

RESOLUTION NO. 2022- 071

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM, CALIFORNIA ORDERING THE SUBMISSION, AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022 AS CALLED BY CITY RESOLUTION NO. 2022-057, TO THE QUALIFIED VOTERS OF THE CITY OF ANAHEIM OF A GENERAL TAX MEASURE SET FORTH IN A PROPOSED ORDINANCE AMENDING SECTION 2.12.005 (DEFINITIONS) OF CHAPTER 2.12 (TRANSIENT OCCUPANCY TAX) OF THE ANAHEIM MUNICIPAL CODE TO INCLUDE ONLINE AND OTHER TRAVEL COMPANIES AS OPERATORS REQUIRED TO COLLECT AND REMIT TRANSIENT OCCUPANCY TAX ON THE FULL AMOUNT PAID BY HOTEL GUESTS FOR ACCOMMODATIONS AND TO MAKE OTHER RELATED AND/OR CLARIFYING CHANGES; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO INCLUDE THE GENERAL TAX MEASURE IN THE CONSOLIDATED STATEWIDE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022; SETTING PRIORITIES AND DEADLINES FOR THE FILING OF ARGUMENTS AND REBUTTAL ARGUMENTS; AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, the City of Anaheim (“Anaheim” or the “City”) is a full-service city supporting more than 346,000 residents, 24,000 businesses and 25 million annual visitors; and

WHEREAS, the City provides unmatched neighborhood services, including public safety through the Anaheim Fire & Rescue and Anaheim Police Departments, reliable water and power services, high-quality parks, community centers, family services and library services for families, seniors and youth, and transportation improvements and community revitalization; and

WHEREAS, Anaheim’s diverse communities, and thriving tourism industry and business sector help support the City’s neighborhoods and make Anaheim a great place to live, work and play; and

WHEREAS, Anaheim hotels generate approximately \$167 million dollars for the City each year through the City’s existing voter-approved Transient Occupancy (hotel) Tax, which is paid solely by guests at Anaheim hotels. This money goes to the City’s general fund and supports neighborhood services including public safety, water and power services, parks, community centers, family services and library services, transportation improvements, and community revitalization; and

WHEREAS, by the adoption of Ordinance Nos. 5305, 5338, 5436, 5495, 5741, 5777, 5866 and 6484, and by Anaheim voters’ approval of Measure B at the November 5, 1996 general election, the City Council and the People of Anaheim added and amended Chapter 2.12 (Transient

Occupancy Tax) of Title 2 (Taxes) of the Anaheim Municipal Code (the "Code") for the purpose of imposing a tax for the privilege of occupancy in hotels located within the City of Anaheim; and

WHEREAS, Anaheim's current Transient Occupancy (hotel) Tax has a gap that prevents the City from collecting the full share of the Tax from hotel guests that book through online and other travel companies; and

WHEREAS, the tax measure proposed herein is specifically designed to close that gap and ensure that the City collects the full amount of Transient Occupancy (hotel) Tax due for hotel stays in the City; and

WHEREAS, Chapter 2.12 (generally referred to as the Transient Occupancy Tax Code) of the Anaheim Municipal Code requires online travel companies to collect and remit Transient Occupancy Tax (commonly referred to as "TOT") to the City under the California Supreme Court's decision in *In re Transient Occupancy Tax Cases*, 2 Cal.5th 131 (2016), provided the conditions set forth in that decision are met; and

WHEREAS, to confirm and expressly codify the obligation of online travel companies to pay TOT to the City, and to ensure that TOT is directly remitted to the City and is calculated based on the full amount charged to a hotel guest for accommodations, the City Council desires to submit to the voters a measure/ordinance amending Section 2.12.005 of the Transient Occupancy Tax Code to i) expressly include online travel companies and other travel companies/room sellers and resellers in the definition of an "operator" obligated to collect and directly remit TOT to the City, ii) make clear that the full amount charged by an online travel company or room seller/reseller for accommodations in a hotel is taxable, iii) specifically list in the Code certain charges delineated in the City's TOT Guidelines, such as overnight parking, resort fees, internet/WIFI charges, and other charges that are part of or accompany the room, that fall within the existing definition of "rent" in the Code; and iv) delete provisions mandating that online travel companies require hotel guests to directly pay hotels for accommodations; and

WHEREAS, pursuant to California Government Code Sections 37100.5 and 37101, the City of Anaheim has the authority to propose a general tax subject to voter approval; and

WHEREAS, pursuant to Section 9222 of the California Elections Code, the City Council has authority to place propositions on the ballot to be considered at a Municipal Election; and

WHEREAS, the transient occupancy tax is a general tax, the proceeds of which would be deposited into the City's general fund to pay for important City services such as police, fire and paramedic services, street operations and maintenance, library services, parks and recreation services and general municipal services to the public; and

WHEREAS, on November 6, 1996, the voters of the State of California approved Proposition 218 (California Constitution, Article XIIC), an amendment to the State Constitution which requires that all general taxes which are imposed, extended or increased

must be submitted to the electorate and approved by a majority (50% plus 1) vote of the qualified voters voting in the election; and

WHEREAS, the proposed measure would establish/expand a general tax which is subject to Proposition 218; and

WHEREAS, pursuant to Proposition 218 (California Constitution Article XIIC, §2(b)), any local election for the approval of a general tax must generally be consolidated with a regularly scheduled general election for members of the governing body of the local government; and

WHEREAS, a General Municipal Election to be held on Tuesday, November 8, 2022 has been called by Resolution No. 2022-057, and the City Council desires to submit to the voters of the City the measure described herein at that election; and

WHEREAS, the City Council has previously requested by Resolution No. 2022-058 that the City's General Municipal Election be consolidated with the Statewide General Election to be held on the same date, and that within the City precincts, polling places and election officers of the two elections be the same, that the Election Department of the County of Orange canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election, and also desires to include the measure described herein as part of that election process; and

WHEREAS, the City Council also desires to establish deadlines and rules for the submission of written arguments and rebuttal arguments for and against the measure/ordinance in accordance with applicable California Elections Code procedures; and

WHEREAS, the specific amendments to Section 2.12.005 of the Transient Occupancy Tax Code are set forth in the measure/ordinance to be considered by the qualified voters, appended hereto as Attachment "1" (the "Measure") and by this reference made an operative part hereof; and

WHEREAS, pursuant to Section 1208.1 of the Anaheim City Charter, a two-thirds (2/3) vote of the total members of the City Council is required to place the Measure on the November 8, 2022 ballot.

NOW, BE IT RESOLVED THEREFORE, THE CITY COUNCIL OF THE CITY OF ANAHEIM, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein, and by this reference are made an operative part hereof.

SECTION 2. Submission of Ballot Measure. The City Council of the City of Anaheim, pursuant to its right and authority as contained in California Proposition 218 and California Elections Code Section 9222, hereby orders the Measure (with additions to and deletions from the current text of the Anaheim Municipal Code indicated thereon) set forth in Attachment "1" and incorporated herein as if set forth in full to be submitted to the qualified voters of the City of Anaheim at the General Municipal Election to be held on Tuesday, November 8, 2022.

SECTION 3. Ballot Measure. In addition to any other matters required by law, the Measure shall be printed on the ballot in the following form:

MEASURE ____	
ANAHEIM HOTEL TAX. Shall the City's existing Transient Occupancy Tax, which is a tax on persons occupying hotel/motel rooms, be updated to require online and other travel companies to collect and remit taxes on the full rate charged to guests for accommodations, generating up to \$3 million annually to be used for general City services, such as police, fire and emergency response, street maintenance, youth/senior services and parks, until ended by the voters?	YES
	NO

SECTION 4. Election Procedures.

- A. The ballots to be used at the election shall be in the form and content as required by law.
- B. In accordance with Sections 10403 and 10418 of the California Elections Code, the City requested, by Resolution No. 2022-058, that the Board of Supervisors of Orange County consent to i) the consolidation of a General Municipal Election with the Statewide Primary Election on November 8, 2022, ii) having the County Election Department/Registrar of Voters render full election services to the City of Anaheim as may be requested by the City Clerk of the City, the County to be reimbursed in full for such services as are performed, and the City Council now hereby requests to include the measure described herein in this election process.
- C. The full election services which the City Council has authorized, instructed and directed, by Resolution No. 2022-057, that the City Clerk coordinate with the County of Orange Registrar-Recorder/County Clerk, in order to procure and furnish any and all official ballots, notices, printed matter and all

supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election, the City Council now hereby requests to include the measure described herein.

- D. The polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to California Elections Code Section 10242 and 14212, except as provided in Section 14401 of the Elections Code of the State of California.
- E. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.
- F. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.
- G. All ballots shall be tallied at a central counting place and not at the precincts. The central counting place shall be at a County center as designated by the Orange County Registrar of Voters.
- H. The Orange County Registrar of Voters is hereby authorized to canvass the returns of the election.
- I. The City Clerk of the City of Anaheim shall receive the canvass from the County as it pertains to the election on the measure, and shall certify the results to the City Council, as required by law.

SECTION 5. Arguments and Impartial Analysis.

- A. Pursuant to California Elections Code Section 9282(b), the City Council authorizes all members of the City Council to file a written argument in favor of or against the Measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and may change or withdraw the argument until and including **July 26, 2022 by 5:00 p.m.**, after which no arguments for or against the Measure may be submitted to the City Clerk. Arguments in favor of or against the Measure shall each not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed by Author(s) of Argument.

- B. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters including the preferences codified in California Elections Code Section 9287, and shall take all necessary actions to cause the selected arguments to be printed and distributed to the voters. If more than one argument in favor or more than one argument against the measure are timely submitted to the City Clerk and such arguments for or against the measure, respectively, are authorized by individuals and/or associations within the same priority group identified above, then the City Clerk shall give preference and priority to the argument initially filed with the City Clerk first in time.

- C. Pursuant to Section 9280 of the California Elections Code, the City Council directs the City Clerk to transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis to be published in the voter information guide along with the ballot measure as provided by law. The Impartial Analysis shall be filed by **July 26, 2022 at 5:00 p.m.** The impartial analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot or in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **"The above statement is an impartial analysis of the Measure. If you desire a copy of the Measure, please call the election official's office at (714) 765-5166 and a copy will be mailed at no cost to you."**

- D. That the provisions of this Section 5 herein shall apply only to the election to be held on November 8, 2022.

SECTION 6. Rebuttal Arguments.

- A. Pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the Measure which will be printed and distributed to the voters, the Clerk shall send copies of the argument in favor of the Measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than **August 5, 2022 by 5:00 p.m.** The rebuttal arguments shall be

accompanied by the Form of Statement To Be Filed by Author(s) of Argument. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

- B. The provisions of this Section 6 herein shall apply only to the election to be held on November 8, 2022.

SECTION 7. Delivery of Resolution to County. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. The City Council directs the City Clerk to deliver copies of this Resolution, including the Measure attached hereto as Attachment "1", to the Clerk of the Board of Supervisors of Orange County and to the Registrar of Voters of Orange County.

SECTION 8. Public Examination. Pursuant to California Elections Code Section 9295, the Measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The Clerk shall post a notice of the specific dates that the examination period will run.

SECTION 9. CEQA. The City Council hereby finds and determines that the Measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, Section 15378(b).

SECTION 10. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 11. Execution of Ordinance. If the voters approve the Measure, the Mayor (or in his or her absence the Mayor Pro Tem) is hereby authorized to execute the ordinance amending the Transient Occupancy Tax Code, attesting to its adoption by the People voting thereon on November 8, 2022.

SECTION 12. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

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THE FOREGOING RESOLUTION is approved and adopted by the City Council of the City of Anaheim this 12 day of July, 2022, by the following roll call vote:

AYES: Mayor Pro Tem O'Neil and Council Members Diaz, Ma'ae, Moreno, Valencia and Faessel

NOES: None

ABSENT: None

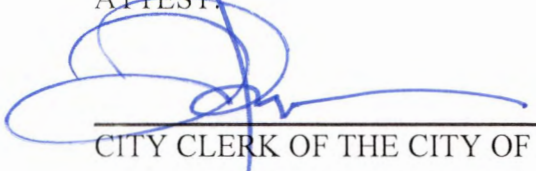
ABSTAIN: None

[Mayoral vacancy]

CITY OF ANAHEIM

BY 
MAYOR PRO TEM
OF THE CITY OF ANAHEIM

ATTEST:


CITY CLERK OF THE CITY OF ANAHEIM

Attachment No. 1 to City Council Resolution

AN ORDINANCE OF THE CITY OF ANAHEIM AMENDING SECTION 2.12.005 (DEFINITIONS) OF CHAPTER 2.12 (TRANSIENT OCCUPANCY TAX) OF THE ANAHEIM MUNICIPAL CODE TO INCLUDE ONLINE AND OTHER TRAVEL COMPANIES AS OPERATORS REQUIRED TO COLLECT AND REMIT TRANSIENT OCCUPANCY TAX ON THE FULL AMOUNT PAID BY HOTEL GUESTS FOR ACCOMMODATIONS AND TO MAKE OTHER RELATED AND/OR CLARIFYING CHANGES (MEASURE __)

BE IT ORDAINED by the People of the City of Anaheim at the November 8, 2022 consolidated general election that section 2.12.005 (Definitions) of Chapter 2.12 (Transient Occupancy Tax) of the Anaheim Municipal Code is hereby amended as follows (underlining showing additions and strike-through showing deletions):

Section 1: TEXT OF AMENDMENT TO ANAHEIM MUNICIPAL CODE.

2.12.005 DEFINITIONS.

For purposes of this chapter, the following words, terms, phrases, and the derivations and variants thereof, shall have the meanings given herein:

.010 "Accommodation(s)" means any room or other space in a hotel used for lodging or sleeping purposes, as well as other items or services provided to a transient as part of or accompanying the room or space upon which rent is charged pursuant to this chapter.

.020 "Accommodations Intermediary" means any person, corporation, entity, trust or partnership (other than an accommodations supplier) that directly or indirectly (i) facilitates the rental of accommodation(s) in a hotel, and (ii) charges, collects or receives rent in connection with such rental, which may include, without limitation, a facilitation fee. "Accommodations intermediary" includes, without limitation, a travel or booking agent, a room seller or reseller, an on-line room seller or reseller, and an on-line travel agent or company of any type or nature whatsoever, but does not include employees of an accommodations intermediary or accommodations supplier.

.030 "Accommodations Supplier" means any person, corporation, entity, trust or partnership which operates or provides accommodations in a hotel, whether in the capacity of owner, proprietor, lessee, sublessee, managing agent, mortgagee in possession, debtor in possession, licensee or any other capacity, other than as an employee of an accommodations intermediary or accommodations supplier. "Accommodations supplier" does not mean an accommodations intermediary.

.040 "Anaheim" or "City" means the City of Anaheim.

.050 "City Auditor" means the Audit Manager of the City. ~~-.021—"Direct Payment" means the payment of rent from a transient directly to an operator who collects the rent directly from the transient, and shall include where the transient's rent payment directly to the operator is made or processed using cash, check, credit card, debit card, or any other direct in-person or electronic payment and collection method, but shall exclude the Indirect Payment of rent from a transient to a third party who then remits the rent, in whole or in part, to the operator.~~

.060 "Discount Room Charge" means the total consideration charged by an accommodations supplier to an accommodations intermediary, or an affiliate thereof, for furnishing accommodation(s) in a hotel.

.070 "Facilitation Fee" means the total consideration charged by an accommodations intermediary to a transient for accommodation(s), minus the discount room charge, if any, provided that the facilitation fee shall not be less than \$0.

~~.08025~~ "Fiscal Year" means the period commencing July 1 of one calendar year through June 30 of the immediately subsequent calendar year.

~~.0930~~ "Homeless person" means any person who lived or resided in Anaheim immediately prior to being provided shelter in a hotel by a Qualifying Nonprofit Service Organization.

~~.100040~~ "Hotel" means any structure or portion thereof, which is occupied by persons for lodging or sleeping purposes for periods of less than thirty consecutive days including, without limitation, any hotel, bachelor hotel, motel, lodging house, rooming house, bed and breakfast inn, short-term rental, apartment house, dormitory, vacation ownership resort, public or private club, mobilehome or house trailer at a fixed location, or other similar structure or portion thereof, and any space, lot, area or site in any trailer court, camp, park, or lot which is occupied or intended or designed for occupancy by a tent, trailer, recreational vehicle, mobilehome, motorhome, or other similar conveyance, where such structure, space, lot, area or site is occupied by persons for lodging or sleeping purposes for periods of less than thirty consecutive days.~~.045—"Indirect Payment" means the payment of rent from a transient directly to a third party who collects the rent directly from the transient and who then remits the rent, in whole or in part, to the operator, and shall include where the transient's rent payment directly to the third party is made or processed using cash, check, credit card, debit card, or any other direct in-person or electronic payment and collection method, but shall exclude the Direct Payment of rent from the transient to the oper~~

~~.05110~~ "Operator" means an accommodations supplier or accommodations intermediary, any person, corporation, entity, or partnership which is the proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, debtor in possession, licensee or any other capacity. Where the operator performs its functions through a managing agent of any type or character other than as an employee, the managing agent shall also be deemed an operator and shall have the same duties and liabilities as its principal. Compliance with the provisions of this chapter by either the principal or managing agent shall constitute compliance by both. For purposes of the notice and appeal provisions of this chapter only, "operator" shall also include any managing employee or employee of an accommodations supplier or accommodations intermediary in charge of the hotel.

~~.120060~~ "Qualifying Nonprofit Service Organization" means any nonprofit service organization which (1a) is a member of the Anaheim Human Services Network, (2b) directly pays the cost of sheltering homeless persons in a hotel and (3e) does not directly or indirectly further any religious purpose by providing such shelter.

~~.130070~~ "Qualifying Rental Agreement" means and is limited to a written contract signed by both the landlord and tenant, legally enforceable by either party, for a rental period of not less than thirty consecutive days. "Qualifying Rental Agreement" shall expressly exclude: (1) any agreement regardless of length of the rental term which is terminated for any reason by either party or by mutual consent prior to the thirtieth consecutive day of the tenancy, or (2) any agreement regardless of the length of the rental term which is for occupancy of lodging or

sleeping space which is not the legal residence or principal dwelling place of the occupant, or (3) any agreement which would be unlawful or constitute a violation of law.

~~.140080~~ "Rent" means the total consideration charged by an operator for accommodation(s) in a hotel; without any deduction therefrom whatsoever, including without limitation the discount room charge and/or facilitation fee, if any, as well as any (1) transaction fees, service fees, booking fees, processing fees, retail markups, commissions, cancellation fees, California Tourism Marketing Assessments, unrefunded advance reservation or other rental deposits, ~~or~~ (2) separate charges levied for items or services which are part of or accompany such accommodations including, but not limited to charges for overnight parking, furniture, fixtures, appliances, linens, towels, non-coin-operated safes, spa or fitness center usage or access, resort usage or access (commonly referred to as resort or destination fees), internet access, housekeeping or room cleaning, pet occupancy or pet-related cleaning, additional guests/transients, and/or partial days or early or late arrival or departure, (3) consideration or value received by an operator from an award or reward program, including the redemption of award/reward points, incentives or bonuses, or (4) charges reasonably attributable to any of the foregoing taxable items that are part of a special package (as defined in 2.12.020) that includes accommodation(s) and maid service. "Rent" shall not include any charge, billing, or account or portion thereof which the operator finds to be worthless or uncollectible and charged off for tax purposes. If any such worthless or uncollectible rent is thereafter collected, the amount shall be considered rent in the month collected and the tax collected shall be included in the next monthly payment to Anaheim by the operator. "Rent" shall also not include any amount upon which a sales or use tax is imposed pursuant to Chapter 2.04 of this Code if the imposition of a tax pursuant to this Chapter 2.12 would be deemed to constitute an additional sales and use tax conforming to all of the conditions set forth in subdivision (b) of Section 7203.5 of the Revenue and Taxation Code of the State of California.

~~.150~~ "Short-term Rental" means a residential dwelling or a portion thereof that is rented by an operator to another person or group of persons for occupancy, dwelling, lodging or sleeping purposes for a period of less than thirty (30) consecutive calendar days. For purposes of this definition, residential dwelling means a building, or portion thereof, designed exclusively for residential purposes, including single-family and multiple-family dwellings.

~~.016090~~ "Tax" (where such term is not capitalized) means the amounts imposed pursuant to Section 2.12.010 of this chapter; "Tax" (where such term is capitalized) means (1) the tax and (2) any applicable interest and penalties imposed by this chapter and (3) any amount collected by an operator under a representation that it is a tax which is not refunded in accordance with this chapter.

~~.1700~~ "Transient" means any person who exercises occupancy, or is entitled to occupancy, of any room, space, lot, area or site in any hotel by reason of concession, permit, right of access, license or other agreement whether written or oral. Any such person shall be deemed to be a transient until the thirtieth consecutive day (counting partial days as full days) of such occupancy or right of occupancy, and the tax imposed by this Chapter shall be due upon all rent collected or accruing prior to said thirtieth consecutive day unless the occupancy is pursuant to a Qualifying Rental Agreement.

Section 2: AUTHORITY OF CITY COUNCIL TO AMEND CODE

The City Council of the City of Anaheim is hereby authorized to amend Chapter 2.12 of the Anaheim Municipal Code in any manner that does not increase the rate of any tax or otherwise

constitutes a tax increase for which voter approval is required by Article XIII C of the California Constitution, including adopting exemptions, waivers, or reductions of the tax.

Section 3: BALLOT DESCRIPTION.

As provided in Government Code section 34458.5, the following ballot description is included in this proposed ordinance amending section 2.12.005 of the Anaheim Municipal Code:

This ordinance would amend section 2.12.005 of the Anaheim Municipal Code to: i) expressly include online travel companies and other travel companies/room sellers and resellers in the definition of an "operator" obligated to collect and directly remit transient occupancy tax to the City of Anaheim, ii) make clear that the full amount paid by a hotel guest for accommodations in a hotel is taxable, iii) specifically list in the Code certain charges delineated in the City's Transient Occupancy Tax Guidelines, such as overnight parking, resort and internet/WIFI charges which are part of or accompany a hotel room, that fall within the existing definition of "rent" in the Code; and iv) delete provisions mandating that online travel companies require hotel guests to directly pay hotels for accommodations. This amendment does not give the City Council power to raise its compensation or that of other City officials without voter approval.

Section 4: SEVERABILITY.

It is the intent of the people that the provisions of this ordinance are severable and that if any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

CLERK'S CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ANAHEIM)

I, THERESA BASS, City Clerk of the City of Anaheim, do hereby certify that the foregoing is the original Resolution No. 2022-071 adopted at a regular meeting provided by law, of the Anaheim City Council held on the 12th day of July 2022 by the following vote of the members thereof:

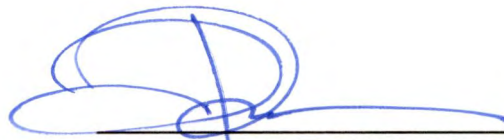
AYES: Mayor Pro Tem O'Neil and Council Members Diaz, Ma'ae, Moreno, Valencia and Faessel

NOES: None

ABSTAIN: None

ABSENT: None
[Mayoral vacancy]

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of July, 2022.



CITY CLERK OF THE CITY OF ANAHEIM

(SEAL)