CITY COUNCIL RESOLUTION NO. 50-16

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, CALLING AND PROVIDING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016 AND SUBMITTING TO THE VOTERS A MEASURE TO ADOPT AN INCREASE IN THE CITY'S REAL ESTATE DOCUMENTARY TRANSFER TAX

WHEREAS, the City Council (the "Council") of the City of Richmond (the "City"), within the County of Contra Costa, California (the "County"), desires to place a ballot measure before the voters at the November 8, 2016 election to adopt an increase in the City's Real Estate Documentary Transfer Tax (the "Ordinance"); and

WHEREAS, the Ordinance increases the City's Real Estate Documentary Transfer Tax ("Transfer Tax Increase") to a total of 1% assessed on transfers of property for consideration valued less than $400,000, and a total of 1.5% assessed on transfers of property for consideration valued at $400,000 and above, to be deposited into the General Fund for general municipal purposes; and

WHEREAS, in order for the Transfer Tax Increase to become effective, it must be approved by the electorate; and

WHEREAS, the Council is authorized to request and order that this election be consolidated with other elections to be held on the same day and in the same territory (California Elections Code 10400 *et seq.*); and

WHEREAS, the City Council desires to call a general municipal election for November 8, 2016 ("Election"); and

WHEREAS, the City Council desires to submit the Transfer Tax Increase to the qualified electors of the City at that Election; and

WHEREAS, to minimize the expense of conducting the Election, the City Council desires to consolidate its election with a statewide election.

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

<u>Section 1.</u>   The foregoing recitals are true and correct, and this Council so finds and determines.

<u>Section 2.</u>   A general municipal election is hereby called and consolidated with the statewide election to be held in the City on Tuesday, November 8, 2016. In addition to seats on the City Council to be contested, the City Council hereby submits the following measure to the voters:

"Shall the Ordinance to amend the City of Richmond's Municipal Code to increase the City's Real Estate Documentary Transfer Tax from .7% to 1% and 1.5%, based on the property's sale price, be adopted?"

<u>Section 3.</u>   The Ordinance authorizing the Transfer Tax Increase to be approved by the voters is as set forth in Exhibit A. The City Council hereby approves submission of the ordinance to the voters of the City at the November 8, 2016 election. The Ordinance specifies that the total rate of the Transfer Tax Increase shall be one percent (1%) of the sales price of real property transferred for consideration valued at less than $400,000, and one and one-half percent (1.5%) of the sales price of real property transferred for consideration valued at $400,000 or more.

Section 4.   The City Clerk of the City of Richmond is hereby ordered and directed to cause said proposed measure to be printed and to mail a copy of said measure to all registered voters in the City of Richmond with sample ballots in substantially the form set forth in Exhibit B, attached hereto.

Section 5.   (a) The City hereby requests the Board of Supervisors of the County to consolidate the 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 Election will be consolidated with any election held by the County. In any event, the Election will be held on November 8, 2016, 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 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 Election shall be the same as those selected and designated or to be selected and designated for the statewide election.

(c)   Said 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.

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

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

Section 6.   The City Clerk of the City of Richmond is hereby authorized to sign a Notice of Election and Measure To Be Voted On in a form substantially similar to that attached hereto as Exhibit B. The Clerk of the City is hereby authorized and directed to publish said Notice of Election and Measure To Be Voted On at least one time not later than a week before the election in the EAST BAY 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 7.   The Clerk of the City is hereby authorized and directed to cause to be delivered, no later than August 12, 2016 (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 8.   The City Council hereby directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit such impartial analysis to the City Clerk within ten (10) days of the adoption of this resolution.

Section 9.   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 10.   Pursuant to Section 9282 of the Elections Code of the State of California, the legislative body of the City of Richmond, or any member or members of the legislative body authorized by the body, or any individual voter who is eligible to vote on the measure or bona fide association of citizens, or any combination of voters and associations, may file a written argument, not to exceed 300 words in length, accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, for or against the City measure.

Section 11.   This tax is a general tax requiring the approval of a majority of qualified electors casting votes. The Council has complete discretion to expend the tax proceeds for any lawful purpose of the City of Richmond.

Section 12.   Pursuant to California Elections Code section 9285, subdivision (b), the City Council hereby adopts the provisions of California Elections Code section 9285, subdivision (a), relating to rebuttal arguments for the measure identified in section 2 above only for the November 8, 2016 election and thereafter this section 12 shall expire.

Section 13.   This resolution shall take effect immediately upon its adoption.

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I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held June 21, 2016, by the following vote:

AYES: Councilmembers Bates, Beckles, McLaughlin, Myrick, Vice Mayor Martinez, and Mayor Butt.

NOES: None.

ABSTENTIONS: Councilmember Pimplé.

ABSENT: None.

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_____PAMELA CHRISTIAN_____
CLERK OF THE CITY OF RICHMOND
(SEAL)

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Approved:

TOM BUTT_____
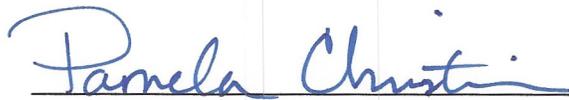Mayor

Approved as to form:

_BRUCE GOODMILLER_____
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. 50-16**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on June 21, 2016.

Pamela Christian, Clerk of the City of Richmond

Exhibit A

ORDINANCE NO. _____ N.S.

AN ORDINANCE OF THE PEOPLE OF THE CITY OF RICHMOND AS APPROVED BY THE CITY'S QUALIFIED ELECTORS AT THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2016 TO INCREASE THE DOCUMENTARY STAMP TAX

The People of the City of Richmond do ordain as follows:

SECTION 1

Section 13.40.020 of Chapter 13.40 of Article XIII of the City of Richmond Municipal Code is hereby amended to read as follows:

13.40.020 - Imposition of tax.

There is hereby imposed a tax on all transfers by deeds, instruments, writings or any other document by which lands, tenements, or other interests in real property are sold, located in the City of Richmond, which are, or is, granted, assigned, transferred or otherwise conveyed to or vested in a purchaser, or purchasers thereof, or any other person or persons, by his/her or their direction, when the value of consideration exceeds one hundred dollars ($100.00). The tax shall be levied at the following rates:

(a) Fifteen dollars ($15.00) for each one thousand dollars ($1,000.00) or fractional part thereof of the consideration equal to or exceeding four hundred thousand dollars ($400,000.00);

(b) Ten dollars ($10.00) for each one thousand dollars ($1,000.00) or fractional part thereof of the consideration less than four hundred thousand dollars ($400,000.00).

SECTION 2

The tax imposed by this Ordinance is a general tax for general governmental purposes and may be used for any usual and current expenses of the City of Richmond as declared by Richmond Municipal Code section 13.40.015.

SECTION 3

If any section, subsection, part, clause, sentence or phrase of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the validity of the remaining portions of this Ordinance, the application thereof and the tax imposed shall not be affected thereby, but shall remain in full force and effect, it being the intent of the People to adopt each and every section, subsection, part, clause, or phrase regardless of whether any other section, subsection, part, clause, or phrase or the application thereof is held to be invalid or unconstitutional.

SECTION 4

It is the intent of the People that City of Richmond Municipal Code Section 13.40.020 by this Ordinance shall not be considered repealed and reenacted in its amended form; that the portions which are not altered

are to be considered as having been the law from the time when they were enacted; that the new provisions are to be considered as having been enacted at the time of the amendment; and that the omitted portions are to be considered as having been repealed at the time of the amendment.

SECTION 5

If a majority of qualified electors vote in favor of the ballot measure regarding this Ordinance, this Ordinance shall be adopted upon the date the vote therefor is declared by the City Council and shall go into effect ten (10) days thereafter in accordance with California Elections Code Section 9217 and article VIII of the Richmond City Charter.

SECTION 6

The People of the city of Richmond hereby authorize the Mayor and City Clerk of the city to execute this Ordinance to reflect its adoption at the November 8, 2016 election.

I hereby certify that the foregoing ordinance was duly adopted by a majority of the voters of the City casting votes on the question on November 8, 2016.

CITY OF RICHMOND

**NOTICE OF GENERAL MUNICIPAL ELECTION
AND MEASURE TO BE VOTED ON**

NOTICE IS HEREBY GIVEN that a General Municipal Election will be held in the City of Richmond on Tuesday, November 8, 2016, at which there will be submitted to the voters the following measure:

"Shall the Ordinance to amend the City of Richmond's Municipal Code to increase the City's Real Estate Documentary Transfer Tax from .7% to 1% and 1.5%, based on the property's sale price, be adopted?"

Said Election has been consolidated with the Statewide General Election to be held in the City of Richmond on November 8, 2016. The election precincts within the City of Richmond for said Election shall be the regular election precincts established for said Statewide General Election, and the polling places and officers of election within the City of Richmond for said Election shall be the same as those selected and designated or to be selected and designated for said Statewide General Election.

NOTICE IS FURTHER GIVEN pursuant to Article 4, Section 9282 of the Elections Code of the State of California, the legislative body of the City of Richmond, or any member or members of the legislative body authorized by the body, or any individual voter who is eligible to vote on the measure or bona fide association of citizens, or any combination of voters and associations, may file a written argument, not to exceed 300 words in length, accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, for or against the City measures.

NOTICE IS FURTHER GIVEN that, based upon the time reasonably necessary to prepare and print the arguments and sample ballots for the election, the City Clerk has fixed August 24, 2016, during normal office hours, 8:30 a.m. to 5:00 p.m., as the date after which no arguments for or against the City measures may be submitted to the Clerk for printing and distribution to the voters as provided in Article 4. Arguments shall be submitted to the City Clerk, accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument, at the Richmond City Hall, 450 Civic Center Plaza, Suite 300, Richmond, California. No more than five signatures may appear on the argument.

NOTICE IS FURTHER GIVEN that the City Council of the City of Richmond has determined that rebuttal arguments, not to exceed 250 words in length, as submitted by the authors of the opposing direct arguments, may be filed with the City Clerk by August 29, 2016, during normal office hours, 8:30 a.m. to 5:00 p.m., accompanied by the printed names (s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers. No more than five signatures may appear on the rebuttal.

NOTICE IS FURTHER GIVEN that any ordinance, impartial analysis, or direct argument filed under the authority of the Elections Code will be available for public examination in the City Clerk's office from August 25, 2016, to September 6, 2016. Any rebuttal argument filed under the authority of the Elections Code will be available for public examination in the City Clerk's Office from August 30, 2016, to September 8, 2016.

The polls will be open on Election Day between the hours of 7:00 a.m. and 8:00 p.m.

Pamela Christian
Clerk of the City of Richmond
City Elections Official

NOTA:

Si desea obtener la version en Espanol de este aviso legal, puede solicitar una copia de la misma llamando al Departamento de Elecciones, 1(925) 335-7800.

Dated: June 21, 2016

Publish: