

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2020-008

**ORDINANCE OF THE CITY OF SAN LEANDRO AMENDING SECTION 2-3-105 OF
THE SAN LEANDRO MUNICIPAL CODE RELATING TO THE REAL PROPERTY
TRANSFER TAX**

THE PEOPLE OF THE CITY OF SAN LEANDRO DO ORDAIN as follows:

SECTION 1. AMENDMENT TO THE SAN LEANDRO MUNICIPAL CODE. San Leandro Municipal Code Section 2-3-105 of the San Leandro Municipal Code is hereby amended to read as follows (with additions in *italics* and deletions in strikethrough):

“CHAPTER 2-3 REAL PROPERTY TRANSFER TAX

2-3-105 IMPOSITION OF TAX

(a) A tax is hereby imposed on each transfer by deed, instrument or writing, by which any lands, tenements or other real property located in the City, are sold or granted, assigned, transferred or otherwise conveyed to, or vested in, a purchaser or purchasers thereof, or any other person or persons at or by the direction of said purchaser or purchasers, when the value of the consideration exceeds One Hundred Dollars, said tax is to be at the rate of Six Dollars (\$6.00) *Eleven Dollars (\$11.00)* for each One Thousand Dollars (\$1,000.00) or fractional part of One Thousand Dollars or the value of the consideration.

As used herein, “value of the consideration” means the total consideration, paid or delivered or contracted to be paid or delivered in return for the transfer or any lands, tenements or other real property, including the amount of any indebtedness, existing immediately prior to the transfer which is secured by a lien, deed of trust or other encumbrance on the property conveyed and which continues to be secured by such lien, deed or trust or encumbrance after said transfer, and also including the amount of any indebtedness which is secured by a lien, deed of trust or encumbrance given or placed upon the property in connection with the transfer to secure the payment of the purchase price or any part thereof which remains unpaid at the time of the transfer. “Value *or of* the consideration” also includes the amount of any special assessment levied or imposed upon the lands, tenements or other real property by a public body, district or agency, where said special assessment is a lien or encumbrance on the property and the purchaser or transferee agrees to pay such special assessment or takes the property subject to the lien of such special assessment. The value of any lien or encumbrance of a type other than those which are hereinabove specifically included, existing immediately prior to the transfer and remaining after said transfer, shall not be included in determining the value of the consideration. If the value of the consideration cannot be definitely determined, or is left open to be fixed by future contingencies, “value of the consideration” shall be deemed to mean the fair market value of the property at the time of transfer after deducting the amount of any lien or encumbrance if any of a type which would be excluded in determining the value of the consideration pursuant to the above provisions of this section.

SECTION 2. FUTURE AMENDMENTS. To the extent allowed under Article XIII C of the California Constitution, this Ordinance may be amended by the City Council without a vote of the people, except that voter approval shall be required for any amendment that increases the tax, within the meaning of Government Code section 53750(h), beyond the levels authorized by this chapter.

SECTION 3. CEQA. Approval of the ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 5. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect ten (10) days after the certification of its approval by the voters at the Election pursuant to Elections Code section 9217. Upon approval by the voters, the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause it to be published according to law.

Introduced by Councilmember Hernandez and passed to print on this 20th day of July 2020, by the following called vote:

Members of the Council:

AYES: Councilmembers Aguilar, Ballew, Cox, Hernandez, Lee, Lopez, Mayor Cutter (7)

NOES: None (0)

ABSENT: None (0)

APPROVED by the following vote of the People of the City of San Leandro on November 3, 2020:

YES:

NO:

ADOPTED by Declaration of the vote at the November 3, 2020 election by the City Council of the City of San Leandro on December __, 2020:

Members of the Council:

AYES:

NOES:

ABSENT:

RESOLUTION THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 2020-103

RESOLUTION OF THE SAN LEANDRO CITY COUNCIL CALLING A MUNICIPAL ELECTION IN THE CITY OF SAN LEANDRO FOR THE PURPOSE OF SUBMITTING TO THE VOTERS A MEASURE RELATING TO AN INCREASE IN THE EXISTING REAL PROPERTY TRANSFER TAX; SETTING FORTH THE STATEMENT OF THE MEASURE TO BE VOTED UPON; FIXING THE DATE AND MANNER OF HOLDING THE ELECTION; AND REQUESTING THE BOARD OF SUPERVISORS OF ALAMEDA COUNTY TO PROVIDE FOR THE CONSOLIDATION OF THE MUNICIPAL ELECTION WITH THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020, AND TO PROVIDE ELECTION SERVICES

WHEREAS, the City Council of the City of San Leandro desires to call a Municipal Election to be held on November 3, 2020, for the purposes of submitting to the voters a ballot measure.

SECTION 1. That a measure is to appear on the ballot as follows:

To maintain City of San Leandro services, with revenue that cannot be taken by the State, including:

- repairing potholes/streets;
- supporting seniors, families, and local small businesses through COVID-19 economic recovery;
- preserving 911 emergency response;
- maintaining youth violence prevention programs; and
- general city services;

shall San Leandro increase the existing real property transfer tax rate, collected when property is sold, by \$5 per \$1,000 in valuation, generating an additional \$4,000,000 annually, until repealed by voters, all funds benefiting San Leandro?

YES NO

SECTION 2. That the proposed complete text of the measure (Ordinance) submitted to the voters is attached as Exhibit A.

SECTION 3. That the vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

SECTION 4. That the City Clerk is authorized and directed to certify the adoption of this resolution and to transmit a copy thereof so certified to the County Clerk of the County of Alameda. The City Clerk is further authorized and directed to prepare, execute, and transmit to the County all documents necessary to carry out the purposes of this resolution.

SECTION 5. The City Attorney is hereby authorized and directed to prepare and transmit to the City Clerk the impartial analysis and the official ballot title.

- a) The City Attorney shall prepare an impartial analysis of the measure not exceeding 500 words showing the effect of the measure on the existing law and the operation of the measure.

- b) The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city.
- c) In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: “The above statement is an impartial analysis of Ordinance or Measure __. If you desire a copy of the ordinance or measure, please call the Election Official’s Office at (510) 577-3367 and a copy will be mailed at no cost to you.”
- d) The impartial analysis shall be filed by the date set by the City Clerk.

SECTION 6. That the City Clerk is directed to publish a synopsis of the measure pursuant to Elections Code Section 12111 and Government Code Section 6061.

SECTION 7. That the City Council shall meet at a regular meeting to review the canvass of the returns of the Municipal Election and declare the results thereof.

SECTION 8. The Mayor (and Council Members or Vice Mayor) is/are hereby authorized to file a written argument in favor of the proposed measure, not to exceed three hundred words, on behalf of the City Council. At the Mayor’s discretion, the argument may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote. In the event that an argument is filed against the measure, the Mayor and Vice Mayor/Council Member are also authorized to file a rebuttal argument on behalf of the City Council.

Introduced by Councilmember Hernandez and passed and adopted this 20th day of July 2020, by the following vote:

Members of the Council:

AYES: Councilmembers Aguilar, Ballew, Cox, Hernandez, Lee, Lopez, Mayor Cutter (7)

NOES: None (0)

ABSENT: None (0)

ATTEST: 

 Leticia J. Miguel, City Clerk