catancio elected to full term City Council seats
- Eve Marie Little elected to short term City Council seat
- Measure LL approved to increase the transient occupancy (hotel) tax from 10% to 14%

Section 15374 of the California Elections Code states that, upon the completion of the canvas and before installing the new officers, the legislative body shall adopt a resolution reciting the facts of the election, the total number of ballots cast in the City, the names and offices of each person voted for, and the number of votes cast at each precinct for each candidate.

Staff recommends that the City Council, by resolution, declare the results of the November 5, 2024, General Municipal Election, by motion authorize the Mayor to sign the initiative ordinance to amend Chapter 3.16 of the Newark Municipal Code relating to the Transient Occupancy (Hotel) Tax, and receive presentations of the administration of the Oath of Office to the Mayor and City Council Members Elect and presentation of the Certificates of Election.

Attachments

Resolution
Exhibit A Certification
Ordinance TOT

RESOLUTION NO.

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

WHEREAS, a General Municipal Election was held and conducted in the City of Newark, California, on Tuesday, November 5, 2024, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that accessible voting locations were properly established, that 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 the holding of elections in general law cities; and,

WHEREAS, the Registrar of Voters of Alameda County 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 NEWARK, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That the whole number of ballots cast in the vote by mail election was 17,350

SECTION 2. That the names of persons voted for at the election were as follows:

Mayor:	Michael Hannon Jason Miguel Elisa Martinez
City Council: Full term	Terrence Grindall Hitendra Gupta Jacinta Arteaga Julie Del Catancio Vinod Kumar
City Council: Short Term	Eve Marie Little Renu Malhotra Sean Mahanay Lucia Gutierrez Phil Bloxom

That the measure voted upon at the election is as follows: Measure LL – Hotel Tax.

SECTION 3. That the number of votes given at the vote by mail election given in the City to each of the persons above named for the respective offices for which the persons were candidates and for and against the measure were as listed in Exhibit “A” attached.

SECTION 4. The City Council does declare and determine that:

Michael Hannon was elected as Mayor for the full term of two years;

Terrence Grindall was elected as Member of the City Council for the full term of four years;

Julie Del Catancio was elected as Member of the City Council for the full term of four years;

Eve Marie Little was elected as Member of the City Council for the short term of two years.

That as a result of the election, a majority of the voters voting on Measure LL relating to increasing the transient occupancy (hotel) tax from 10% to 14%, paid only by hotel/lodging guests, until ended by voters did vote in favor of it, and that measure was carried, and shall be deemed adopted and ratified.

SECTION 5. The City Clerk shall enter on the records of the City a statement of the result of the election showing: (1) the whole number of votes cast in the City, (2) the names of the persons voted for, (3) the measure voted upon, (4) what office each person was voted for, (5) the number of votes given at each precinct to each person and for and against the measure, (6) the total number of votes given to each person, and for and against each measure.

SECTION 6. That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the Office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

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

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Newark** at the General Election held on Tuesday, **November 5, 2024**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for each candidate in the **City of Newark** for the office of **Mayor**.

I hereby set my hand and my official seal this **5th** day of **December 2024**.



Cynthia Conzatti
for **TIM DUPUIS**
Registrar of Voters
Alameda County
State of California

1 Mayor - Newark								
		Registered Voters	Voters Cast	Turnout (%)	MICHAEL HANNON	JASON MIGUEL	ELISA MARTINEZ	Under Votes
850330	Election Day	4352	484	11.12 %	238	63	105	78
850330	Vote by Mail	4352	2474	56.85 %	1268	262	631	313
850330	Youth Voting Election Day	4352	0	0.00 %				
850330	Youth Voting Vote by Mail	4352	0	0.00 %				
850330	Total	4352	2958	67.97 %	1506	325	736	391
850500	Election Day	4986	510	10.23 %	217	57	151	84
850500	Vote by Mail	4986	2676	53.67 %	1352	276	797	250
850500	Youth Voting Election Day	4986	0	0.00 %				
850500	Youth Voting Vote by Mail	4986	0	0.00 %				
850500	Total	4986	3186	63.90 %	1569	333	948	334
850800	Election Day	2446	307	12.55 %	136	47	83	41
850800	Vote by Mail	2446	1318	53.88 %	630	172	355	161
850800	Youth Voting Election Day	2446	0	0.00 %				
850800	Youth Voting Vote by Mail	2446	0	0.00 %				
850800	Total	2446	1625	66.44 %	766	219	438	202
851000	Election Day	4147	356	8.58 %	165	40	97	54
851000	Vote by Mail	4147	2499	60.26 %	1410	213	630	244
851000	Youth Voting Election Day	4147	0	0.00 %				
851000	Youth Voting Vote by Mail	4147	0	0.00 %				
851000	Total	4147	2855	68.84 %	1575	253	727	298
851520	Election Day	4700	423	9.00 %	208	46	116	53
851520	Vote by Mail	4700	2959	62.96 %	1647	289	695	325
851520	Youth Voting Election Day	4700	0	0.00 %				
851520	Youth Voting Vote by Mail	4700	0	0.00 %				
851520	Total	4700	3382	71.96 %	1855	335	811	378
852010	Election Day	5109	538	10.53 %	237	68	158	75
852010	Vote by Mail	5109	2806	54.92 %	1339	286	911	269
852010	Youth Voting Election Day	5109	0	0.00 %				
852010	Youth Voting Vote by Mail	5109	0	0.00 %				
852010	Total	5109	3344	65.45 %	1576	354	1069	344
Total - Election Day		25740	2618	10.17 %	1201	321	710	385
Total - Vote by Mail		25740	14732	57.23 %	7646	1498	4019	1562
Total - Youth Voting Election Day		25740	0	0.00 %				
Total - Youth Voting Vote by Mail		25740	0	0.00 %				
Contest Total		25740	17350	67.40 %	8847	1819	4729	1947

*** Indicates vote data was suppressed due to voter privacy settings.

1 Mayor - Newark									
		Registered Voters	Voters Cast	Turnout (%)	MICHAEL HANNON	JASON MIGUEL	ELISA MARTINEZ	Over Votes	Under Votes
California	Election Day	25740	2618	10.17 %	1201	321	710	1	385
California	Vote by Mail	25740	14732	57.23 %	7646	1498	4019	7	1562
California	Youth Voting Election Day	25740	0	0.00 %					
California	Youth Voting Vote by Mail	25740	0	0.00 %					
California	Total	25740	17350	67.40 %	8847	1819	4729	8	1947
17th Congressional District	Election Day	25740	2618	10.17 %	1201	321	710	1	385
17th Congressional District	Vote by Mail	25740	14732	57.23 %	7646	1498	4019	7	1562
17th Congressional District	Youth Voting Election Day	25740	0	0.00 %					
17th Congressional District	Youth Voting Vote by Mail	25740	0	0.00 %					
17th Congressional District	Total	25740	17350	67.40 %	8847	1819	4729	8	1947
10th State Senatorial District	Election Day	25740	2618	10.17 %	1201	321	710	1	385
10th State Senatorial District	Vote by Mail	25740	14732	57.23 %	7646	1498	4019	7	1562
10th State Senatorial District	Youth Voting Election Day	25740	0	0.00 %					
10th State Senatorial District	Youth Voting Vote by Mail	25740	0	0.00 %					
10th State Senatorial District	Total	25740	17350	67.40 %	8847	1819	4729	8	1947
24th Assembly District	Election Day	25740	2618	10.17 %	1201	321	710	1	385
24th Assembly District	Vote by Mail	25740	14732	57.23 %	7646	1498	4019	7	1562
24th Assembly District	Youth Voting Election Day	25740	0	0.00 %					
24th Assembly District	Youth Voting Vote by Mail	25740	0	0.00 %					
24th Assembly District	Total	25740	17350	67.40 %	8847	1819	4729	8	1947
Board of Equalization, 2nd District	Election Day	25740	2618	10.17 %	1201	321	710	1	385
Board of Equalization, 2nd District	Vote by Mail	25740	14732	57.23 %	7646	1498	4019	7	1562
Board of Equalization, 2nd District	Youth Voting Election Day	25740	0	0.00 %					
Board of Equalization, 2nd District	Youth Voting Vote by Mail	25740	0	0.00 %					
Board of Equalization, 2nd District	Total	25740	17350	67.40 %	8847	1819	4729	8	1947
Alameda County	Election Day	25740	2618	10.17 %	1201	321	710	1	385
Alameda County	Vote by Mail	25740	14732	57.23 %	7646	1498	4019	7	1562
Alameda County	Youth Voting Election Day	25740	0	0.00 %					
Alameda County	Youth Voting Vote by Mail	25740	0	0.00 %					
Alameda County	Total	25740	17350	67.40 %	8847	1819	4729	8	1947

1 Mayor - Newark

		Registered Voters	Voters Cast	Turnout (%)	MICHAEL HANNON	JASON MIGUEL	ELISA MARTINEZ	Over Votes	Under Votes
2nd Supervisorial District	Election Day	25740	2618	10.17 %	1201	321	710	1	385
2nd Supervisorial District	Vote by Mail	25740	14732	57.23 %	7646	1498	4019	7	1562
2nd Supervisorial District	Youth Voting Election Day	25740	0	0.00 %					
2nd Supervisorial District	Youth Voting Vote by Mail	25740	0	0.00 %					
2nd Supervisorial District	Total	25740	17350	67.40 %	8847	1819	4729	8	1947
City of Newark	Election Day	25740	2618	10.17 %	1201	321	710	1	385
City of Newark	Vote by Mail	25740	14732	57.23 %	7646	1498	4019	7	1562
City of Newark	Youth Voting Election Day	25740	0	0.00 %					
City of Newark	Youth Voting Vote by Mail	25740	0	0.00 %					
City of Newark	Total	25740	17350	67.40 %	8847	1819	4729	8	1947
Total - Election Day		25740	2618	10.17 %	1201	321	710	1	385
Total - Vote by Mail		25740	14732	57.23 %	7646	1498	4019	7	1562
Total - Youth Voting Election Day		25740	0	0.00 %					
Total - Youth Voting Vote by Mail		25740	0	0.00 %					
Contest Total		25740	17350	67.40 %	8847	1819	4729	8	1947

*** Indicates vote data was suppressed due to voter privacy settings.

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Newark** at the General Election held on Tuesday, **November 5, 2024**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for each candidate in the **City of Newark** for the office of **City Council Member, Full Term**.

I hereby set my hand and my official seal this **5th** day of **December 2024**.



Tim Dupuis
TIM DUPUIS
Registrar of Voters
Alameda County
State of California

1 Members, City Council - Newark, Full Term

		Registered Voters	Voters Cast	Turnout (%)	TERRENCE GRINDALL	HITENDRA GUPTA	JACINTA ARTEAGA	JULIE DEL CATANCIO	VINOD KUMAR	Over Votes	Under Votes
850330	Election Day	4352	484	11.12 %	195	78	108	132	111	2	342
850330	Vote by Mail	4352	2474	56.85 %	1115	283	806	937	385	24	1398
850330	Youth Voting Election Day	4352	0	0.00 %							
850330	Youth Voting Vote by Mail	4352	0	0.00 %							
850330	Total	4352	2958	67.97 %	1310	361	914	1069	496	26	1740
850500	Election Day	4986	510	10.23 %	196	70	177	150	95	2	330
850500	Vote by Mail	4986	2676	53.67 %	1203	229	1064	996	376	26	1458
850500	Youth Voting Election Day	4986	0	0.00 %							
850500	Youth Voting Vote by Mail	4986	0	0.00 %							
850500	Total	4986	3186	63.90 %	1399	299	1241	1146	471	28	1788
850800	Election Day	2446	307	12.55 %	121	67	83	81	61		201
850800	Vote by Mail	2446	1318	53.88 %	606	163	431	441	200	10	785
850800	Youth Voting Election Day	2446	0	0.00 %							
850800	Youth Voting Vote by Mail	2446	0	0.00 %							
850800	Total	2446	1625	66.44 %	727	230	514	522	261	10	986
851000	Election Day	4147	356	8.58 %	152	49	130	108	56		217
851000	Vote by Mail	4147	2499	60.26 %	1076	217	994	971	345	22	1373
851000	Youth Voting Election Day	4147	0	0.00 %							
851000	Youth Voting Vote by Mail	4147	0	0.00 %							
851000	Total	4147	2855	68.84 %	1228	266	1124	1079	401	22	1590
851520	Election Day	4700	423	9.00 %	173	44	137	149	73		270
851520	Vote by Mail	4700	2959	62.96 %	1274	196	1150	1310	348	36	1604
851520	Youth Voting Election Day	4700	0	0.00 %							
851520	Youth Voting Vote by Mail	4700	0	0.00 %							
851520	Total	4700	3382	71.96 %	1447	240	1287	1459	421	36	1874
852010	Election Day	5109	538	10.53 %	201	69	188	146	98	2	372
852010	Vote by Mail	5109	2806	54.92 %	1178	240	1181	1031	388	28	1566
852010	Youth Voting Election Day	5109	0	0.00 %							
852010	Youth Voting Vote by Mail	5109	0	0.00 %							
852010	Total	5109	3344	65.45 %	1379	309	1369	1177	486	30	1938
Total - Election Day		25740	2618	10.17 %	1038	377	823	766	494	6	1732
Total - Vote by Mail		25740	14732	57.23 %	6452	1328	5626	5686	2042	146	8184
Total - Youth Voting Election Day		25740	0	0.00 %							
Total - Youth Voting Vote by Mail		25740	0	0.00 %							
Contest Total		25740	17350	67.40 %	7490	1705	6449	6452	2536	152	9916

*** Indicates vote data was suppressed due to voter privacy settings.

1 Members, City Council - Newark, Full Term

		Registered Voters	Voters Cast	Turnout (%)	TERRENCE GRINDALL	HITTENDRA GUPTA	JACINTA ARTEAGA	JULIE DEL CATANCIO	VINOD KUMAR	Over Votes	Under Votes
California	Election Day	25740	2618	10.17 %	1038	377	823	766	494	6	1732
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17th Congressional District	Vote by Mail	25740	14732	57.23 %	6452	1328	5626	5686	2042	146	8184
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24th Assembly District	Vote by Mail	25740	14732	57.23 %	6452	1328	5626	5686	2042	146	8184
24th Assembly District	Youth Voting Election Day	25740	0	0.00 %							
24th Assembly District	Youth Voting Vote by Mail	25740	0	0.00 %							
24th Assembly District	Total	25740	17350	67.40 %	7490	1705	6449	6452	2536	152	9916
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Board of Equalization, 2nd District	Vote by Mail	25740	14732	57.23 %	6452	1328	5626	5686	2042	146	8184
Board of Equalization, 2nd District	Youth Voting Election Day	25740	0	0.00 %							
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Board of Equalization, 2nd District	Total	25740	17350	67.40 %	7490	1705	6449	6452	2536	152	9916
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Alameda County	Vote by Mail	25740	14732	57.23 %	6452	1328	5626	5686	2042	146	8184
Alameda County	Youth Voting Election Day	25740	0	0.00 %							
Alameda County	Youth Voting Vote by Mail	25740	0	0.00 %							
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1 Members, City Council - Newark, Full Term

		Registered Voters	Voters Cast	Turnout (%)	TERENCE GRINDALL	HITENDRA GUPTA	JACINTA ARTEAGA	JULIE DEL CATANCIO	VINOD KUMAR	Over Votes	Under Votes
2nd Supervisorial District	Election Day	25740	2618	10.17 %	1038	377	823	766	494	6	1732
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2nd Supervisorial District	Youth Voting Election Day	25740	0	0.00 %							
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STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Newark** at the General Election held on Tuesday, **November 5, 2024**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for each candidate in the **City of Newark** for the office of **City Council Member, Short Term**.

I hereby set my hand and my official seal this **5th day of December 2024**.



Cynthia Conner
for **TIM DUPUIS**
Registrar of Voters
Alameda County
State of California

1 Member, City Council - Newark, Short Term

		Registered Voters	Voters Cast	Turnout (%)	EVE MARIE LITTLE	RENU MALHOTRA	SEAN MAHANAY	LUCIA GUTIERREZ	PHIL BLOXOM	Over Votes	Under Votes
850330	Election Day	4352	484	11.12 %	153	103	20	81	34	2	91
850330	Vote by Mail	4352	2474	56.85 %	851	259	127	522	233	43	439
850330	Youth Voting Election Day	4352	0	0.00 %							
850330	Youth Voting Vote by Mail	4352	0	0.00 %							
850330	Total	4352	2958	67.97 %	1004	362	147	603	267	45	530
850500	Election Day	4986	510	10.23 %	126	80	26	143	35		100
850500	Vote by Mail	4986	2676	53.67 %	898	226	117	754	251	54	376
850500	Youth Voting Election Day	4986	0	0.00 %							
850500	Youth Voting Vote by Mail	4986	0	0.00 %							
850500	Total	4986	3186	63.90 %	1024	306	143	897	286	54	476
850800	Election Day	2446	307	12.55 %	74	68	21	59	27		58
850800	Vote by Mail	2446	1318	53.88 %	391	143	57	313	167	25	222
850800	Youth Voting Election Day	2446	0	0.00 %							
850800	Youth Voting Vote by Mail	2446	0	0.00 %							
850800	Total	2446	1625	66.44 %	465	211	78	372	194	25	280
851000	Election Day	4147	356	8.58 %	105	46	25	92	27		61
851000	Vote by Mail	4147	2499	60.26 %	828	246	96	641	247	37	404
851000	Youth Voting Election Day	4147	0	0.00 %							
851000	Youth Voting Vote by Mail	4147	0	0.00 %							
851000	Total	4147	2855	68.84 %	933	292	121	733	274	37	465
851520	Election Day	4700	423	9.00 %	125	57	15	105	34	2	85
851520	Vote by Mail	4700	2959	62.96 %	1214	181	127	655	257	42	483
851520	Youth Voting Election Day	4700	0	0.00 %							
851520	Youth Voting Vote by Mail	4700	0	0.00 %							
851520	Total	4700	3382	71.96 %	1339	238	142	760	291	44	568
852010	Election Day	5109	538	10.53 %	139	67	33	141	49	3	106
852010	Vote by Mail	5109	2806	54.92 %	849	180	140	907	261	54	415
852010	Youth Voting Election Day	5109	0	0.00 %							
852010	Youth Voting Vote by Mail	5109	0	0.00 %							
852010	Total	5109	3344	65.45 %	988	247	173	1048	310	57	521
Total - Election Day		25740	2618	10.17 %	722	421	140	621	206	7	501
Total - Vote by Mail		25740	14732	57.23 %	5031	1235	664	3792	1416	255	2339
Total - Youth Voting Election Day		25740	0	0.00 %							
Total - Youth Voting Vote by Mail		25740	0	0.00 %							
Contest Total		25740	17350	67.40 %	5753	1656	804	4413	1622	262	2840

*** Indicates vote data was suppressed due to voter privacy settings.

1 Member, City Council - Newark, Short Term

		Registered Voters	Voters Cast	Turnout (%)	EVE MARIE LITTLE	RENU MALHOTRA	SEAN MAHANAY	LUCIA GUTIERREZ	PHIL BLOXOM	Over Votes	Under Votes
California	Election Day	25740	2618	10.17 %	722	421	140	621	206	7	501
California	Vote by Mail	25740	14732	57.23 %	5031	1235	664	3792	1416	255	2339
California	Youth Voting Election Day	25740	0	0.00 %							
California	Youth Voting Vote by Mail	25740	0	0.00 %							
California	Total	25740	17350	67.40 %	5753	1656	804	4413	1622	262	2840
17th Congressional District	Election Day	25740	2618	10.17 %	722	421	140	621	206	7	501
17th Congressional District	Vote by Mail	25740	14732	57.23 %	5031	1235	664	3792	1416	255	2339
17th Congressional District	Youth Voting Election Day	25740	0	0.00 %							
17th Congressional District	Youth Voting Vote by Mail	25740	0	0.00 %							
17th Congressional District	Total	25740	17350	67.40 %	5753	1656	804	4413	1622	262	2840
10th State Senatorial District	Election Day	25740	2618	10.17 %	722	421	140	621	206	7	501
10th State Senatorial District	Vote by Mail	25740	14732	57.23 %	5031	1235	664	3792	1416	255	2339
10th State Senatorial District	Youth Voting Election Day	25740	0	0.00 %							
10th State Senatorial District	Youth Voting Vote by Mail	25740	0	0.00 %							
10th State Senatorial District	Total	25740	17350	67.40 %	5753	1656	804	4413	1622	262	2840
24th Assembly District	Election Day	25740	2618	10.17 %	722	421	140	621	206	7	501
24th Assembly District	Vote by Mail	25740	14732	57.23 %	5031	1235	664	3792	1416	255	2339
24th Assembly District	Youth Voting Election Day	25740	0	0.00 %							
24th Assembly District	Youth Voting Vote by Mail	25740	0	0.00 %							
24th Assembly District	Total	25740	17350	67.40 %	5753	1656	804	4413	1622	262	2840
Board of Equalization, 2nd District	Election Day	25740	2618	10.17 %	722	421	140	621	206	7	501
Board of Equalization, 2nd District	Vote by Mail	25740	14732	57.23 %	5031	1235	664	3792	1416	255	2339
Board of Equalization, 2nd District	Youth Voting Election Day	25740	0	0.00 %							
Board of Equalization, 2nd District	Youth Voting Vote by Mail	25740	0	0.00 %							
Board of Equalization, 2nd District	Total	25740	17350	67.40 %	5753	1656	804	4413	1622	262	2840
Alameda County	Election Day	25740	2618	10.17 %	722	421	140	621	206	7	501
Alameda County	Vote by Mail	25740	14732	57.23 %	5031	1235	664	3792	1416	255	2339
Alameda County	Youth Voting Election Day	25740	0	0.00 %							
Alameda County	Youth Voting Vote by Mail	25740	0	0.00 %							
Alameda County	Total	25740	17350	67.40 %	5753	1656	804	4413	1622	262	2840

1 Member, City Council - Newark, Short Term

		Registered Voters	Voters Cast	Turnout (%)	EVE MARIE LITTLE	RENU MALHOTRA	SEAN MAHANAY	LUCIA GUTIERREZ	PHIL BLOOM	Over Votes	Under Votes
2nd Supervisorial District	Election Day	25740	2618	10.17 %	722	421	140	621	206	7	501
2nd Supervisorial District	Vote by Mail	25740	14732	57.23 %	5031	1235	664	3792	1416	255	2339
2nd Supervisorial District	Youth Voting Election Day	25740	0	0.00 %							
2nd Supervisorial District	Youth Voting Vote by Mail	25740	0	0.00 %							
2nd Supervisorial District	Total	25740	17350	67.40 %	5753	1656	804	4413	1622	262	2840
City of Newark	Election Day	25740	2618	10.17 %	722	421	140	621	206	7	501
City of Newark	Vote by Mail	25740	14732	57.23 %	5031	1235	664	3792	1416	255	2339
City of Newark	Youth Voting Election Day	25740	0	0.00 %							
City of Newark	Youth Voting Vote by Mail	25740	0	0.00 %							
City of Newark	Total	25740	17350	67.40 %	5753	1656	804	4413	1622	262	2840
Total - Election Day		25740	2618	10.17 %	722	421	140	621	206	7	501
Total - Vote by Mail		25740	14732	57.23 %	5031	1235	664	3792	1416	255	2339
Total - Youth Voting Election Day		25740	0	0.00 %							
Total - Youth Voting Vote by Mail		25740	0	0.00 %							
Contest Total		25740	17350	67.40 %	5753	1656	804	4413	1622	262	2840

*** Indicates vote data was suppressed due to voter privacy settings.

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of Newark** at the General Election held on Tuesday, **November 5, 2024**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for and against **Measure LL**.

I hereby set my hand and my official seal this **5th** day of **December 2024**.



Cynthia Conyer
for **TIM DUPUIS**
Registrar of Voters
Alameda County
State of California

1 Measure LL - City of Newark								
		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Over Votes	Under Votes
850330	Election Day	4352	484	11.12 %	347	80		57
850330	Vote by Mail	4352	2476	56.89 %	1848	370		258
850330	Youth Voting Election Day	4352	0	0.00 %				
850330	Youth Voting Vote by Mail	4352	0	0.00 %				
850330	Total	4352	2960	68.01 %	2195	450		315
850500	Election Day	4986	508	10.19 %	348	114		46
850500	Vote by Mail	4986	2681	53.77 %	1943	509		229
850500	Youth Voting Election Day	4986	0	0.00 %				
850500	Youth Voting Vote by Mail	4986	0	0.00 %				
850500	Total	4986	3189	63.96 %	2291	623		275
850800	Election Day	2446	307	12.55 %	209	71	1	26
850800	Vote by Mail	2446	1317	53.84 %	979	219		119
850800	Youth Voting Election Day	2446	0	0.00 %				
850800	Youth Voting Vote by Mail	2446	0	0.00 %				
850800	Total	2446	1624	66.39 %	1188	290	1	145
851000	Election Day	4147	356	8.58 %	236	83		37
851000	Vote by Mail	4147	2502	60.33 %	1840	429	1	232
851000	Youth Voting Election Day	4147	0	0.00 %				
851000	Youth Voting Vote by Mail	4147	0	0.00 %				
851000	Total	4147	2858	68.92 %	2076	512	1	269
851520	Election Day	4700	423	9.00 %	289	101		33
851520	Vote by Mail	4700	2952	62.81 %	2200	528		224
851520	Youth Voting Election Day	4700	0	0.00 %				
851520	Youth Voting Vote by Mail	4700	0	0.00 %				
851520	Total	4700	3375	71.81 %	2489	629		257
852010	Election Day	5109	540	10.57 %	375	112		53
852010	Vote by Mail	5109	2808	54.96 %	2107	477		224
852010	Youth Voting Election Day	5109	0	0.00 %				
852010	Youth Voting Vote by Mail	5109	0	0.00 %				
852010	Total	5109	3348	65.53 %	2482	589		277
Total - Election Day		25740	2618	10.17 %	1804	561	1	252
Total - Vote by Mail		25740	14736	57.25 %	10917	2532	1	1286
Total - Youth Voting Election Day		25740	0	0.00 %				
Total - Youth Voting Vote by Mail		25740	0	0.00 %				
Contest Total		25740	17354	67.42 %	12721	3093	2	1538

*** Indicates vote data was suppressed due to voter privacy settings.

1 Measure LL - City of Newark

		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Over Votes	Under Votes
California	Election Day	25740	2618	10.17 %	1804	561	1	252
California	Vote by Mail	25740	14736	57.25 %	10917	2532	1	1286
California	Youth Voting Election Day	25740	0	0.00 %				
California	Youth Voting Vote by Mail	25740	0	0.00 %				
California	Total	25740	17354	67.42 %	12721	3093	2	1538
17th Congressional District	Election Day	25740	2618	10.17 %	1804	561	1	252
17th Congressional District	Vote by Mail	25740	14736	57.25 %	10917	2532	1	1286
17th Congressional District	Youth Voting Election Day	25740	0	0.00 %				
17th Congressional District	Youth Voting Vote by Mail	25740	0	0.00 %				
17th Congressional District	Total	25740	17354	67.42 %	12721	3093	2	1538
10th State Senatorial District	Election Day	25740	2618	10.17 %	1804	561	1	252
10th State Senatorial District	Vote by Mail	25740	14736	57.25 %	10917	2532	1	1286
10th State Senatorial District	Youth Voting Election Day	25740	0	0.00 %				
10th State Senatorial District	Youth Voting Vote by Mail	25740	0	0.00 %				
10th State Senatorial District	Total	25740	17354	67.42 %	12721	3093	2	1538
24th Assembly District	Election Day	25740	2618	10.17 %	1804	561	1	252
24th Assembly District	Vote by Mail	25740	14736	57.25 %	10917	2532	1	1286
24th Assembly District	Youth Voting Election Day	25740	0	0.00 %				
24th Assembly District	Youth Voting Vote by Mail	25740	0	0.00 %				
24th Assembly District	Total	25740	17354	67.42 %	12721	3093	2	1538
Board of Equalization, 2nd District	Election Day	25740	2618	10.17 %	1804	561	1	252
Board of Equalization, 2nd District	Vote by Mail	25740	14736	57.25 %	10917	2532	1	1286
Board of Equalization, 2nd District	Youth Voting Election Day	25740	0	0.00 %				
Board of Equalization, 2nd District	Youth Voting Vote by Mail	25740	0	0.00 %				
Board of Equalization, 2nd District	Total	25740	17354	67.42 %	12721	3093	2	1538
Alameda County	Election Day	25740	2618	10.17 %	1804	561	1	252
Alameda County	Vote by Mail	25740	14736	57.25 %	10917	2532	1	1286
Alameda County	Youth Voting Election Day	25740	0	0.00 %				
Alameda County	Youth Voting Vote by Mail	25740	0	0.00 %				
Alameda County	Total	25740	17354	67.42 %	12721	3093	2	1538

1 Measure LL - City of Newark								
		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Over Votes	Under Votes
2nd Supervisorial District	Election Day	25740	2618	10.17 %	1804	561	1	252
2nd Supervisorial District	Vote by Mail	25740	14736	57.25 %	10917	2532	1	1286
2nd Supervisorial District	Youth Voting Election Day	25740	0	0.00 %				
2nd Supervisorial District	Youth Voting Vote by Mail	25740	0	0.00 %				
2nd Supervisorial District	Total	25740	17354	67.42 %	12721	3093	2	1538
City of Newark	Election Day	25740	2618	10.17 %	1804	561	1	252
City of Newark	Vote by Mail	25740	14736	57.25 %	10917	2532	1	1286
City of Newark	Youth Voting Election Day	25740	0	0.00 %				
City of Newark	Youth Voting Vote by Mail	25740	0	0.00 %				
City of Newark	Total	25740	17354	67.42 %	12721	3093	2	1538
Total - Election Day		25740	2618	10.17 %	1804	561	1	252
Total - Vote by Mail		25740	14736	57.25 %	10917	2532	1	1286
Total - Youth Voting Election Day		25740	0	0.00 %				
Total - Youth Voting Vote by Mail		25740	0	0.00 %				
Contest Total		25740	17354	67.42 %	12721	3093	2	1538

*** Indicates vote data was suppressed due to voter privacy settings.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF NEWARK AMENDING
CHAPTER 3.16 OF THE NEWARK MUNICIPAL CODE
RELATING TO THE TRANSIENT OCCUPANCY (HOTEL)
TAX

WHEREAS, pursuant to section 7280 of California Revenue and Taxation Code, the legislative body of a city may levy a tax on the privilege of occupying a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging for a period of less than 30 days; and

WHEREAS, Chapter 3.16 of the Newark Municipal Code establishes a transient occupancy tax ("TOT") which, through resolution, is set at ten percent (10%) within the City of Newark (the "City"); and

WHEREAS, the City seeks to continue to exercise local control over local funds for local needs – allowing the City to be self-reliant and requiring any new local funding approved by its voters are spent for Newark residents and cannot be taken by Sacramento; and

WHEREAS, for victims of heart attacks, strokes, accidents and other emergencies, seconds can make a difference, and a measure supporting local funding will help ensure fast 911 emergency response times; and

WHEREAS, additional local funding is needed to repair potholes and maintain streets on more than 105 miles of streets in the City; and

WHEREAS, for any additional local funding, the City will continue its high standards of fiscal accountability and transparency by requiring that any money generated must be spent only on the community priorities, and not for any other purpose; and

WHEREAS, through an engagement effort and discussion around the City's budget, residents identified City service funding priorities such as repairing potholes and City streets, maintaining neighborhood police patrols, fire protection and 911 emergency medical response, upgrading fire stations to ensure rapid response times, accommodate modern firefighting and life-saving emergency equipment, improving emergency dispatch for rapid response during an earthquake or major disaster and enhancing parks and recreation programs and maintaining sports fields and children's play structures as priorities for any future spending; and

WHEREAS, additional local funding from a TOT (hotel) measure will ensure that visitors to Newark contribute towards City services they use and that the burden will not fall on homeowners as only hotel and lodging guests pay this tax; and

WHEREAS, the People of the City of Newark desire to increase the TOT rate.

NOW, THEREFORE, the People of the City of Newark do ordain as follows:

Section 1. Recitals.

The above recitals are true and correct and made a part of this Ordinance.

Section 2. Municipal Code Amendment.

Chapter 3.16, “Transient Occupancy Tax” of the Newark Municipal Code is hereby amended to read as to read as set forth in Exhibit A, attached hereto and incorporated herein by reference (deletions in ~~striketrough~~; additions in underline).

Section 3. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The People of the City of Newark hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 4. Amendment or Repeal.

Chapter 3.16 of title 3 of the Newark Municipal Code may be repealed or amended by the City Council without a vote of the People. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment provision that would increase the rate of any tax levied pursuant to this Ordinance or impose the tax on a person not currently subject to the tax. The People of the City of Newark affirm that the following actions shall not constitute an increase of the rate of a tax:

- A. The restoration of the rate of the tax to a rate that is no higher than that set by this Ordinance if the City Council has acted to reduce the rate of the tax;
- B. An action that interprets or clarifies the methodology of the tax or any definition applicable to the tax so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Ordinance;
- C. The establishment of a class of person that is exempt or excepted from the tax or the discontinuation of any such exemption or exception other than the discontinuation of an exemption or exception specifically set forth in this Ordinance; and,

D. The collection of the tax imposed by this Ordinance, even if the City had for some period of time failed to collect the tax.

Section 5. Codification.

Upon adoption of this Ordinance pursuant to the voter approval referenced above, the City Clerk, in consultation with the City Attorney, is hereby authorized and directed to codify this Ordinance in the Newark Municipal Code.

Section 6. Publication and Effective Date.

Within fifteen (15) days from and after adoption, this Ordinance shall be published once in a newspaper of general circulation printed and published in Alameda County and circulated in the City of Newark, in accordance with California Government Code Section 36933. If this Ordinance is approved by a majority of the voters voting on the issue at the November 5, 2024, election, pursuant to Elections Code Section 9217, this Ordinance shall become effective ten (10) days after the Council declares the results of the election.

The foregoing ordinance was approved by the following vote of the People of the City of Newark at the November 5, 2024, General Municipal Election:

YESES: 12,721

NOES: 3,093

The foregoing ordinance was adopted by the City Council of the City of Newark on December 14, 2024 by its Declaration of the vote at the November 5, 2024 election:

AYES:

NOES:

ABSENT:

ABSTAIN:

The Mayor is hereby authorized to attest to the adoption of the Ordinance by the voters of the City by signing where indicated below.

MICHAEL K. HANNON

Mayor

ATTEST:

SHEILA HARRINGTON

City Clerk

APPROVED AS TO FORM:

KRISTOPHER KOKOTAYLO

City Attorney

Exhibit A
Chapter 3.16 TRANSIENT OCCUPANCY TAX

3.16.010 Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter:

- A. "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designated for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodginghouse, roominghouse, apartment house, dormitory, public or private club, mobile home or house trailer in a fixed location except a mobilehome located within a mobile home park where the tenant is an employee of the owner or operator of the mobile home, or other similar structure or portion thereof.
- B. "Occupancy" means the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.
- C. "Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent, such person shall also be deemed an operator for the purpose of this article and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.
- D. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- E. "Rent" means the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.
- F. "Tax Administrator" means the director of finance.
- ~~G.F.~~ "Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of the ordinance codified in this chapter may be considered.

3.16.020 Tax imposed.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax ~~as established by city council resolution based on a percentage in the amount of fourteen percent (14%)~~ 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 operators 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 city council may require that such tax shall be paid directly to the ~~city clerk~~Tax Administrator.

3.16.030 Exemptions.

No tax shall be imposed upon:

- A. Any person as to whom, or any occupancy as to which, it is beyond the power of the city to impose the tax provided in this chapter;
- B. Any federal or state officer or employee when on official business;
- C. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

No exemptions shall be granted upon a claim therefor made at the time rent is collected under penalty of perjury upon a form prescribed by the ~~city clerk~~Tax Administrator.

3.16.040 Operator's duties.

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner provided in Section 3.16.060 of this chapter.

3.16.050 Registration.

Within thirty days after the effective date of the ordinance codified in this chapter, or within thirty days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register said hotel with the ~~city clerk~~Tax Administrator and obtain from ~~him-them~~ a "transient occupancy registration certificate" to be at all times posted in a conspicuous place on the premises. Said certificate shall, among other things, state the following:

- A. The name of the operator;

- B. The address of the hotel;
- C. The date upon which the certificate was issued;
- D. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Ordinance by registering with the City Clerk Tax Administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the City Clerk Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this city. This certificate does not constitute a permit."

3.16.060 Reporting and remitting.

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reported period which may be established by the city clerk Tax Administrator make a return to the city clerk Tax Administrator, on forms provided by himthem, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the city clerk Tax Administrator. The city clerk Tax Administrator may establish shorter reporting periods for any certificate holder if he deems it necessary in order to insure collection of the tax and he may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the city until payment thereof is made to the city clerk Tax Administrator.

3.16.070 Penalties and interest.

- A. Original Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the tax in addition to the amount of the tax.
- B. Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of thirty days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent of the amount of the tax in addition to the amount of the tax and the ten percent penalty first imposed.
- C. Fraud. If the city clerk Tax Administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections A and B of this section.
- D. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall by interest at the rate of one-half of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

- E. Penalties merged with tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax required to be paid by this chapter.

3.16.080 Failure to collect and report tax.

If any operator fails or refuses to collect the tax and to make, within the time provided in this chapter, any report and remittance of the tax or any portion thereof required by this chapter, the city clerkTax Administrator shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the city clerkTax Administrator procures such facts and information as he is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same, and to make such report and remittance, he shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the city clerkTax Administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of address. Such operator may within ten days after the serving or mailing of such notice, make application in writing to the city clerkTax Administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the city clerkTax Administrator shall become final and conclusive and immediately due and payable. If such application is made, the city clerkTax Administrator shall give not less than five days' written notice in the manner prescribed in this section to the operator to show cause at a time and place fixed in said notice why said amount specified in the notice should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing, the city clerkTax Administrator shall determine the proper tax to be remitted and shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed in this section of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen days unless an appeal is taken as provided in Section 3.16.090.

3.16.090 Appeal.

Any operator aggrieved by any decision of the city clerkTax Administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the city council by filing a notice of appeal with the city clerk within fifteen days of the serving or mailing of the determination of tax due. The city council shall fix a time and place for hearing such appeal, and the city clerk shall give notice in writing to such operator at his last known place of address. The findings of the city council shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

3.16.100 Records.

It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the city, which records the ~~city clerk~~Tax Administrator shall have the right to inspect at all reasonable times.

3.16.110 Refunds.

- A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the city under this chapter, it may be refunded as provided in subsections B and C of this section, provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the ~~city clerk~~Tax Administrator within three years of the date of payment. The claim shall be on forms furnished by the ~~city clerk~~Tax Administrator.
- B. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established once in a manner prescribed by the ~~city clerk~~Tax Administrator that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.
- C. A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the city by filing a claim in the manner provided in subsection A of this section, but only when the tax was paid by the transient directly to the ~~city clerk~~Tax Administrator, or when the transient having paid the tax to the operator, establishes to the satisfaction of the ~~city clerk~~Tax Administrator that the transient has been unable to obtain a refund from the operator who collected the tax.
- D. No refund shall be paid under the provisions of this section unless the claimant established his right thereto by written records showing entitlement thereto.

3.16.120 Actions to collect.

Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owed by the operator to the city. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city for the recovery of such amount.

3.16.130 Violations—Designated.

No operator or other person shall fail or refuse to furnish a supplemental return or other data required by the ~~city clerk~~Tax Administrator, or render a false or fraudulent return or claim.

No person required to make, render, sign or verify any report or claim shall make any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made.

3.16.140 Violations—Penalty.

Any person, firm, corporation or organization violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment for a term not exceeding six months in the county jail, or by both such fine and imprisonment. A person, firm, corporation or organization shall be deemed guilty of a separate offense for each day during any portion of which a violation of this chapter is committed, continued, or permitted by the person, firm, corporation or organization and shall be punishable as provided in this section.

3.16.150 Remedies cumulative.

All remedies prescribed under this chapter shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.

3.14.160 Independent community oversight committee.

The city council shall, prior to July 1, 2025, establish an independent community oversight committee to review the expenditure of the revenue from this transient occupancy tax. The committee shall consist of five members to be appointed by the mayor and approved by the city council. The terms of the committee members and their specific duties shall be established by resolution of the city council.