NOTICE OF ELECTION
& DEADLINE FOR SUBMITTING ARGUMENTS AND REBUTTALS

NOTICE IS HEREBY GIVEN that an election will be held in the City of Brisbane on Tuesday, the 5th day of November, 2013 for the voters to consider the following:

AN ORDINANCE OF THE CITY OF BRISBANE ADDING SECTION 5.20.011 OF THE BRISBANE MUNICIPAL CODE TO INCREASE THE BUSINESS LICENSE TAX CHARGED TO LIQUID STORAGE FACILITIES

Full Text of Proposed Ordinance is as follows:

§1: **A new** Section 5.20.011 in Chapter 5.20 of the Brisbane Municipal Code is added to read as follows:

Section 5.20.011 Liquid Storage Facilities.

A. Any person engaged in the business of operating, leasing, supplying or providing a liquid storage facility shall pay an annual business license tax of up to one hundred and fifteen dollars and twenty-eight cents per year for each one thousand cubic feet of liquid storage capacity.
B. The annual amount of liquid storage facilities license tax payable by any person shall be reduced by the amount of sales or use tax received by the city attributable to such person, or sales tax attributable to other persons, based on sales of liquids using the liquid storage facilities as the point-of-sale, during the same calendar year (the "sales tax credit").

Notice for submission or **ARGUMENTS AND REBUTTALS**

Any individual voter who is eligible to vote on the measure or bona fide association of citizens or combination of voters and associations may also submit a written argument for or against the measure. Such argument, whether In Favor or Against, shall not exceed 300 words and be 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 principle officers, in accordance with Article 4, Chapter3, Division 9 of the Election Code of the State of California. Primary arguments In Favor or Against the Measure must be submitted to the City Clerk by **August 16, 2013**. The Rebuttal arguments must be submitted to the City Clerk by **August 26, 2013** and shall not exceed 250 words.

Sheri Marie Spediacci
City Clerk

Dated: July 31, 2013

RESOLUTION NO. 2013- 28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE, CALIFORNIA CALLING A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE GENERAL ELECTION ON NOVEMBER 5, 2013, FOR SUBMISSION TO THE VOTERS OF A PROPOSED ORDINANCE TO INCREASE THE BUSINESS LICENSE TAX FOR LIQUID STORAGE FACILITIES

WHEREAS, the City has established a business license tax, as set forth in Chapter 5.20 of the Brisbane Municipal Code, and this tax is imposed on Liquid Storage Facilities; and

WHEREAS, Section 5.20.010 of the Brisbane Municipal Code imposes a tax upon any person engaged in the business of operating, leasing, supplying or providing storage facilities as an alternative to the gross receipts business license tax and this provision does not currently include Liquid Storage Facilities; and

WHEREAS, the City Council desires to place a ballot measure before the voters at the November 5, 2013 election to increase the tax on certain Liquid Storage Facilities in order to provide additional revenue for general municipal expenses, and to allow for an offset when sales tax is received from the Liquid Storage Facility; and

WHEREAS, the City's business license tax is a general tax and any increase thereof is subject to approval of a majority of the voters voting upon the proposed increase at a regularly-scheduled election at which members of the Brisbane City Council are being elected; and

WHEREAS, November 5, 2013, is the next regularly-scheduled election at which members of the Brisbane City Council will be elected and it is desirable to consolidate this special election with that general election;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRISBANE, CALIFORNIA, AS FOLLOWS:

SECTION 1: ELECTION CALLED

The City Council of the City of Brisbane hereby calls a special municipal election, to be consolidated with the general election on Tuesday, November 5, 2013, at which there shall be submitted for approval by the voters of the City of Brisbane a proposed ordinance adding Section 5.20.011 of the Brisbane Municipal Code to increase the business license tax charged to Liquid Storage Facilities.

SECTION 2: FULL TEXT OF PROPOSED ORDINANCE

The complete text of the proposed ordinance shall read as follows:

"AN ORDINANCE OF THE CITY OF BRISBANE ADDING SECTION 5.20.011 OF THE BRISBANE MUNICIPAL CODE TO INCREASE THE BUSINESS LICENSE TAX CHARGED TO LIQUID STORAGE FACILITIES

The People of the City of Brisbane, California, hereby ordain as follows:

§1: A new Section 5.20.011 in Chapter 5.20 of the Brisbane Municipal Code is added to read as follows:

Section 5.20.011 Liquid Storage Facilities.

A. Any person engaged in the business of operating, leasing, supplying or providing a liquid storage facility shall pay an annual business license tax of up to one hundred and fifteen dollars and twenty-eight cents per year for each one thousand cubic feet of liquid storage capacity.
B. The annual amount of liquid storage facilities license tax payable by any person shall be reduced by the amount of sales or use tax received by the city attributable to such person, or sales tax attributable to other persons, based on sales of liquids using the liquid storage facilities as the point-of-sale, during the same calendar year (the "sales tax credit").

SECTION 3: TEXT OF BALLOT MEASURE

The proposed ordinance for increase to the business license tax charged to certain Liquid Storage Facilities shall be presented for approval by the voters as the following ballot measure:

To pay for general municipal expenses, shall the City increase the annual business license tax for liquid storage facilities up to $115.28 per one thousand cubic feet of liquid storage capacity, and provide for an offset for sales tax revenue received ?

The ballot measure shall be designated on the ballot by a letter printed on the left margin of the square containing the description of the measure, as provided in California Election Code Section 13116.

SECTION 4: REQUEST TO CONSOLIDATE, CONDUCT ELECTION AND CANVASS RETURNS

The Board of Supervisors of the County of San Mateo is hereby requested to authorize the County Clerk/Registrar of Voters to render all services necessary and proper for the conduct of the special municipal election called by the Resolution. Pursuant to California Elections Code Section 10403, the City Council hereby requests that the San Mateo County Board of Supervisors consolidate that election with the election to be held on November 5, 2013, and order the special municipal election to be conducted by the Registrar of Voters. The San Mateo County Elections department is authorized to canvass the returns of the special election.

The City Clerk's Office is authorized, instructed and directed to work with the County Elections Division as needed in order to properly and lawfully conduct the election. The ballots to be used in the election shall be in the form and content as required by law. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 5: PUBLICATION OF MEASURE

The City Clerk's Office is directed to cause notice of the measure to be published once in accordance with Section 12111 of the Elections Code.

SECTION 5: REQUIRED VOTER APPROVAL AND EFFECTIVE DATE

If a majority of the voters voting upon the ballot measure vote in its favor, the proposed ordinance shall become a valid and binding ordinance of the City of Brisbane. The ordinance shall be considered as adopted on the date that the vote is declared by the City Council and shall go into effect on that date or such other date as may be specified by the City Council.

SECTION 6: PROCEDURE FOR ARGUMENTS AND REBUTTALS

The City Council authorizes a sub-committee of the City Council comprised of Mayor Ray Miller and Councilmember Cliff Lentz to file a written argument In Favor of the measure, and a rebuttal argument pursuant to Election Code Section 9285, to be signed by the Mayor on behalf of the City Council and to add additional signatories to the written argument selected by the sub-committee. Any individual voter who is eligible to vote on the measure or bona fide association of citizens or combination of voters and associations may also submit a written argument for or against the measure. Such argument, whether In Favor or Against, shall not exceed 300 words and be 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 principle officers, in accordance with Article 4, Chapter3, Division 9 of the Election Code of the State of California. Primary arguments In Favor or Against the Measure must be submitted to the City Clerk by August 16, 2013. The Rebuttal arguments must be submitted to the City Clerk by August 26, 2013 and shall not exceed 250 words.

SECTION 7: IMPARTIAL ANALYSIS

Pursuant to Elections Code Section 9280, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, and directs the City Attorney to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure. The analysis shall be printed preceding the arguments In Favor and Against the measure. The analysis shall not exceed 500 words in length. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 8: FULL TEXT OF ORDINANCE

The full text of the Ordinance shall be printed in the Voter Information Pamphlet.

SECTION 9: CONDUCT OF ELECTION

The election on said ballot measure shall be consolidated with the general municipal election to be held on November 5, 2013, and shall be conducted in

accordance with the provisions of Resolution No. 2013-03 adopted by the City Council on February 19, 2013.

SECTION 10. CEQA

The approval of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code Sections 21000 et seq., "CEQA", and 14 Cal Code Reg. Sections 15000 et seq.,"CEQA Guidelines") The business license tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action or actions. As such, under CEQA Guidelines Section 15378(b)(4) the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant impact on the environment. If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines Section 15060 review under CEQA is not required.

SECTION 11. PASSAGE OF THIS RESOLUTION

This business license tax is a general tax requiring the approval of a majority of qualified electors casting votes. This Resolution must be approved by a two-thirds vote of the Council.

Raymond C. Miller, Mayor

I hereby certify that the foregoing Resolution No. 2013-28 was duly and regularly adopted at the meeting of the Brisbane City Council on July 29, 2013 by the following vote:

AYES: Councilmembers Conway, Lentz, O'Connell, and Mayor Miller
NOES: None
ABSENT: None

Sheri Marie Spediacci City Clerk