



*City
Council
Report*

Item: 7
Category: Consent Calendar
Meeting Date: August 3, 2010

TITLE: Ordinance 2132 approving Amendment to Provisions of the Campbell Municipal Code enacting a Modification to the City's Business License Tax (BLT); Ordinance 2133 amending Chapter 3.34 of the Campbell Municipal Code increasing the Transient Occupancy Tax (TOT) from 10% to 12%; and Resolution Approving Revised Ballot Titles (Second Reading/Resolution/Roll Call Vote)

RECOMMENDATION:

That the City Council take the following actions:

1. Approve second reading of Ordinance 2132 amending provisions of the Campbell Municipal Code enacting a Modification to the City's Business License Tax (BLT); and
2. Approve second reading of Ordinance 2133 amending Chapter 3.34 of the Campbell Municipal Code increasing the Transient Occupancy Tax (TOT) from 10% to 12%; and
3. Adopt the attached Resolution approving revisions to ballot titles for both the Business License Tax and Transient Occupancy Tax ballot measures.

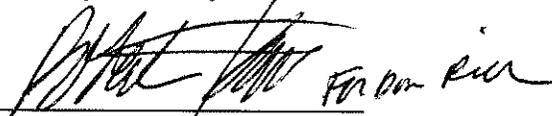
DISCUSSION:

At the meeting of July 20, 2010, the City Council introduced Ordinance 2132 amending provisions of the Campbell Municipal Code enacting a Modification to the City's Business License Tax (BLT) for first reading. The Council also introduced Ordinance 2133 amending Chapter 3.34 of the Campbell Municipal Code to increase the Transient Occupancy Tax (TOT) from 10% to 12% for first reading. Additionally, the City Council adopted Resolution 11202 placing the two measures on the November 2010 ballot, including approval of Ballot Titles for both measures.

Ordinance 2132 and 2133
Amendments to Business License Tax and Transient Occupancy Tax
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Upon submittal of the resolution to the County Registrar of Voters, the City Clerk was advised of a technical error in Resolution 11202 regarding the exact form of the ballot title and the total word count. To correct the error, the Council will need to amend Resolution 11202 to remove reference to "Business License Tax" and "Transient Occupancy Tax" from the actual title that will be printed in the Sample Ballot. The attached resolution reflects the correct format, as well as the deletion of two words to bring the business license tax ballot title within the allowable 75 word count.

Prepared by: 
Anne Bybee, City Clerk

Approved by: 
Daniel Rich, City Manager

Attachments:

1. Ordinance 2132 and 2133
2. Amended Resolution

***Changes indicated in bold text**

ORDINANCE NO. 2132

BEING AN ORDINANCE OF THE CITY COUNCIL AND PEOPLE OF THE
CITY OF CAMPBELL AMENDING PROVISIONS OF THE CAMPBELL
MUNICIPAL CODE REGARDING BUSINESS LICENSE TAXES

The City Council and the People of the City of Campbell to ordain as follows:

SECTION ONE: This ordinance makes changes in various business license tax rates, as well as consolidating various classifications of businesses. Where a reference to a certain type or classification of business is deleted from the Municipal Code, it is the intention of this ordinance that the deleted type or classification of business will be taxed as provided for in the more general classification into which that type or classification of business falls under Campbell Municipal Code section 5.04.010, unless some other more specific provision applies. For example, kennels, animal hospitals, bowling alleys, skating rinks, riding academies, shoe shines and auction galleries with fixed location in the City shall be subject to the rates for commercial businesses; veterinarians would be subject to the rates set forth for professional businesses; scavenger businesses, junk dealers and junk collectors would be subject to the rates set forth for industrial businesses; and businesses with no fixed place of business within the City that use a motor vehicle in the conduct of his business in the City, and auctions conducted by businesses that have their offices located outside the City shall be subject to the rate for out of town businesses. The deletion of a certain type or classification of business shall not be interpreted to mean that the business is exempt from payment of a business license tax.

SECTION TWO: Section 5.01.010 of the Campbell Municipal Code is hereby amended to read:

5.01.010 Exemption for charities, public utilities and non-commercial speech.

(a) Charities. The provisions of this title shall not be deemed or construed to require the payment of a license fee to conduct any business or require the payment of any license fee from any institution or organization which is conducted, managed, or carried on wholly for the benefit of charitable purposes and from which profit is not derived, either directly or indirectly by any individual, firm, or corporation; nor shall any license be required for the conducting of an entertainment, dance, concert, exhibition or lecture on scientific, historical, literary, religious, or moral subjects whenever the receipts from the same are to be appropriated to any church or school, or to any religious or benevolent purpose within the city; nor shall any license be required for the conducting of any entertainment, dance, concert exhibition, or lecture whenever the receipts from the same are to be appropriated for the purposes and objects for which such association or organization was formed, and from which profit is not derived, either directly or indirectly, by any individual, firm or corporation. Nothing in this section contained shall be deemed to exempt any such institution or organization from complying with the provisions of this title requiring such institution or organization to obtain a permit from the city council or proper officer to conduct any business.

(b) Public Utilities. The terms and provisions of this chapter shall not be deemed nor construed to apply to:

(1) Any public utility which makes an annual payment to city under a franchise or similar agreement, and

(2) Any public utility subject to the provisions of the Public Utility Act of the state of California, and the regulations of the Public Utilities Commission. It is provided further, that the exemption contained in this section shall not be construed to preclude the city from granting or requiring such franchises and agreements providing for annual payment to the city as may now or hereafter be authorized by the laws of the state of California, nor to vitiate any franchise or agreement heretofore entered into by any public utility and city.

(c) **Non-commercial speech.** The provisions of this Title shall not be deemed or construed to require the payment of a license tax from any person, institution or organization to engage in non-commercial speech protected by the First Amendment of the United States Constitution or Article I, section 2 of the California Constitution. For purposes of this subsection, non-commercial speech shall mean speech that does not directly or indirectly name, advertise, promote, propose or call attention to a business, product, accommodation, service or other commercial activity, or commercial transaction, or otherwise involve a commercial transaction.

SECTION THREE: Section 5.04.010 of the Campbell Municipal Code is hereby amended to read:

5.04.010 Designated.

Every person conducting businesses, professions and activities in the city, the primary nature of which is indicated in the following schedule, shall **annually** pay the license tax set opposite the same, based upon the average number of employees in such business, according to the following schedules, unless such business is otherwise specifically taxed by other provisions of this chapter:

Commercial:		
(Schedule I)	1 to 5 employees	\$ 110
	6 to 15 employees	175
	16 to 50 employees	250
	51+ employees	500
Industrial and manufacturing:		
(Schedule II)	1 to 5 employees	\$110
	6 to 50 employees	175
	51 + employees	300

Professional:		
(Schedule III)	1 to 3 employees	\$ 110
	4 to 10 employees	200
	11 to 50 employees	350
	51+ employees	500
Hotels:	\$150 per year plus \$3/room	
Live commercial entertainment:		\$300
Massage establishment:		\$200
Massage therapist:		\$110
Mobile home parks and trailer courts:	\$200 per year plus \$2/unit	
Out-of-town business:	\$90	
Rental or income producing residences located on single or contiguous parcels of land:	\$60 per year for the first unit plus \$3.00 for each additional unit.	
(Owners occupying one unit of a 3 or more unit building are entitled to a \$3 exemption if said owner files an affidavit with the City clerk claiming the exemption.)		
Taxicab or limousine service:	\$110 per year plus \$20 per vehicle	
Theaters:	\$400	
Solicitors:	\$300 per year	

SECTION FOUR: Sections 5.04.030, 5.04.040 and 5.04.050 of the Campbell Municipal Code are hereby deleted.

SECTION FIVE: Section 5.08.010 of the Campbell Municipal Code shall be amended to read:

5.08.010 Activities designated--Fees.

No person shall conduct any of the following businesses and activities in the city without first securing a permit therefor from the city council on written application filed therefor with the City Clerk, approved by the Chief of Police, the Chief of the Fire Department, and the Zoning Officer of the city. The application shall comply with the requirements of section 5.08.020. The following are the activities regulated by this chapter and the license fee therefor:

(1)	Amusement concession, when not connected with any fair or carnival, for each \$ 6.00 per day.....	\$6.00 per day,
	(A) Merry-go-round.....	6.00 per day,
	(B) Ferris wheel.....	6.00 per day,
	(C) Scenic railway.....	6.00 per day,
	(D) Shoot the chutes.....	6.00 per day,
	(E) Dodge 'em.....	6.00 per day,
	(F) Swing.....	6.00 per day,
	(G) Any mechanical device for carrying passengers.....	6.00 per day,
	(H) Ball-throwing game.....	6.00 per day,
	(I) Ring-throwing game.....	6.00 per day,
	(J) Fortune or other wheel games.....	6.00 per day,
	(K) Shooting gallery.....	6.00 per day,
	(L) Keno, lotto or other and similar games.....	6.00 per day;
(2)	Skee ball, bat ball or other similar device, equipment or entertainment.....	15.00 per year;
(3)	Boxing or wrestling bout.....	25.00 per day;
(4)	Circus, menagerie or wild west show or like exhibition under or enclosed by canvas, first day.....	200.00
	Each additional day.....	100.00 per day;
(5)	Festival , fair or carnival, first day.....	300.00
	Each additional day.....	100.00 per day;
(6)	Fire and/or bankruptcy and/or wreck sale, first day.....	50.00

	Each additional day.....	25.00 per day;
(7)	Grinding and/or sharpening knives, scissors, cutlery, lawn mowers, etc., when the person conducting such business travels from place to place by vehicle or on foot.....	25.00 per year;
(8)	Hypnotism.....	400.00 per year;
(9)	Itinerant medicine vendor, street vendor, temporary vendor and/or peddler.....	30.00 per day;
(10)	Occult science, including astrology, palmistry, phrenology, life reading, fortunetelling, cartomancy, clairvoyance, crystal gazing, mediumship, prophecy, augury, divination, magic or necromancy, when the person who conducts same demands or receives a fee for the exercise or exhibition of his art therein either directly or indirectly or as a gift or donation, or charges admission.....	300.00 per year;
(11)	Pawnbroker.....	300.00 per year;
(12)	Used motor vehicle dealer.....	Same as Commercial per Municipal Code section 5.04.010
(13)	Billiard and/or pool room.....	200.00 per year;
(14)	Dancehall, public dances.....	100.00 per year;
(15)	Mechanical amusement device and contraptions and vending machines.....	See section 5.08.080
(16)	Sideshow.....	25.00 per day;

SECTION SIX: Section 5.08.020 of the Campbell Municipal Code shall be amended to read:

5.08.020 Contents of applications.

The written application provided for in Section 5.08.010 for any activities, businesses and trades enumerated in Sections 5.08.010 and 5.28.010 shall set forth the following:

- (1) The name and address of the applicant;
- (2) The name and address of the person by whom employed, if any;
- (3) The nature of the business for which a permit is requested and the number of persons to be employed, both male and female;

- (4) Where applicable, a brief description of the nature and amount of equipment to be used in such business;
- (5) The place where such business is to be conducted;
- (6) The personal description of the applicant;
- (7) The applicant shall also be required to furnish evidence of his identity, of such character as the City Council may require, and shall also be required to furnish his fingerprints and thumbprints;
- (8) All applications must be accompanied by **any and all license fees prescribed by this Title, as well as any and all applicable regulatory fees** as set by City Council resolution **to defer the cost of any applicable regulatory program to which the activity, business or trade is subject**, and shall be filed with the City Clerk. Such applications shall be reviewed by the Chief of Police, Chief of the Fire Department and the Building and Zoning Enforcement Officers, who shall submit their findings to the City Council to assist the council in determining whether or not the application shall be granted or denied.

The City Council, on granting a permit, may impose such conditions as it finds reasonable. The City Council may deny a permit if it finds that the activity applied for **or** the location thereof will create a public nuisance.

SECTION SEVEN: Section 5.08.050 of the Campbell Municipal Code is hereby deleted.

SECTION EIGHT: Section 5.08.080 is hereby amended to read:

5.08.080 Amusement devices.

Every person commencing or carrying on the business of rental, lease or operation of amusement devices **or vending machines** within the city shall pay to the City Clerk an **annual** license fee in the amount **set forth in** the following schedule:

<u>Number of Machines</u>	<u>Fee</u>
1 - 5	\$ 90.00
6 - 10	175.00
11 - 50	300.00
51+	500.00

SECTION NINE: Section 5.12.100 is hereby amended to read:

5.12.100 Regulatory Fee.

Any person, firm, or corporation owning or operating a kennel, pet shop **or other animal establishment** shall pay an annual **regulatory** fee, as established by resolution of the City Council, **in addition to any other license fee imposed by this Title.**

SECTION TEN: Section 5.12.120 is amended to read:

5.12.120 Renewal.

The procedure for the renewal of any license shall be subject to the same conditions and shall be done in the same manner as the issuance of an original license.

SECTION ELEVEN: The last sentence of subsection (a) of section 5.24.010 of the Campbell Municipal Code, which presently reads, "The license fee therefor shall be one hundred dollars per year," is hereby amended to read: **The City Council shall by resolution establish the regulatory fee to be paid upon application for this permit.**

SECTION TWELVE: Subsection (b) of Campbell Municipal Code 5.28.020 is hereby amended to read:

(b) The annual **regulatory** fee for **any permit or application under this Chapter** shall be set by the City Council, **which shall be in addition to** any other fee provided in this Chapter.

SECTION THIRTEEN: Section 5.29.270 of the Campbell Municipal Code is hereby amended to read:

5.29.270 Regulatory fee.

A **regulatory** fee in an amount established by resolution of the City Council shall be paid at the time of issuance of a bingo license, and at the time of each renewal of said license, **in addition to any business license fee due under this Title.** If an application for a license is denied, one-half of any **regulatory** fee paid shall be refunded to the organization.

SECTION FOURTEEN: Section 5.40.030 of the Campbell Municipal Code is amended to read:

5.40.030 Owners license.

It is unlawful to operate any taxicab in the city unless the owner thereof applies for and obtains a license so to do, which license shall be applied for, granted, and in effect, all in compliance with the provisions of this Chapter. **The owner shall pay an annual regulatory fee as established by resolution of the City Council in addition to any business license fee imposed pursuant to this Title.**

SECTION FIFTEEN: Section 5.44.080 is hereby amended to read:

5.44.080 Term of permit.

All licenses issued under this Chapter shall be for a term of one year, renewable on written notice to the Chief of Police and accompanied by the payment of **a regulatory fee established by resolution of the City Council in addition to any annual business license fee required by this Title.** Such renewal, however, shall be subject to the recommendation of the Chief of Police.

SECTION SIXTEEN: Subsection (c) of Campbell Municipal Code section 5.50.030 is hereby amended to read:

(c) The application shall be accompanied by payment of a regulatory fee **established by resolution of the City Council, which shall be in addition to any business license fee imposed pursuant to this Title.**

SECTION SEVENTEEN: Subsection (b) of Campbell Municipal Code section 6.04.160 is hereby amended to read:

(b) Contractor shall have the sole and exclusive right for refuse collection services provided for in this code as it relates to all residential areas, to each single-family dwelling, to all multiple apartment units, to all commercial, business, industrial, and manufacturing establishments, located within the city boundaries of this city, with the following exceptions:

(1) That whenever a commercial, business, industrial or manufacturing establishment produces rubbish or debris that has resaleable value, it may negotiate with a scavenger company other than the contractor under contract with the city, for the opportunity of selling these specific items. The scavenger company providing this service must receive a permit issued by the fire chief or his delegated representative and obtain a business license **pursuant to Title 5 of this Code.**

(2) In those cases where a commercial, business, industrial or manufacturing establishment can show to the satisfaction of the fire chief or his delegated representative that the contractor under contract with the city cannot provide the necessary service required by said establishment, the fire chief may grant a permit for a scavenger company other than the contractor to provide service to the establishment. Scavenger company requesting this permit must also obtain a business license **pursuant to Title 5 of this Code.**

SECTION EIGHTEEN: Section 6.08.040 of the Campbell Municipal Code is hereby amended to read:

6.08.040 Regulatory Permit fee.

The **regulatory** permit fee for conducting a restaurant or food establishment shall be as established by resolution of the City Council.

SECTION NINETEEN: Section 7.14.030 shall be amended to read:

7.14.030 Permit period and regulatory fee.

The fee for a permit to keep or maintain dangerous animals shall be **as established by resolution of the City Council** for a twelve-month term. The permit shall expire and be renewable as set forth in Section 7.20.040.

SECTION TWENTY: Section 5.01.170 is hereby added to Chapter 5.01 of the Campbell Municipal Code to read as follows:

5.01.170 Council Authority to Increase License Taxes. The City Council may by ordinance increase the amount of any tax set forth in this Title by no more than two percent per year to account for inflation.

SECTION TWENTY-ONE: The proceeds of any taxes increased or extended by this ordinance shall be deposited in the City's general fund for use by the City for any of the City's general expenses, such as, without limitation or necessary inclusion 911 emergency responses, firefighting efforts, police patrols, crime prevention, city streets and pothole repair, after-school programs for children/teens and nutrition programs for seniors. The taxes referenced in this ordinance shall be collected as provided in the Campbell Municipal and applicable law. There will be independent annual financial audits.

SECTION TWENTY-TWO: Nothing contained in this ordinance shall be construed as a limitation of the City Council's authority to establish and adjust regulatory fees to cover or off-set the cost of any lawfully adopted regulatory program, above and beyond the amount of any business license tax. The City Council may also amend, revise, or clarify any provision of the various Titles or Chapters of the Campbell Municipal Code referenced in this ordinance without additional approval of the voters, so long as those amendments, revisions or clarifications do not increase or extend any tax.

SECTION TWENTY-THREE: This ordinance shall take effect on July 1, 2011, provided that the tax increases and extensions set forth herein are approved by a majority of the votes cast by voters voting on the measure by which such increase and extensions are presented to them.

PASSED AND ADOPTED this 3rd day of August 2010, by the following roll call vote of the City Council of the City of Campbell:

- AYES : Councilmembers:
- NOES : Councilmembers:
- ABSENT : Councilmembers:
- ABSTAIN: Councilmembers:

APPROVED:

Evan D. Low, Mayor

ATTEST:

Anne Bybee, City Clerk

ORDINANCE NO. 2133

**BEING AN ORDINANCE OF THE CITY COUNCIL AND PEOPLE OF THE
CITY OF CAMPBELL AMENDING SECTION 3.34.020 OF THE CAMPBELL
MUNICIPAL CODE TO INCREASE THE TRANSIENT OCCUPANCY TAX
FROM TEN PERCENT TO TWELVE PERCENT**

The City Council and the People of the City of Campbell to ordain as follows:

SECTION ONE: Section 3.34.020 of the Campbell Municipal Code is hereby amended to read:

3.34.020 Tax imposed.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of **twelve** percent of the rent charged by the operator. The tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the tax administrator may require that such tax shall be paid directly to the tax administrator.

SECTION TWO: The proceeds of the tax increased by this ordinance shall be deposited in the City's general fund for use by the City for any of the City's general expenses, such as, without limitation or necessary inclusion 911 emergency responses, firefighting efforts, police patrols, crime prevention, city streets and pothole repair, after-school programs for children/teens and nutrition programs for seniors. The taxes referenced in this ordinance shall be collected as provided in Chapter 3.34 of Campbell Municipal and applicable law. There will be independent annual financial audits.

SECTION THREE: The City Council may also amend, revise, or clarify any provision of Chapter 3.34 of the Campbell Municipal Code without additional approval of the voters, so long as those amendments, revisions or clarifications do not increase or extend any tax.

SECTION FOUR: This ordinance shall take effect on January 1, 2011, provided that the tax increase set forth herein is approved by a majority of the votes cast by voters voting on the measure by which such increase is presented to them.

PASSED AND ADOPTED this 3rd day of August, 2010 by the following roll call vote of the City Council of the City of Campbell:

AYES : Councilmembers:
NOES : Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

APPROVED:

Evan D. Low, Mayor

ATTEST:

Anne Bybee, City Clerk

RESOLUTION NO. _____

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL SUBMITTING TWO REVENUE MEASURES TO THE ELECTORATE AT THE GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF CAMPBELL ON NOVEMBER 2, 2010; REQUESTING SERVICES OF THE REGISTRAR OF VOTERS AND REQUESTING CONSOLIDATION WITH THE STATEWIDE GENERAL ELECTION

THE CITY COUNCIL OF THE CITY OF CAMPBELL DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Campbell City Council adopted Resolution 11175 calling a General Municipal Election in consolidation with the Statewide General Election to be held in the City of Campbell on the 2nd day of November, 2010 to elect three (3) City Councilmembers, each for a full term of four years.

Section 2. An amendment to Resolution 11202 adopted by the Campbell City Council on July 20, 2010 is required by the Registrar of Voters to correct a technical error contained in said Resolution which incorrectly sets forth the exact form of ballot titles; the provisions of said amended resolution supercede the provisions set forth in Resolution 11202.

Section 3. The Campbell City Council hereby submits two measures to the electorate of said City pertaining to Ordinance 2132 amending provisions of the Campbell Municipal Code regarding Business License Taxes and regulatory fees that includes increases to various Business License Taxes, and Ordinance 2133 approving an increase to the Transient Occupancy Tax, the exact form of said measures to appear on the ballot as follows:

<p>"To maintain/protect city services, including 911 emergency response times, firefighters, police patrols, crime prevention, city streets and pothole repair, after-school programs for children/teens and senior programs, shall the City of Campbell modify the existing business license tax set in 1982, with the cost for most businesses increasing \$50 and limiting annual cost-of-living adjustments to 2%, with proceeds placed in the City's General Fund for local use and with independent annual financial audits?"</p>	Yes
	No

<p>"To help prevent additional budget cuts and maintain/protect city services, including 911 emergency response times, firefighters, police patrols, crime prevention, city streets and pothole repair, after-school programs for children/teens and nutrition programs for seniors, shall the City of Campbell increase the existing transient occupancy tax charged to hotel guests from 10% to 12%, with proceeds placed in the City's General Fund for local use and with independent annual financial audits?"</p>	Yes
	No

Section 3. The Processing Fee currently charged for processing applications and payment of the Business License Tax shall be deemed automatically terminated as of 6/30/2011 if the revisions to the Business License Taxes proposed in Ordinance 2132 are approved by the voters. The termination of the processing fees shall not be construed to preclude the City from charging lawful regulatory fees to defray the costs of valid regulatory programs of the City.

Section 4. The General Municipal Election hereby called for the date hereinbefore specified shall be and is hereby ordered consolidated with the Statewide General Election and all elections to be held in said jurisdiction and in the City of Campbell on such date, and within the territory affected by the consolidation, and the precincts, polling places and officers of election shall be the same as those established and designated for said election by the Board of Supervisors of the County of Santa Clara.

Section 5. Pursuant to Section 10002 of the Elections Code, the City Council hereby requests the Board of Supervisors of the County of Santa Clara to make available the services of the Registrar of Voters for the purpose of performing the usual services in the conduct of the Consolidated Election, including the provision of election supplies and voters' pamphlets. The Board of Supervisors of the County of Santa Clara is hereby authorized to canvass the returns of said election, and said election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

Section 6. The City Clerk is hereby directed to file with the Board of Supervisors and the Registrar of Voters of the County of Santa Clara certified copies of this Resolution at least eighty-eight (88) days prior to the herein referenced General Municipal Election.

Section 7. The City Clerk shall publish Notice of said Election as required by Section 12112 of the Elections Code.

Section 8. The City Council hereby directs the City Attorney to prepare an Impartial Analysis, not to exceed five hundred words, in accordance with Elections Code 9280, and establishes August 17, 2010 as the deadline for submitting the Impartial Analysis.

Section 9. The Mayor, or his designee, is hereby authorized to prepare a written Argument in favor of the proposed measures, not to exceed 300 words in length, on behalf of the City Council. At the Mayor's discretion, the Argument may also be signed by bona fide associations or by individual voters who are eligible to vote.

Section 10. The City Council hereby authorizes Arguments For and Against the measures and Rebuttal Arguments to be filed in accordance with Sections 9282-9287 of the Elections Code, and establishes August 10, 2010 as the deadline to file Arguments For or Against the measure, and August 17, 2010 as the deadline to file Rebuttal Arguments.

Section 11. The City Clerk is hereby authorized and directed to take all steps necessary to place the measures on the ballot and to cause full text of both Ordinances to be printed in the Sample Ballot.

Section 12. The polls for said election shall be opened at 7:00 a.m. of the day of said election, and shall remain open continuously from said time until 8:00 p.m. of the same day, when said polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

PASSED AND ADOPTED this day of August, 2010, by the following roll call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED:

Evan D. Low, Mayor

ATTEST:

Anne Bybee, City Clerk