

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-170

Introduced by Council Member Mendall

RESOLUTION CALLING A MUNICIPAL ELECTION IN THE CITY OF HAYWARD 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 6, 2018, AND TO PROVIDE ELECTION SERVICES

WHEREAS, The City Council of Hayward desires to call a Municipal Election to be held on November 6, 2018, for the purpose of submitting to the voters a ballot measure.

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

Shall the measure increasing the existing real property transfer tax be adopted?	YES
To support City of Hayward services, with revenue that cannot be taken by the State, including: repairing streets and sidewalks; 911 emergency and firefighter response times; neighborhood police patrols; disaster preparedness; extended library hours and after-school programs; and unrestricted general revenue purposes; shall Hayward increase the rate of its real property transfer tax, collected once upon purchase of real estate, from \$4.50 to \$8.50 per \$1,000, providing \$13,000,000 annually, until repealed by voters, all funds benefiting Hayward?	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) 583-4400 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.

IN COUNCIL, HAYWARD, CALIFORNIA July 17, 2018.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Zermeño, Márquez, Mendall, Peixoto, Lamnin
MAYOR: Halliday

NOES: COUNCIL MEMBERS: Salinas

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST:


City Clerk of the City of Hayward

APPROVED AS TO FORM:



City Attorney of the City of Hayward

ORDINANCE No.

ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA AMENDING SECTION 8-6.05 OF THE HAYWARD MUNICIPAL CODE RELATING TO REAL PROPERTY TRANSFER TAX

THE PEOPLE OF THE CITY OF HAYWARD DO ORDAIN AS FOLLOWS:

Section 1. Section 8-6.05 of the Hayward Municipal Code is hereby amended to read as follows:

SEC. 8-6.05 - IMPOSITION OF TAX.

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, 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 (\$100.00), said tax to be at the rate of ~~four dollars and fifty cents (\$4.50)~~ eight dollars and fifty cents (\$8.50) for each one thousand dollars (\$1,000.00) or fractional part of one thousand dollars (\$1,000.00) of the value of the consideration.

As used herein, 'value of the consideration' shall mean the total consideration, paid or delivered, or contracted to be paid or delivered, in return for the transfer of 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 of 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 of the consideration also includes the amount of any special assessment levied or imposed upon the 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 above provisions of this section.

Section 2. 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. California Environmental Quality Act (CEQA). The City Council independently finds and determines that this action is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines, as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The general exemption applies in this instance because it can be seen with certainty that there is no possibility that the proposed amendments could have a significant effect on the environment, and thus are not subject to CEQA. Thus, it can be seen with certainty that the proposed project would not have a significant effect on the environment.

Section 4. If any section, subsection, paragraph or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 5. This Ordinance shall become effective 10 days after the certification of its approval by the voters at the Election pursuant to Elections Code section 9217.

Section 6. 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.

It is hereby certified that this Ordinance was duly adopted by the voters at the November 6, 2018 Election and took effect 10 days following adoption of a resolution declaring the results of the election at a regular meeting of the Hayward City Council held on _____, 2018 by the following vote:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward