

RESOLUTION NO. 71-18

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND,
CALIFORNIA, 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 6, 2018 election to adopt an increase in the City's Real Estate Documentary Transfer Tax (the "Ordinance"); and

WHEREAS, the Ordinance increases the City's current real estate transfer tax, which is the tax paid when property is sold, from a flat rate of seven-tenths-of-one-percent for all properties to a tiered system based on property value. For property valued under \$1 million, the rate would remain the same; for property valued between \$1 million and \$3 million, the rate would change to 1.25 percent; for property valued between \$3 million and \$10 million, the rate would change to 2.5 percent; and, for property valued at more than \$10 million the rate would change to 3 percent (collectively, the "Transfer Tax Increase").

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

WHEREAS, in accordance with the provisions of Section 10002 and 10403 of the Elections Code of the State of California, the Contra Costa County Clerk Recorder-Elections Division has been requested to consolidate the City of Richmond General Election with the Statewide General Election to be held November 6, 2018; and

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

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

Section 1. The foregoing recitals are true and correct, and this Council so find and determines.

Section 2. At the general municipal election to be held in the City on Tuesday, November 6, 2018, the following measure shall be submitted:

"Shall the Ordinance amending the City of Richmond's Municipal Code, changing the Real Estate Documentary Transfer Tax so the tax rate for properties below \$1 million does not increase, the rate for properties between \$1 million to \$3 million increases from .7% to 1.25%; the rate for properties between \$3 million to \$10 million increases from .7% to 2.5%; and the rate for properties over \$10 million increases from .7% to 3.0%, be adopted?"

Section 3. The City Clerk is 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 A, attached hereto.

Section 4. The City Clerk is ordered to have the full text of the measure available for review in the Office of the City Clerk and at the City of Richmond's webpage.

Section 5. 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 6. The Clerk of the City is hereby authorized and directed to cause to be delivered, no later than August 10, 2018 (which date is not fewer than 88 days prior to the date set for the Election) one copy of this Resolution to the Registrar of Voters of the County.

Section 7. 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 8. 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 9. 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 200 words in length, accompanied by the printed name(s) and signature(s) of 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 10. 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 11. 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 6, 2018 election and thereafter this section 11 shall expire.

Section 12. This resolution shall take effect immediately upon its adoption.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held August 7, 2018, by the following vote:

AYES: Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

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. 71-18**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on August 7, 2018.

Pamela Christian, Clerk of the City of Richmond

EXHIBIT A
INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

Provided under separate cover

EXHIBIT B

Notice of Election and Measure To Be Voted On

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 6, 2018, at which there will be submitted to the voters the following measure:

"Shall the Ordinance amending the City of Richmond's Municipal Code, changing the Real Estate Documentary Transfer Tax so the tax rate for properties below \$1 million does not increase, the rate for properties between \$1 million to \$3 million increases from .7% to 1.25%; the rate for properties between \$3 million to \$10 million increases from .7% to 2.5%; and the rate for properties over \$10 million increases from .7% to 3.0%, be adopted?"

Said Election has been consolidated with the Statewide General Election to be held in the City of Richmond on November 6, 2018. 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 22, 2018, 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 measure 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 27, 2018, during normal office hours, 8:30 a.m. to 5:00 p.m., 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. 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 23, 2018, to September 4, 2018. 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 28, 2018, to September 6, 2018.

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 informacion en Espanol de este aviso legal, puede llamar a la Oficina de la Secretaria Municipal, (510) 620-6513.

Dated:

Publish: