



Legislation Text

File #: 16-382, **Version:** 1

RESOLUTION Establishing November 8, 2016 as the Date for a Municipal Election on a Proposed Ballot Measure Seeking Voter Authorization to Amend the City's Existing Business License Tax for General Fund Purposes, Establishing Policies and Procedures in Connection with Such an Election, Requesting that the Alameda County Registrar of Voters Conduct Such an Election, and Requesting that the City Attorney Prepare and File an Impartial Analysis of the Proposed Ballot Measure

WHEREAS, the proposed updates to the business license tax ordinance have been designed to better align the City's business license tax rates with City Council priorities to support local small businesses, to incentivize the productive use of the City's industrial areas, and to modify the rate applied to warehouse and distribution businesses and parking lots while still ensuring a competitive advantage for those parking lots as compared to similar businesses in Oakland; and

WHEREAS, the proposed updates would not negatively impact the vast majority of San Leandro's businesses; and

WHEREAS, this proposed ordinance will be submitted to the voters of the City at the November 8, 2016 general municipal election. The tax will be approved if the measure receives at least a majority of affirmative votes. Revenue from the tax would be placed in the City's General Fund, so the proposed tax would be a general tax; and

WHEREAS, under the provisions of State law relating to charter cities in the State of California, an election shall be held on November 8, 2016, for the submission to the voters of a question relating to an amendment to the business license tax; and

WHEREAS, it is desirable that the election be consolidated with the statewide election to be held on the same date, and that within the City, the precincts, polling places, and election officers of the two elections be the same; and

WHEREAS, it is desirable that the County Elections Department of the County of Alameda canvass the returns of the election and that the election be handled in all respects as if there were only one election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Leandro that:

Section 1. The foregoing recitals are true and correct and hereby incorporated by reference.

Section 2. The City Council is authorized to present a proposition to the voters for their

consideration pursuant to Article XIIC of the California Constitution, Government Code section 53724, and Elections Code section 9222. Pursuant to California Government Code Section 53724(b), this Resolution, including the approval of the submission of the proposed Ordinance (attached as Attachment 1) must be approved by a two-thirds vote of all members of the City Council.

Section 3. The City Council hereby calls an election at which it shall submit to the qualified voters of the City of San Leandro, a measure that, if approved, would amend the City's general business license tax, as authorized by California Government Code section 37101 and California Business and Professions Code section 16000 *et seq.* This measure shall be designated by letter by the Alameda County Registrar of Voters. Pursuant to Elections Code Section 10400 *et seq.*, the election for this measure shall be consolidated with the election to be conducted on November 8, 2016.

Section 4. The ballot language for the proposed measure shall be as follows:

To maintain and enhance the City of San Leandro, with funding that cannot be taken by Sacramento, including: enhancing City infrastructure and general City services, shall the City of San Leandro modify the ongoing business license tax to reduce taxes for small businesses, charge 10 percent of gross receipts for parking lots, and charge \$100 per 1,000 square feet of warehouse and distribution space, providing \$800,000 annually, requiring independent taxpayer oversight, and all funds stay in San Leandro?

YES

NO

Section 5. The full text of the proposed measure to be submitted to the voters is attached as Attachment 1 (the "Measure") hereto. If the majority of qualified voters voting on the Measure vote in favor therefor, the Measure shall be adopted and shall be effective upon its adoption.

Section 6. The City Clerk is hereby directed to cause notice of the measure to be published once in a newspaper of general circulation in the City, in accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code.

Section 7. The City Clerk is directed to cause the posting, publication, and printing of notices and all other matters pursuant to the requirements of the Elections Code and Government Code of the State of California.

Section 8.

(a) The City Council hereby requests that the Alameda County Board of Supervisors consolidate the election called by this resolution with the statewide election to be conducted on November 8, 2016 and order the election to be conducted by the Registrar of Voters. The City Clerk is directed to file a certified copy of this resolution with the Board of Supervisors of Alameda County and the Registrar of Voters of Alameda County on or before [REDACTED].

(b) The election on the measure set forth in Section 4 shall be held and conducted, the voters canvassed and the returns made, and the results ascertained and determined as provided for herein. In all particulars, the election shall be held in accordance with the Elections Code of the State

of California.

(c) The election on the measure set forth in Section 4 shall be held in Alameda County in the City of San Leandro on November 8, 2016, as required by law, and the Board of Supervisors of Alameda County is authorized to canvass the returns of the election with respect to the votes cast in the City of San Leandro and certify the results to the City Council of the City of San Leandro.

(d) At the next regular meeting of the City Council of the City of San Leandro occurring after the returns of the election for the measure set forth in Section 4 have been canvassed and the certification of the results to the City Council, the City Council shall cause to be entered in its minutes a statement of the results of the election.

(e) The City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code Section 10418.

Section 9.

(a) The last day for submission of primary arguments for or against the measure shall be by 5:00 p.m. on [REDACTED].

(b) The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on [REDACTED].

(c) Primary arguments shall not exceed three hundred words and shall be signed by not more than five persons.

(d) Rebuttal arguments shall not exceed two hundred fifty words and shall be signed by not more than five persons; those persons may be different from the persons who signed the primary arguments.

(e) The City Attorney shall prepare by [REDACTED], an impartial analysis of the Measure showing the effect of the Measure.

(f) The Mayor (and Council Member or Vice Mayor) (or Council Members _____) is/are hereby authorized to file a written argument in favor of the proposed measure, not to exceed three hundred words, on behalf of the City Council. At the Mayor's discretion, the argument may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote. In the event that an argument is filed against the measure, the Mayor and Vice Mayor/Council Member are also authorized to file a rebuttal argument on behalf of the City Council, which may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote, which may be different from those who signed the direct argument.

(g) Pursuant to California Elections Code Section 9285, when the City Clerk has selected the arguments for and against the Measure, which will be printed and distributed to the voters, the City 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. Rebuttal arguments shall be printed in the same manner as the direct arguments.

Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut.

Section 10. The City Clerk is hereby authorized and directed to take all steps necessary to place the Measure on the ballot and to cause the ordinance or measure to be printed. A copy of the ordinance or measure shall be made available to any voter upon request..

Section 11. The City Manager is hereby authorized and directed to appropriate the necessary funds to pay for the City's costs of placing the measure on the election ballot.

Section 12. Compliance with California Environmental Quality Act. The approval of this resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). The tax proposed by this resolution is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guidelines section 15060 CEQA analysis is not required.

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