

ORDINANCE NO. 2022-01

**ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SAN JUAN BAUTISTA ADDING SECTION 3-4-256 TO THE SAN JUAN
BAUTISTA MUNICIPAL CODE TO ALLOW FOR LIENS AS A REMEDY WHEN
TRANSIENT OCCUPANCY TAX IS NOT REMITTED BY AN OPERATOR**

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WHEREAS, the City Manager asked the City Attorney to provide the City Council with an Ordinance to allow liens on real property as a remedy for when an operator failed to remit Transient Occupancy Tax to the City; and

WHEREAS, a certificate of tax lien can legally be used as a remedy to collect delinquent Transient Occupancy Tax.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. Title 3, Chapter 3-4 of the San Juan Bautista Municipal Code, is hereby amended to added one Section, to read as follows:

3.9-256 Certificate of Tax Lien.

If any amount required to be paid to the city under this chapter is not paid when due, the tax administrator may within three years after the date on which the tax was required to be paid, file for recording in the office of the San Benito County recorder, or of such counties as the tax administrator may determine, a certificate of lien which specifies the amount of tax and penalties and interest due and the name and address of the operator as it appears on the city records. The lien shall also specify that the tax administrator has complied with all provisions of this chapter in the determination of the amount required to be paid and provide a legal description of the real property owned by the operator. From the time of the filing for record of the certificate, the amount required to be paid, together with penalties and interest and all amounts coming due thereafter unless paid, constitutes a lien upon all real property owned or thereafter acquired by the operator before the tax lien expires. The tax lien has the force, effect, and priority of a judgment lien and shall continue for ten years from date of filing of the certificate unless sooner released or otherwise discharged.

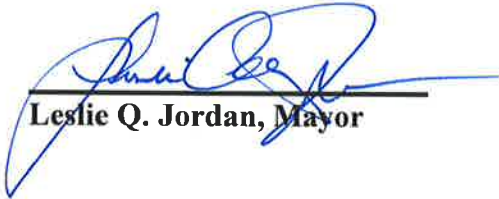
SECTION 2. **Severability.** The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance is held invalid, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

SECTION 3. Environmental assessment. The City Council declares that the approval of this ordinance is not subject to the California Environmental Quality Act (“CEQA”) because pursuant to CEQA Guidelines Sections 15060 (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); and, 15060 (c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively the approval of this ordinance is not a “Project” under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.


SECTION 4. Effective date. This ordinance shall go into effect thirty days after the date of its adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 15th day of March, 2022, and was adopted at a regular meeting of the San Juan Bautista City Council on the 19th day of April, 2022, by the following vote:


AYES: Jordan, Edge, Flores, Freels, Freeman
NOES: None
ABSENT: None
ABSTAIN: None



Leslie Q. Jordan, Mayor

ATTEST:


Don Reynolds, City Manager
(Acting City Clerk)

APPROVED AS TO FORM:


Robert Rathie
City Attorney