

1 **EXHIBIT “A”**

2 **AN ORDINANCE AMENDING SECTION 4-5, CHAPTER IV OF THE**
3 **CITY OF ALBANY MUNICIPAL CODE TO INCREASE THE RATE OF**
4 **THE GENERAL REAL PROPERTY TRANSFER TAX FROM 1.15% TO 1.5%**
5 **OF THE REAL ESTATE VALUE TRANSFERRED**

6

“To support City of Albany general services, with funding that cannot be taken by Sacramento, including: emergency response services, environmental programs, community services and local business programs, shall a measure increasing the City’s real property transfer tax rate from \$11.50 to \$15.00 per \$1,000 purchased, providing an additional \$392,000 annually, until ended by voters, with all funds remaining local be adopted?”	YES
	NO

10
11

12 **ORDINANCE NO. 2020-09**

13 **AN ORDINANCE AMENDING SECTION 4-5, CHAPTER IV OF THE**
14 **CITY OF ALBANY MUNICIPAL CODE TO INCREASE THE RATE OF**
15 **THE GENERAL REAL PROPERTY TRANSFER TAX FROM 1.15% TO 1.5%**
16 **OF THE REAL ESTATE VALUE TRANSFERRED**

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

19
20 **SECTION 1: AUTHORITY.**

21 This Ordinance is enacted in accordance with the authority granted to cities by Article XI,
22 Section 7, and Article XIIC, Section 2 of the California Constitution and the California
23 Elections Code.

1 **SECTION 2: AMENDMENT TO SUBSECTION 4-5.2 OF THE MUNICIPAL CODE.**

2 Chapter IV, Section 4-5, Subsection 4-5.2 of the City of Albany Municipal Code is
3 hereby amended to read:

4
5 **“4-5.2 Imposition of Tax -- Except as Otherwise Exempted.**

6 There is hereby imposed a tax levied at the rate of one hundred ~~fifteen~~ *fifty* hundredths
7 (~~15~~*50*/100) of one (1%) percent of the value of consideration, effective January 1,
8 ~~2003~~*2021* on the following:

9
10 a. All transfers by deeds, instruments, writings, or any other document by which any
11 lands, tenements, or other interest in real property are sold, assigned, conveyed, transferred,
12 exchanged or title otherwise changed within the City of Albany; or

13
14 b. Any transaction or change in title whereby the form of title to real property is granted,
15 assigned, changed, transferred or otherwise conveyed to or vested in a person(s), purchaser(s),
16 or transferee(s) in a different percentage of ownership on title that had been set forth on the
17 prior deed or document evidencing title.

18
19 c. Any transaction or transfer of greater than five (5%) percent interest, ownership, or
20 control of stock or shares in a corporation, interest in partnerships, or interest in other legal
21 entities that is transferred or conveyed through the purchase or transfer of corporate stock,
22 partnerships interest, shares or interest in limited liability companies, or ownership interest in
23 other legal entities. Such purchase or transfer of such stock, shares, or other interest shall be
24 considered and shall constitute, for the purposes of imposing a tax, a change of ownership of
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1 property owned by the corporation, limited liability company, partnership or other legal
2 entity.”

3
4 **SECTION 3: INCREASE TO APPROPRIATIONS LIMIT.**

5 Pursuant to California Constitution Article XIII B, the appropriations limit for the City of
6 Albany is hereby increased by the aggregate sum authorized to be levied by this general tax
7 for fiscal year 2020/2021 and each year thereafter.

8
9 **SECTION 4: CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

10 The findings for this Ordinance in compliance with the California Environmental Quality
11 Act (“CEQA”) are the same as those set forth in City Council Resolution No. 2020-69 calling
12 for an election on this Ordinance. The CEQA findings set forth in Resolution No. 2020-69
13 are incorporated herein by reference.
14

15 **SECTION 5: SEVERABILITY.**

16 If any provision of this Ordinance or the application thereof to any person or circumstance
17 is held invalid, the remainder of the Ordinance and the application of such provision to other
18 persons or circumstances shall not be affected thereby.
19

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21 **SECTION 6: EFFECTIVE DATE.**

22 Pursuant to California Constitution Article XIII C §(2)(b) and California Elections Code
23 §9217, this Ordinance shall take effect only if approved by a majority of the eligible voters
24 of the City of Albany voting at the General Municipal Election to be held on November 3,
25 2020 and shall become effective 10 days after the City Council has declared the results of
26 the Election.
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28

Ordinance No. 2020-09 was submitted to the People of the City of Albany at the November 3, 2020 General Municipal Election. It was approved by the following vote of the People:

YES:

NO:

Ordinance No. 2020-09 was thereby adopted by the voters at the November 3, 2020 election and shall become effective ten (10) days following adoption of a resolution declaring the results of the election at a meeting of the City Council held on December ___, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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