

ORDINANCE NO. 2018-07

**AN ORDINANCE OF THE CITY OF ALBANY AMENDING ARTICLE 4-12,
CHAPTER IV OF THE CITY OF ALBANY MUNICIPAL CODE EXTENDING THE
DURATION OF A TRANSACTIONS AND USE (SALES) TAX FOR GENERAL
MUNICIPAL PURPOSES ADMINISTERED BY THE CALIFORNIA DEPARTMENT
OF TAX AND FEE ADMINISTRATION**

WHEREAS, Measure F was adopted by the voters in 2012 imposing a Transactions and Use (Sales) Tax at the rate of one-half of one percent (0.5%) to remain in effect for a period of eight years after the tax was first collected; and

WHEREAS, the proceeds of the tax imposed by Measure F have helped the City of Albany to continue providing and maintaining a wide variety of essential public services, including: fire and police protection, safety, and emergency response; recreational programs, parks, playgrounds and open space; senior and youth programs and facilities; community development; environmental preservation; and other general City services and facilities; and

WHEREAS, the City has determined that it is in the best interest of the People of Albany that the tax remain in effect permanently; and

WHEREAS, the tax, if its proposed extension is approved, would continue to be imposed on the sale of tangible personal property and the storage, use, or other consumption of such property; and the tax revenue would be collected by the California Department of Tax and Fee Administration (performing functions formerly performed by the California State Board of Equalization) and remitted to the City; and

WHEREAS, the tax, if its proposed extension is approved, would continue to be a general tax that can be used for any legitimate governmental purpose and not committed to any particular purposes; and the ballot measure extending the duration of the tax shall be approved if it receives at least a simple majority of affirmative votes.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

SECTION 1.

This Ordinance is enacted in accordance with the authority granted to cities by Article XI, Section 7, of the California Constitution and Revenue and Taxation Code section 7285.9.

SECTION 2.

Chapter IV, Article 4-12, Section 4-12.17 of the City of Albany Municipal Code is hereby amended to read:

4-12.17 TERMINATION DATE

The authority to levy the tax shall remain in effect unless a later ordinance terminating said tax is adopted and approved by the voters.

SECTION 3.

All references in Article 4-12 of the City of Albany Municipal Code to the “State Board of Equalization” are hereby deleted and replaced with “California Department of Tax and Fee Administration.”

SECTION 4.

The People of the City of Albany find that all Recitals contained in this Ordinance are true and correct and are incorporated herein by reference.

SECTION 5.

Pursuant to California Constitution Article XIII B, the appropriation limit for the City of Albany is hereby increased by the aggregate sum authorized to be levied by this general tax for fiscal year 2018/19 and each year thereafter.

SECTION 6.

The findings for this Ordinance in compliance with the California Environmental Quality Act (“CEQA”) are the same as those set forth in City Council Resolution No. 2018-98 calling for an election on this Ordinance. The CEQA findings set forth in Resolution No. 2018-98 are incorporated herein by reference.

SECTION 7.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 8.

This Ordinance relates to the levying and collection of the City Transactions and Use Taxes and shall take effect immediately.

Ordinance No. 2018-07 was submitted to the People of the City of Albany at the November 6, 2018 general municipal election. It was approved by the following vote of the People:

YES: 6,819

NO: 1,596

Ordinance No. 2018-07 was thereby adopted by the voters at the November 6, 2018 election and took effect upon adoption of a resolution declaring the results of the election at a regular meeting of the City Council held on December 10, 2018 by the following vote:

AYES: Council Members Barnes, Maass, Pilch, Vice Mayor Nason, Mayor McQuaid

NOES: None

ABSENT: None

ABSTAIN: None

I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance duly and regularly adopted by the People of the City of Albany, California.



Anne Hsu, City Clerk