

ORDINANCE NO. 3478 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

AMEND MONTEREY CITY CODE SECTION 18-46 ENTITLED "LEVY OF ASSESSMENT AMOUNT" TO INCLUDE UNINCORPORATED AREAS OF THE COUNTY IN THE MONTEREY COUNTY TOURISM IMPROVEMENT DISTRICT

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, on October 17, 2006, the City Council of the City of Monterey (the "Council") adopted ordinance No. 3376 establishing the Monterey County Tourism Improvement District ("MCTID") pursuant to the Parking and Business Improvement Area Law of 1989, Streets and Highways Code section 36500 et seq. (the "1989 Law"); and

WHEREAS, on October 4, 2011, the City Council amended Monterey City Code section 18-46 modifying the amount of the levy of assessment for the MCTID; and

WHEREAS, clerical errors were made in the amendment to Monterey City Code section 18-46 which necessitate clarifying the ordinance to include the unincorporated areas of Monterey County in the MCTID assessment;

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: That the City Council of the City of Monterey hereby adopts the following amendment to Articles 4 of the Monterey City Code, amending section 18-46 to read as follows:

Sec. 18-46. Levy of Assessment - Amount.

The MCTID includes all lodging businesses within the boundaries described in Section 18-44. The assessment shall be levied on all lodging businesses, existing and future, within the MCTID boundaries as follows: in the County of Monterey and the cities of Monterey, Marina, Carmel by the Sea, Sand City, Del Rey Oaks, Seaside and Soledad the assessment shall be \$2.00 per occupied room per night for full service lodging businesses and \$1.00 per occupied room per night for limited service lodging businesses, and in the city of Salinas the assessment shall be \$2.50 per occupied room per night for full service lodging businesses and \$1.50 per occupied room per night for limited service lodging businesses. Limited and full service shall be as defined by Smith Travel Research. Except where funds are otherwise available, an assessment will be levied annual to pay for the improvements and activities within the area. New hotels within the boundaries of the MCTID will not be exempt from the levy of assessment pursuant to Section 36531 of the Act. Pursuant to the transient occupancy tax ordinances of the County, and the Cities assessments pursuant to the MCTID shall not be included in gross room rental revenue for purpose of

determining the amount of transient occupancy tax.

SECTION 3: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Monterey City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.


SECTION 4: This ordinance shall take effect and shall be in full force thirty (30) days after the adoption hereof.

SECTION 5: Pursuant to Government Code section 36933, within 15 days after passage of this ordinance, the Clerk of the City of Monterey is hereby directed to publish this ordinance in The Herald, a newspaper of general circulation printed, published, and circulated in the City of Monterey and designated for that purpose by the County of Monterey.

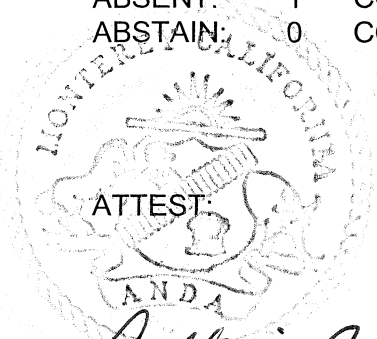
PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 16th day of October, 2012, by the following vote:

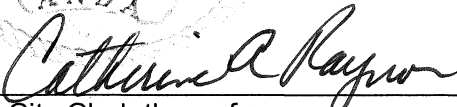
AYES:	4	COUNCILMEMBERS:	Downey, Haferman, Sollecito, Della Sala
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	1	COUNCILMEMBERS:	Selfridge
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:



 Mayor of said City





 City Clerk thereof


STATE OF CALIFORNIA)
COUNTY OF MONTEREY)
CITY OF MONTEREY)

I, Catherine Raynor, SENIOR ASSISTANT CITY CLERK OF THE CITY OF MONTEREY, AND EX-OFFICIO CLERK OF THE COUNCIL THEREOF, HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS DULY PASSED TO PRINT IN THE OFFICIAL NEWSPAPER OF SAID CITY BY THE COUNCIL THEREOF ON THE 2nd DAY OF OCTOBER 2012, BY THE FOLLOWING VOTE:

AYES: 5 COUNCILMEMBERS: Downey, Haferman, Selfridge, Sollecito, Della Sala

NOES: 0 COUNCILMEMBERS: None

ABSENT: 0 COUNCILMEMBERS: None



DATED: OCTOBER 3, 2012

CITY CLERK OF SAID CITY