

RESOLUTION NO. 64-08

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, CALLING AND PROVIDING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2008, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS AN ORDINANCE AMENDING CHAPTER 7.04 OF THE RICHMOND MUNICIPAL CODE TO ENACT THE BUSINESS LICENSE ACT.

WHEREAS, the City Council (the "Council") of the City of Richmond (the "City"), within the County of Contra Costa, California (the "County"), is authorized to levy and increase business license taxes, if the ordinance proposing that tax is approved by a majority vote of the qualified voters of the City voting in an election on the issue; and

WHEREAS, a form of ordinance (the "Ordinance") is attached hereto and incorporated herein which amends and restates Chapter 7.04 of the Richmond Municipal Code relating to business licenses; and

WHEREAS, the Council pursuant to California Election Code Section 9215 desires to respond to the petition received proposing an initiative measure to enact an Ordinance to define the category of Manufacturers and to establish a payment formula for Manufacturers, and

WHEREAS, the Council deems it necessary and advisable to submit the Ordinance to the qualified voters of the City to be approved by a majority of the votes cast; and

WHEREAS, on November 4, 2008, a regularly scheduled statewide election is scheduled to be conducted throughout the City; and

WHEREAS, Section 2.16.070 of the Municipal Code of the City requires that an impartial analysis of the measure covering its financial impact upon City government be printed preceding the arguments for and against the measure in official materials relating to the election; and

WHEREAS, the Council now desires to authorize the filing of a ballot argument in favor of the measure to be submitted to the voters at the election;

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

Section 1. The foregoing recitals are true and correct, and this City Council so finds and determines.

Section 2. A special municipal election (the "Initiative Election") is hereby called and consolidated with the statewide election to be held in the City Tuesday, November 4, 2008, on the following initiative measure submitted by the City Council:

"Shall the Richmond Business License Act be adopted effective January 1, 2009, to define the category of Manufacturer and to establish a license fee equal to one fourth of one percent (0.25%) of the value of the material used in the manufacturing process during the preceding calendar year for large manufacturers, be adopted?"

Section 3. The City Clerk of the City of Richmond is hereby ordered and directed to cause said proposed initiative measure to be printed and to mail a copy of said initiative measure to all registered voters in the City of Richmond with their sample ballots in substantially the form set forth in Exhibit A, attached hereto.

Section 4. (a) The City hereby requests the Board of Supervisors of the County of Contra Costa, State of California (the "County") to consolidate the Initiative Election with the statewide election being conducted on the same date in the same territory or any territory which is in part the same. Pending approval of such request, the Initiative Election will be consolidated with any election held by the County. In any event, the Initiative Election will be held on November 4, 2008, from the hour of 7:00 a.m. to the hour of 8:00 p.m., during which period of time the polls will remain continuously open. At 8:00 p.m. the polls will be closed, except as provided in Section 14401 of the Elections Code, and the officers of the Election shall thereupon proceed to canvass the ballots cast thereat.

(b) The election precincts, polling places and voting booths within said City for said Initiative Election shall in every case be the same as the election precincts, polling places and voting booths established for the statewide election and the election officers for said Initiative Election shall be the same as those selected and designated or to be selected and designated for the statewide election.

(c) Said Initiative Election shall be held and conducted, and the voters thereof canvassed, and the returns thereof made, all in accordance with the general election laws of the State of California and the Charter and ordinances of said City.

(c) All persons qualified to vote at municipal elections in said City shall be qualified to vote.

(d) Said Council shall meet forthwith after the canvass of the returns of said Initiative Election and shall state in the minutes of such meeting the results of said Initiative Election as ascertained by said canvass.

Section 5. The City Clerk of the City of Richmond is hereby authorized to sign a Notice of Election and Notice of Measure To Be Voted On in substantially the following form:

NOTICE OF ELECTION AND
NOTICE OF MEASURE TO BE VOTED ON

NOTICE IS HEREBY GIVEN that the following measure is to be voted on at the special municipal election (the "Initiative Election") to be held in the City of Richmond, on Tuesday, the 4th day of November 2008:

"Shall the Richmond Business License Act be adopted effective January 1, 2009, to define the category of Manufacturer and to establish a license fee equal to one fourth of one percent (0.25%) of the value of the material used in the manufacturing process during the immediately preceding calendar year for large manufacturers, be adopted?"

Said Initiative Election has been consolidated with the statewide election to be held in the City of Richmond on November 4, 2008. The election precincts within the City of Richmond for said Initiative Election shall be the regular election precincts established for said statewide election, and the polling places and officers of the Initiative Election within the City of Richmond for said Initiative Election shall be the same as those selected and designated or to be selected and designated for said statewide election.

The polls will be opened between the hours of 7:00 a.m. and 8:00 p.m.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF RICHMOND,

Dated: June 17, 2008.

Clerk of the City of Richmond

(SEAL)

The Clerk of the City is hereby authorized and directed to publish said Notice of Election and Notice of Measure To Be Voted On at least one time not later than a week before the election in the WEST COUNTY TIMES, a newspaper of general circulation circulated within the City of Richmond, in accordance with the provisions of Section 12111 of the Elections Code of the State of California.

Section 6. The Clerk of the City is hereby authorized and directed to cause to be delivered, no later than August 8, 2008 (which date is not fewer than 88 days prior to the date set for the statewide election), one copy of this Resolution to the Registrar of Voters of the County.

Section 7. The Finance Director of the City is hereby authorized and directed to prepare and file with the Registrar of Voters an impartial analysis of the measure contained in Section 2 hereof covering its financial impact upon the City government in accordance with Section 2.16.070 of the Municipal Code of the City, within the time established by the Registrar of Voters.

Section 8. The Mayor, or any member or members of this Council as the Mayor shall designate, is hereby authorized, but not directed, to prepare and file with the Registrar of Voters a ballot argument in favor of the measure contained in Section 2 hereof, within the time established by the Registrar of Voters, which shall be considered the official ballot argument of this Council as sponsor of the measure.

Section 7. This resolution shall take effect immediately upon its adoption.

I hereby certify that the foregoing resolution of the City Council of the City of Richmond, California was duly passed and adopted and at a meeting thereof held on June 17, 2008, by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin

NOES: None

ABSTENTIONS: None

ABSENT: None

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

LOUISE RENNE
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Resolution No. 64-08, was passed and adopted by Council of the City of Richmond at a Meeting held on June 17, 2008.

DIANE HOLMES
Clerk of the City of Richmond

CLERK'S CERTIFICATE

I, Diane Holmes, Clerk of the City of Richmond, do hereby certify as follows:

The foregoing resolution is a full, true and correct copy of a resolution duly adopted at a regular meeting of the City Council of said City duly and regularly held at the regular meeting place thereof on the 17th day of June, 2008, of which meeting all of the members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin

NOES: None

ABSTENTIONS: None

ABSENT: None

An agenda of said meeting was posted at least 72 hours before said meeting at 1401 Marina Way South, Richmond, California 94804, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

I have carefully compared the foregoing with the original minutes of said meeting on file and of record in my office, and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

Dated: June 17, 2008.

DIANE HOLMES
Clerk of the City of Richmond