

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE M

Measure M is the “Fairfield Transient Occupancy Tax (TOT) Measure.” If approved by the voters, this Measure would amend Fairfield’s existing Transient Occupancy Tax Ordinance (the “TOT Ordinance”) to increase the rate of the City’s TOT by two percent. The TOT is paid by guests who occupy, or have the right to occupy, hotels, inns, or other short-term lodgings within the City for 30 consecutive calendar days or fewer. The current TOT rate is ten percent (10%). This Measure would increase the TOT rate to twelve percent (12%).

At the proposed new rate, for example, a hotel stay costing a guest \$100 would generate a tax of \$12, instead of the current \$10. The TOT is collected from the lodging guests and paid to the City by operators of such lodgings.

The Measure would be a general tax, which means the tax revenue could be spent for all general governmental purposes. The City estimated that this Measure will raise approximately \$600,000 per year in new local revenue for use in the City. The City Council’s adopted ballot question states this new revenue would be used to protect essential City services, including pothole/street repair; fire protection/9-1-1 response; neighborhood police patrols; city park maintenance; senior and youth programs; and for general government use.

Measure M would permit the City Council to adjust the TOT to a rate that is less than 12%, but not higher, without further voter approval. The TOT Ordinance would be in effect from January 1, 2025 until ended by the voters. Measure M was placed on the ballot by a unanimous vote of the City Council.

Article XIIC of the California Constitution, commonly known as Proposition 218, requires that the proposed general tax be approved by a majority of the voters voting on the Measure. A “yes” vote on Measure M is to amend the TOT Ordinance. A “no” vote on Measure M is to not amend the TOT Ordinance and keep the tax rate the same.

David Lim
Fairfield City Attorney

The above statement is an impartial analysis of Measure M. If you desire a complete copy of the TOT Ordinance, please call the City Clerk at (707) 428-7384 and a copy will be sent to you at no cost.