

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CALLING AND GIVING NOTICE OF, ON ITS OWN MOTION, THE SUBMISSION TO THE ELECTORS OF THE CITY OF SAN JOSE AT A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE DIRECT PRIMARY ELECTION ON JUNE 2, 2026, A BALLOT MEASURE PROPOSAL TO AMEND SECTION 4.74.050 AND ADD SECTION 4.74.155 TO CHAPTER 4.74 OF TITLE 4 OF THE SAN JOSE MUNICIPAL CODE TO INCREASE THE GENERAL FUND PORTION OF THE TRANSIENT OCCUPANCY (HOTEL) TAX FROM FOUR PERCENT (4%) TO SIX PERCENT (6%)

WHEREAS, San José City Charter Section 1600 authorizes the City Council to set the date for a Special Municipal Election; and

WHEREAS, the City Council desires to submit to the electors of the City of San José at a Special Municipal Election a ballot measure proposal to amend Section 4.74.050 and add Section 4.74.155 to Chapter 4.74 of Title 4 of the San José Municipal Code to increase the General Fund portion of the Transient Occupancy (Hotel) Tax from four percent (4%) to six percent (6%);

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

SECTION 1. A Special Municipal Election is hereby called and ordered to be held in the City of San José on June 2, 2026 for the purpose of voting on a ballot measure amending Section 4.74.050 and adding Section 4.74.155 to Chapter 4.74 of Title 4 of the San José Municipal Code to increase the General Fund portion of the Transient Occupancy (Hotel) Tax from four percent (4%) to six percent (6%). The increased Transient Occupancy (Hotel) Tax is a general tax which shall become operative if a majority of the electors voting on the measure vote to approve the increased tax. The

revenues received from these taxes may be used for general governmental purposes. The full text of the measure and the actual language of the proposed Ordinance is attached to this Resolution as Exhibit A and incorporated by reference in this Resolution.

SECTION 2. The ballot measure will be placed on the ballot for the June 2, 2026 election in the following form:

MEASURE _____

To fund essential city services including police and fire emergency response; address homeless encampments impacting parks, neighborhoods, and waterways; remove trash, illegal dumping, and graffiti; and maintain trails, playgrounds, recreational facilities, and park restrooms, shall an ordinance be adopted increasing the general fund transient occupancy (hotel) tax from 4% to 6%, generating approximately \$10 million annually, and paid by hotel/motel guests, until repealed by voters?	YES	
	NO	

SECTION 3. The City Council hereby requests the Board of Supervisors of the County of Santa Clara, California to permit the Registrar of Voters of Santa Clara County (“Registrar of Voters”) to render to the City of San José such services as the City Clerk of the City of San José may request relating to the conduct of the above-described Special Municipal Election with respect to the following matters:

Coordination of election precincts, polling places, voting booths, voting systems and election officers; Printing and mailing of voter pamphlets; Preparation of tabulation of result of votes cast; and all other services necessary to conduct an election.

SECTION 4. The City Council hereby requests that the Registrar of Voters consolidate the Special Municipal Election called and ordered to be held on June 2, 2026 with any other election that may be held on that date.

SECTION 5. The City Council hereby authorizes the Board of Supervisors of Santa Clara County, California to canvass the returns of the Special Municipal Election.

SECTION 6. The City Council hereby directs the City Clerk to reimburse the County of Santa Clara in full for any of the above-mentioned services which may be performed by the Registrar of Voters, upon presentation of a bill to the City, with funds already appropriated to the City Clerk for election purposes.

SECTION 7. The City Council hereby directs the City Clerk to take all actions necessary to submit the measure to the Registrar of Voters for placement on the June 2, 2026 ballot and facilitate the Special Municipal Election in the time frame specified herein and comply with provisions of the Elections Code of the State of California, City Charter, Ordinances, Resolutions and Policies regarding the conduct of the Special Municipal Election.

SECTION 8. The City Council hereby directs the City Clerk to: (a) pursuant to Section 12111 of the California Elections Code, cause a synopsis of the proposed measure to be published at least one time not later than one week before the election in The Mercury News, a newspaper of general circulation within the City of San José; (b) consolidate the Notice of Measure to be Voted with the Notice of Election into a single notice; (c) cause the statement set forth in Section 9280 of the California Elections Code regarding notice of availability of a copy of the measure to be printed in the impartial analysis to be prepared by the City Attorney; and (d) do all other things required by law to submit the specified measure above to the electors of the City of San José at the Special Municipal Election, including causing the full text of the proposed

measure to be made available in the Office of the City Clerk at no cost and posted on the City Clerk's website.

SECTION 9. Pursuant to Sections 9282 and 9285 of the California Elections Code, the City Council hereby approves the submittal of direct arguments for and against the ballot measure, if any, and authorizes Mayor Matt Mahan to author and submit a ballot measure argument in favor of the ballot measure, and approves the submittal of rebuttal arguments in response to arguments for and against the ballot measure and authorizes the Mayor to author and submit a rebuttal, if any, on behalf of the City Council.

SECTION 10. The City Council hereby directs the City Clerk to transmit a copy of the measure qualifying for placement on the ballot to the City Attorney for preparation of an impartial analysis in accordance with Section 9280 of the California Elections Code.

SECTION 11. The City Council hereby acknowledges that the consolidated election will be held and conducted in the manner prescribed in California Elections Code Section 10418.

ADOPTED this _____ day of _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

EXHIBIT A

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF SAN JOSE:

SECTION 1. Section 4.74.050 of Chapter 4.74 of Title 4 of the San José Municipal Code is hereby amended to read as follows:

4.74.050 Imposition and Payment of Tax

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ~~four (4%) percent~~ six percent (6%) of the rent charged by the operator. Said tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator 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 occupancy in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the ~~e~~Director of ~~f~~Finance may require that such tax shall be paid directly to the ~~e~~Director of ~~f~~Finance.

SECTION 2. A new section is added to Chapter 4.74 of Title 4 of the San José Municipal Code, to be numbered, entitled, and to read as follows:

4.74.155 Amendment

Chapter XIIC of the California Constitution requires voter approval for any amendment that would increase the rate of any tax levied under this Chapter 4.74 of the San José Municipal Code. The People of the City of San José affirm that the City Council may amend this Chapter to take the following actions because these actions shall not be an increase of the rate of a tax subject to voter approval:

- A. The restoration of the rate of the tax to a rate that is no higher than that set by this Chapter, 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 Chapter;
- 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 Chapter); or
- D. The collection of the tax imposed by this Chapter, even if the City had, for some period of time, failed to collect the tax.

SECTION 3. This Ordinance shall be considered adopted upon the date that the City Council certifies the results of the election, and shall go into effect on October 1, 2026.

SECTION 4. Should any provision of this Ordinance or its application to any person or circumstance be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.