ORDINANCE NO. 7,269-N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 7.36 ON TRANSIENT OCCUPANCY TAX TO EXEMPT PASS-THROUGH OF TOURISM IMPROVEMENT DISTRICT ASSESSMENT CHARGES

BE IT ORDAINED by the Council of the City of Berkeley as follows:

<u>Section 1.</u> That subdivision (E) of Section 7.36.020 of the Berkeley Municipal Code is amended to read as follows:

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, except for charges passed through to a Transient to pay for the Berkeley Tourism Business Improvement District established on September 18, 2012, by Resolution 65,899–N.S., as well as any successor thereof, as long as such charges are: (1) separately stated and identified as such on the bill; and (2) do not exceed the amount of the assessment attributable to that Transient's Occupancy.

<u>Section 2.</u> Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on November 13, 2012, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington,

Wozniak and Bates.

Noes: None.

Absent: None.