

ORIGINAL

RESOLUTION NO. 15134

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY SUBMITTING TO THE VOTERS AT THE NOVEMBER 8, 2011 GENERAL ELECTION A BALLOT MEASURE INCREASING THE BUSINESS LICENSE TAX**

**WHEREAS**, proceeds from the City's Business License Tax are deposited in the City's general fund and available for any lawful municipal purpose; and

**WHEREAS**, Government Code Section 53724 authorizes the City Council, by a two thirds vote of all its members, to propose a general tax; and

**WHEREAS**, Elections Code Section 9222 authorizes the City Council to submit an ordinance directly to the voters; and

**WHEREAS**, the ordinance attached hereto as **Attachment A** and incorporated herein by reference (the "Ordinance") would increase the rate of the City's Business License Tax; and

**WHEREAS**, by its Resolution No. 15111, approved May 23, 2011, the City Council has called a municipal election on November 8, 2011 (the "Election"), and requested the assistance of the county elections office; and

**WHEREAS**, the City Council desires to submit the Ordinance by ballot question to the voters at the Election.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Redwood City as follows:

1. The City Council proposes to impose the general tax set forth in the Ordinance. The proposed type of tax, the rate of the tax, and the method of tax collection are as set forth in the Ordinance.
2. Pursuant to Elections Code Section 9222, the City Council hereby submits the Ordinance to the voters at the Election and orders the following question be submitted to the voters at the Election:

To preserve funding for general city services such as libraries, parks, and public safety, shall an ordinance be approved increasing, over three years, the business license tax rates by \$21 plus \$15 per employee (with a similar increase for businesses not taxed on a per employee basis) annually adjusted thereafter based on the Consumer Price Index, with proceeds placed in the City's General Fund, subject to City's annual independent financial audit?	YES	
	NO	

This question requires the approval of a majority of those casting votes.

3. The complete text of the proposed ordinance is attached hereto as **Attachment A**, and is not to be printed in the voter pamphlet. The full text of the ordinance shall be made available to any voter on request. (*Cal. Elections Code §§ 9233 and 9280*)
4. The City Clerk is instructed to transmit the Measure to the City Attorney along with a request that an impartial analysis be prepared for inclusion in the Voters' Pamphlet materials. Pursuant to Elections Code Section 9280, the City Attorney shall prepare an impartial analysis, which shall be filed with the City Clerk's office no later than August 29, 2011.

Arguments for and against the Measure may be submitted to the City Clerk's office located at 1017 Middlefield, Redwood City, CA 94063, until 5 p.m. on August 19, 2011. Rebuttal arguments will be permitted and must be received in the City Clerk's office by 5:00 pm on August 29, 2011. The City Council adopts the provisions of Elections Code Section 9285 (a), a copy of which is attached hereto as **Attachment B**, regarding rebuttal ballot arguments.

If there is any inconsistency between this Resolution and the schedule of the County Clerk for filing the impartial analysis and the arguments, the schedule of the Clerk of San Mateo County controls.

5. In all particulars not recited in this Resolution, the Election shall be held and conducted as provided by law for holding municipal elections.
6. Notice of the time and place of holding of the Election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the Election in the time, form, and manner as required by law.
7. The City Clerk is hereby authorized to do all things necessary and proper to implement the provisions of this Resolution, including certifying the passage and adoption of this Resolution and entering it into the book of original Resolutions.
8. The proposed Ordinance is not subject to CEQA because it is not a "project" pursuant to Public Resource Code Section 21065 and Section 15378(b)(4) of the CEQA Guidelines; further if the proposed Ordinance were to be found a "project," it is statutorily exempt from CEQA pursuant to Section 15273(a)(1)

of the CEQA Guidelines, as the purpose of the increase to the Business License Tax is to meet operating expenses.

9. Resolution Number 15128 adopted on June 27, 2011, is hereby rescinded and superseded by this Resolution.

\* \* \*

Passed and adopted by the Council of the City of Redwood City at a Joint City Council/Redevelopment Agency Board Meeting thereof held on the 11<sup>th</sup> of July, 2011 by the following votes:

A YES, and in favor of the passage and adoption of the foregoing resolution,  
Council members: Aguirre, Bain, Gee, Pierce, Seybert and Mayor Ira

NOES: None

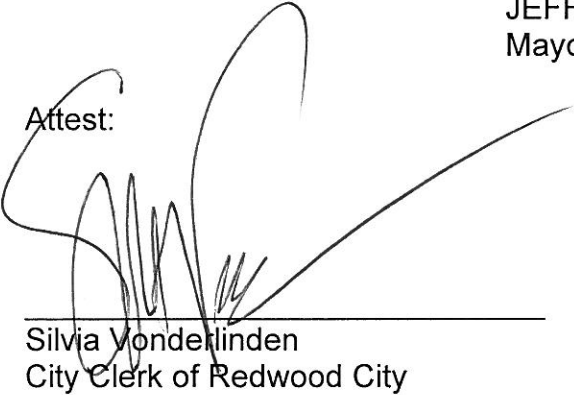
ABSTAIN: None

ABSENT: Foust



\_\_\_\_\_  
JEFF IRA  
Mayor of the City of Redwood City

Attest:

  
\_\_\_\_\_  
Silvia Vonderlinden  
City Clerk of Redwood City

I hereby approve the foregoing  
resolution this 12<sup>th</sup> day of July 2011.



\_\_\_\_\_  
JEFF IRA  
Mayor of the City of Redwood City

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF REDWOOD CITY AMENDING DIVISION 6 OF ARTICLE V OF CHAPTER 32 OF THE REDWOOD CITY MUNICIPAL CODE TO INCREASE THE RATE OF THE BUSINESS LICENSE TAX**

The People of the City of Redwood City Ordain as follows:

**Section 1.** Division 6 of Article V of Chapter 32 of the Redwood City Municipal Code is amended to read as follows:

**DIVISION 6 -- License Taxes**

**SECTION 32.151 – TAX IMPOSED**

Every person commencing, engaged in, conducting or carrying on a business within the City shall pay an annual business license tax. The tax consists of two components: a “base tax” calculated pursuant to Section 32.152 and an “incremental tax” calculated pursuant to Sections 32.153 and 32.154. Where Section 32.154 indicates “base tax not applicable” with respect to a type of business, only the “incremental tax” is required.

**SECTION 32.152 -- BASE TAX RATE**

The annual rate for the base tax is:

- \$ 43 effective July 1, 2012;
- \$ 50 effective July 1, 2013; and
- \$ 58 effective July 1, 2014.

**SECTION 32.153 -- INCREMENTAL TAX RATE**

Except where some other rate is set forth in Section 32.154, the rate for the incremental tax is:

- \$ 28 per employee, effective July 1, 2012;
- \$ 33 per employee, effective July 1, 2013; and
- \$ 39 per employee, effective July 1, 2014.

The number of employees for a business shall be the average number of persons employed, including employees of contractors, subcontractors and professional persons engaged in or to be engaged in such business

**SECTION 32.154 -- SPECIAL INCREMENTAL TAX RATES**

The rate for the incremental tax with respect to each type of business listed in this Section shall be:

## Attachment A

Business Type	Effective July 1, 2012	Effective July 1, 2013	Effective July 1, 2014	
Residential property rental	\$ 15	\$ 18	\$ 21	per unit of dwelling space in excess of 3 units
Nonresidential property rental	\$ 15	\$ 18	\$ 21	per 1,000 sq. ft. or fraction
Real estate brokerage	\$ 28	\$ 33	\$ 39	per salesperson or employee
Dance hall operator	\$ 425	\$ 496	\$ 579	flat annual
Vehicle wrecking facility	\$ 425	\$ 496	\$ 579	flat annual
Christmas tree lot sales operation	\$ 425	\$ 496	\$ 579	flat annual
Commercial advertising	\$ 425	\$ 496	\$ 579	flat annual
Fortunetelling	\$ 425	\$ 496	\$ 579	flat annual
Junk collector	\$ 425	\$ 496	\$ 579	flat annual
Pawnbroker	\$ 425	\$ 496	\$ 579	flat annual
Itinerant vendor	\$ 28	\$ 33	\$ 39	per week
Solicitors/hawkers	\$ 28	\$ 33	\$ 39	per day
Peddlers	\$ 28	\$ 33	\$ 39	per person
Curb painters	\$ 15	\$ 18	\$ 21	per day per person
Carnival operator	\$ 354	\$ 413	\$ 482	per day
Coin-operated device activity	\$ 8	\$ 9	\$ 11	per device
Commercial advertising vehicle operation	\$ 43	\$ 50	\$ 58	per vehicle (base tax not applicable)
Contracting (excluding any contracting business with gross receipts over \$50,000.00) business in Redwood City	\$ 28	\$ 33	\$ 39	flat annual

**SECTION 32.155 -- MAXIMUM TAX**

Notwithstanding anything to the contrary contained in this Article, the annual business license tax payable for any one business shall not exceed:

Attachment A

\$ 3,535 effective July 1, 2012;  
\$ 4,124 effective July 1, 2013; and  
\$ 4,811 effective July 1, 2014.

**SECTION 32.156 -- AUTOMATIC ADJUSTMENT**

Commencing July 1, 2015 and on each subsequent July 1, each rate set forth in this Division (including the maximum rate set forth in Section 32.155) shall automatically adjust according to the following formula:

$$[\text{New Rate}] = [\text{July 1, 2014 Rate}] * \frac{[\text{Current CPI}]}{[\text{2014 CPI}]}$$

Where the "CPI" for a year is the Consumer Price Index (CPI) for All Urban Consumers for the San Francisco-Oakland-San Jose Areas published by the United States Department of Labor, Bureau of Labor Statistics, for February of that year. In no event shall any rate be reduced below the rate in effect immediately prior to the applicable adjustment. In the event the CPI is no longer published, the City Manager shall select a price index most nearly conforming to the CPI.

**Section 2.** This Ordinance amending Division 6 of Article V of Chapter 32 of the Redwood City Municipal Code shall be in full force and effect ten (10) days after the date on which the City Council has approved the canvass of votes and declared that the voters of the City of Redwood City have approved said Ordinance by a vote of no less than a majority of the votes cast by the electors voting on the tax measure set forth in this Ordinance at the general municipal election to be held on Tuesday, November 8, 2011. The effective date for purposes of levying the increased tax shall be July 1, 2012.

**Section 3.** The City Clerk shall publish this Ordinance in accordance with the provisions of the City Charter.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

**Attachment B**

**§ 9285. Copies of arguments to persons who have filed opposing arguments; Rebuttal arguments**

**(a)**

(1) When an elections official receives an argument relating to a city measure that will be printed in the ballot pamphlet, the elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

(2) The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

(3) No rebuttal argument may exceed 250 words.

(4) A rebuttal argument relating to a city measure shall be filed with the elections official no later than 10 days after the final filing date for primary arguments.

(5) A rebuttal argument relating to a city measure may not be signed by more than five persons and shall be printed in the same manner as a direct argument and shall immediately follow the direct argument which it seeks to rebut.

(b) Subdivision (a) applies only if, not later than the day on which the legislative body calls an election, the legislative body adopts its provisions by majority vote, in which case subdivision (a) applies at the next ensuing municipal election and at each municipal election thereafter, unless later repealed by the legislative body in accordance with the procedures of this subdivision.