

**CITY OF ALBANY  
CITY COUNCIL AGENDA  
STAFF REPORT**

Agenda Date: July 20, 2020  
Reviewed by: NA

**SUBJECT:** Repealing of Albany Municipal Code Section 4-4 “Telephone, Gas and Electricity Users Tax” – Second Reading, Pass-to-Print

**REPORT BY:** Anne Hsu, City Clerk  
Nicole Almaguer, City Manager  
Mala Subramanian, City Attorney

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**SUMMARY**

This ordinance repealing Albany Municipal Code Section 4-4 “Telephone, Gas and Electricity Users Tax” is drafted for adoption to avoid confusion with the application of Utility Users’ Tax in Section 4-11 in the future.

**STAFF RECOMMENDATION**

That the Council adopt Ordinance No. 2020-08, repealing Section 4-4 “Telephone, Gas and Electricity Users Tax” of the Albany Municipal Code – Second Reading, Pass-to-Print.

**BACKGROUND**

At the July 6, 2020 meeting, City Council voted 5-0 approving and introducing Ordinance No. 2020-08 for first reading.

**DISCUSSION**

Ordinance No. 2020-08 before Council is for second reading – pass-to-print. If approved, a summary of the Ordinance will be published, and the Ordinance will be posted at each of the City’s posting locations (City Hall, Community Center, Senior Center, and the City’s website). Ordinance 2020-08 will go into effect 30 days following adoption.

**FINANCIAL CONSIDERATIONS**

N/A

**Attachments**

1. Ordinance No. 2020-08

**ORDINANCE NO. 2020-08**

**AN ORDINANCE OF THE CITY OF ALBANY REPEALING SECTION 4-4 (“TELEPHONE, GAS AND ELECTRICITY USERS TAX”) OF CHAPTER IV (“FINANCE”) OF THE CITY OF ALBANY MUNICIPAL CODE**

**WHEREAS**, Albany Municipal Code, Section 4-4 (“Telephone, Gas and Electricity Users Tax”) of Chapter IV (“Finance”) was originally adopted in 1958; and

**WHEREAS**, Ordinance No. 2010-03, codified as Albany Municipal Code, Section 4-11, Utility User's Tax, was approved as Measure O at the election of November 2, 2010. Section 4-11, is known as the "Electric, Gas, and Communication Users' Tax Law" of the City of Albany; and

**WHEREAS**, Section 4-11 established a modern Utility User’s Tax ordinance that was intended to replace Section 4-4, but Section 4-4 was inadvertently not repealed when Section 4-11 was adopted in 2010; and

**WHEREAS**, the City Council desires to repeal Section 4-4 to eliminate possible confusion as to the applicable Utility User’s Tax ordinance in effect within the City of Albany.

**NOW THEREFORE, THE ALBANY CITY COUNCIL DOES ORDAIN AS FOLLOWS:**

**SECTION 1: SECTION 4-4 REPEALED.** Section 4-4 (entitled “Telephone, Gas and Electricity Users Tax”) of the Albany Municipal Code, including subsections 4-4.1 to 4-4.17, is hereby repealed and reserved.

**SECTION 2: PUBLICATION AND EFFECTIVE DATE.**

This Ordinance shall be posted at three public places within the City of Albany and shall become effective thirty days after the date of its posting.

**PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting on the \_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
NICK PILCH, MAYOR