

RESOLUTION NO. 8364

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS, CALIFORNIA CALLING FOR THE PLACEMENT OF A GENERAL TAX MEASURE ON THE NOVEMBER 8, 2022, GENERAL MUNICIPAL ELECTION BALLOT FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF A PROPOSED ORDINANCE AMENDING SECTION 5.08.482 OF THE CITY OF REDLANDS MUNICIPAL CODE AS IT RELATES TO BUSINESS LICENSE TAX RATES FOR DISTRIBUTION CENTERS; REQUESTING THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION OF EVEN DATE

WHEREAS, pursuant to section 5.08.482 of the Redlands Municipal Code, the City of Redlands (“City”) currently imposes a business license tax on distribution centers at a rate of three and one-half cents (\$0.035) per square foot of gross floor area principally devoted to distribution center use (“License Tax”); and

WHEREAS, pursuant to section 5.08.482 of the Redlands Municipal Code, the maximum License Tax rate has increased by the Consumer Price Index over time to the current rate of four and seven-tenths cents (\$0.047) per square foot of gross floor area principally devoted to distribution center use; and

WHEREAS, the City Council desires to propose an amendment to section 5.08.482 of the Redlands Municipal Code to increase the rate of the License Tax from the current four and seven-tenths cents (\$0.047) to ten and one-half cents (\$0.105) per square foot of gross floor area principally devoted to distribution center use for the purpose of raising revenue to defray the costs of providing City services and supplement the General Fund; and

WHEREAS, the proposed update to the License Tax ordinance has been designed to better align the City’s tax rate with City Council priorities to incentivize the productive use of the City’s industrial areas and modify the rate applied to distribution center businesses; and

WHEREAS, pursuant to Section 9222 of the California Elections Code and Section 37101 of the California Government Code, the City Council has the authority to place a measure on the ballot regarding the imposition, extension or increase in a local business license tax to be considered by the voters at a Municipal Election; and

WHEREAS, the License Tax is a general tax the proceeds of which are deposited into the City’s general fund and which pay for City services such as police, fire and paramedic services, street operations and maintenance, library services, parks and recreation services and general municipal services to the public; and

WHEREAS, on November 6, 1996, the voters of the State of California approved Proposition 218 (California Constitution, Article XIIC), an amendment to the State Constitution which requires that all general taxes which are imposed, extended or increased must be submitted to the electorate and approved by a majority vote of the qualified electors voting in the election; and

WHEREAS, the proposed amendments which increase the rate of the License Tax on distribution centers constitute a tax “increase” subject to Proposition 218; and

WHEREAS, pursuant to Proposition 218 (California Constitution Article XIII C, §2(b)), the general rule is that any local election for the approval of an increase to a general tax must be consolidated with a regularly scheduled general election for members of the governing body of the local government; and

WHEREAS, pursuant to the Redlands Municipal Code, sections 2.03.010 and 2.03.040, the City’s general municipal elections for officers are held on the first Tuesday after the first Monday in November of each even-numbered year. Therefore, the next regularly scheduled General Municipal Election for the election of members of the City Council will be held on Tuesday, November 8, 2022; and

WHEREAS, based on the above, the City Council desires to submit a measure to the voters at the November 8, 2022 General Municipal Election seeking approval of the proposed License Tax rate increase (the “Measure”). The specific terms relating to the Measure are provided for in the ordinance to be considered by the qualified voters, attached hereto as Exhibit “A” and by this reference made an operative part hereof, and in accordance with all applicable laws; and

WHEREAS, pursuant to Government Code section 53724 (“Proposition 62”), a two-thirds (2/3) vote of all members of the City Council is required to place the Measure on the November 8, 2022 ballot; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the City the precincts, polling places, voting centers and election officers of the two elections be the same, and that the San Bernardino County election department canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDLANDS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference are made an operative part hereof.

SECTION 2. Submission of Ballot Measure. Pursuant to California Constitution Article XIII C, Section 2(b), Government Code Section 53724, Elections Code Section 9222, and any other applicable requirements of the laws of the State of California relating to the City, the City Council, **by a two-third vote of all members**, hereby orders the Measure to be submitted to the voters of the City at the General Municipal Election to be held on **Tuesday, November 8, 2022**.

SECTION 3. Ballot Question. The City Council, pursuant to its right and authority, does hereby order that the Measure shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the General Municipal Election to be held on Tuesday, November 8, 2022,

in addition to any other matters required by law, there shall be printed substantially the following ballot question:

<p>“Shall a measure be adopted to increase the City's existing business license tax on distribution centers within the City from the current rate of four and seven-tenths cents (\$0.047) per gross square foot to ten and one-half cents (\$0.105) per square foot for the purpose of raising an estimated \$530,000 in revenue annually until ended by voters to defray the costs of providing City services and to supplement the City's General Fund for general government use?”</p>	YES	
	NO	

SECTION 4. Election Procedures.

- A. The ballots to be used at the election shall be in the form and content as required by law.
- B. Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of San Bernardino is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 8, 2022, for the purpose of submitting to the voters the question relating to the City’s Measure.
- C. The election services which the City of Redlands requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots; the establishment or appointment of precincts, polling places, voting centers, and election officers, the preparation, printing, mailing and furnishing of vote-by-mail ballots, making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for polling places and voting centers; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of Redlands; and the performance of such other election services as may be requested by the City Clerk.
- D. The City Clerk is authorized, instructed and directed to procure and furnish, or cause to be procured and furnished through the County of San Bernardino, any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.
- E. The polls, vote centers and/or vote-by-mail drop-off boxes shall be open and the procedures for submitting votes-by-mail or votes at polls and vote centers shall be in accordance with those times and procedures established by the County of San Bernardino, except as otherwise provided in the Elections Code of the State of California.
- F. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.

- G. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.
- H. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.
- I. The San Bernardino County Registrar of Voters is hereby authorized to canvass the returns of said election.
- J. The City Clerk of the City of Redlands shall receive the canvass from the County as it pertains to the election on the Measures, and shall certify the results to the City Council, as required by law.

SECTION 5. Placement on the Ballot. The full text of the Measure shall be printed in the voter information guide, and a statement shall be printed in the ballot pursuant to Section 9223 of the Elections Code advising voters that they may obtain a copy of the Measure at no cost, upon request made to the City Clerk.

SECTION 6. Delivery of Resolution to County. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. The City Council directs the City Clerk to deliver copies of this Resolution, including the Measure attached hereto as Exhibit "A", to the Clerk of the Board of Supervisors of San Bernardino County and to the Registrar of Voters of San Bernardino County.

SECTION 7. Public Examination. Pursuant to California Elections Code section 9295, the Measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The Clerk shall post notice in the Clerk's office of the specific dates that the examination period will run.

SECTION 8. CEQA. The City Council hereby finds and determines that the ballot Measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, section 15378(b)(5).

SECTION 9. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 10. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 5th day of July 2022



Paul T. Barich, Mayor

ATTEST:



Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk of the City Council of the City of Redlands, California, do hereby certify that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted by at least four affirmative votes (two-thirds) of all members at a regular meeting of the City Council of the City of Redlands on the 5th day of July, 2022, by the following vote:

AYES: Councilmembers Tejada, Davis, Guzman-Lowery, Gallagher; Mayor Barich
NOES: None
ABSENT: None
ABSTAIN: None



Jeanne Donaldson
Jeanne Donaldson
City Clerk

EXHIBIT "A"

ORDINANCE NO. 2936

AN ORDINANCE OF THE PEOPLE OF THE CITY OF REDLANDS,
CALIFORNIA, AMENDING SECTION 5.08.482 OF THE REDLANDS
5.08.482 OF THE CITY'S MUNICIPAL CODE AS IT RELATES TO
BUSINESS LICENSE TAX RATES FOR DISTRIBUTION CENTERS.

(NOTE: Additions are highlighted in *bold italics* and deletions are highlighted in ~~strikeout~~)

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

SECTION 1. Subject to the approval of a majority of the voters of the City of Redlands at the General Municipal Election so designated by the City Council in a separate resolution placing the proposal on the ballot for such election, Section 5.08.482 of the Redlands Municipal Code is amended to read as follows:

"Chapter 5.08– BUSINESS LICENSE RATES

Article VII. Particular Business

...

5.08.482: DISTRIBUTION CENTER:

- A. Commencing on the effective date hereof (the "effective date") for every person, firm, partnership, business or corporation conducting or managing a business consisting primarily of receiving, temporarily storing and subsequently distributing goods, wares or merchandise of any kind to wholesalers or retailers (hereinafter a "distribution center"), the business license tax shall be in the amount of ~~three~~ *ten* and one-half cents (~~(\$0.035)~~ *(\$.105)* per square foot of gross floor area principally devoted to such use, as calculated by the city's community development department. ~~From and after such effective date, the business license tax established by this section shall be automatically adjusted each year by the percentage increase in the consumer price index – Los Angeles-Anaheim-Riverside area; provided, however, the business license tax shall not be adjusted to any amount greater than five cents (\$0.05) per square foot of gross floor area.~~
- B. Notwithstanding subsection A of this section, any person, firm, partnership, business or corporation which conducts a wholesale or retail business within the city and which also conducts or operates a distribution center solely in support of such wholesale or retail business shall not be subject to the distribution center business license tax established by this section.
- C. Notwithstanding subsection A of this section, any person, firm, partnership, business or corporation which conducts a wholesale or retail business within the city and which also conducts or operates a distribution center in support of such wholesale or retail

business and other wholesale or retail businesses located outside the city shall pay the distribution center business license tax established by this section only on the percentage of gross floor area of the distribution center principally devoted to supporting the wholesale or retail businesses located outside the city.”

SECTION 2. The License Tax set forth herein shall be collected and administered in the manner set forth in Chapters 5.04 and 5.08 of the Redlands Municipal Code.

SECTION 3. Pursuant to Article XIII B of the California Constitution, the appropriation limit for the City of Redlands will be increased by the maximum projected aggregate collection authorized by the levy of this general tax, as indicated in Section 1, in each of the years covered by this Ordinance plus the amount, if any, by which the appropriation limit is decreased by law as a result of the levy of the general tax set forth in this Ordinance.

SECTION 4. If any portion of this Ordinance is declared invalid by a court of law or other legal body with applicable authority, the invalidity shall not affect or prohibit the force and effect of any other provision or application of the Ordinance that is not deemed invalid. The voters of the City hereby declare that they would have circulated for qualification and/or voted for the adoption of this Section, and each portion thereof, regardless of the fact that any portion of the initiative may be subsequently deemed invalid.

SECTION 5. Pursuant to California Constitution Article XIII C §(2)(b) and California Elections Code §9217, this Ordinance shall take effect only if approved by a majority of the eligible voters of the City of Redlands voting at the General Municipal Election to be held on November 8, 2022. The new taxing rate shall go into effect on January 1, 2023.

SECTION 6. The Mayor is hereby authorized to attest to the adoption of this Ordinance by the People voting thereon on November 8, 2022, by signing where indicated below.

I hereby certify that the foregoing Ordinance was **PASSED, APPROVED AND ADOPTED** by the People of the City of Redlands on the 8th day of November 2022.

Dated: _____

Paul Barich, Mayor

ATTEST:

Jeanne Donaldson, City Clerk