



City of San Leandro

Meeting Date: December 14, 2020

Staff Report

File Number: 20-608 **Agenda Section:** CONSENT CALENDAR

Agenda Number: 8.G.

TO: City Council

FROM: Jeff Kay
City Manager

BY: Jeff Kay
City Manager

FINANCE REVIEW: Not Applicable

TITLE: Staff Report for a City of San Leandro City Council Resolution Declaring the Results of the General Municipal Election Held on Tuesday, November 3, 2020

SUMMARY AND RECOMMENDATION

The City of San Leandro held its General Municipal Election on Tuesday, November 3, 2020. The City's election was consolidated with the Statewide General Election and was conducted by the Alameda County Registrar of Voters (ROV).

Staff recommends that the City Council adopt a resolution declaring the results of the City of San Leandro's General Municipal Election for City Council Districts 2, 4, and 6, and Measure VV.

BACKGROUND

On July 6, 2020, the San Leandro City Council adopted Resolution No. 2020-073, calling its General Municipal Election, to be held on November 3, 2020, and requesting that the Board of Supervisors permit the consolidation of the City's election with the Statewide General Election to be held on the same date. On July 20, 2020, the City Council adopted Resolution No. 2020-103, submitting one question to the voters at the November 3, 2020 election. The election resolution included a request that the Alameda County Board of Supervisors permit the consolidation of the City's General Municipal Election with the Statewide General Election, and that the ROV provide necessary services related to the conduct of the election.

San Leandro's City Charter requires election of candidates by a 50% plus one majority. Since 2010, San Leandro has used the Ranked Choice Voting (RCV) system. However, for the November 3, 2020 election, the candidate for District 6 ran unopposed and there were only two candidates for Districts 2 and 4 respectively, which eliminated the need for RCV.

As required by the California Elections Code, an official canvass was performed by the ROV, and a Statement of Election Results was submitted to the City. A resolution accepting the Statement

of Election Results and declaring the results of the election is provided for the City Council's adoption.

The following outlines the results of the November 3, 2020 election:

District 2 - Bryan Azevedo, Councilmember, for a full term of four years from and after January 1, 2021, and until his successor is elected and qualified.

District 4 - Fred Simon, Councilmember, for a full term of four years from and after January 1, 2021, and until his successor is elected and qualified.

District 6 - Pete Ballew, Councilmember, for a full term of four years from and after January 1, 2021, and until his successor is elected and qualified.

Measure VV - a majority of the affirmative votes were cast to increase the existing real property transfer tax rate.

Current Agency Policies

Section 225(b) of the Charter of the City of San Leandro requires a successful candidate for elective office to receive at least 50% plus one of the votes cast for that office. In the event that no candidate receives 50% plus one of the votes cast for that office, the Charter requires the City Council to provide for a runoff vote to determine the person elected. The Charter provides that the runoff system may include an instant runoff voting system (i.e., RCV).

Previous Actions

On April 19, 2010, the City Council passed to print and adopted Ordinance No. 2010-005, providing for the conduct of the General Municipal Election using RCV. The ordinance remains in effect for this election.

On July 6, 2020, the City Council adopted Resolution No. 2020-073, calling the November 3, 2020 General Municipal Election, requesting the Alameda County Board of Supervisors permit the consolidation of the City's General Municipal Election with the Statewide General Election, and requesting that the ROV conduct the election on the City's behalf.

On July 20, 2020, the City Council adopted Resolution No. 2020-103, placing Measure VV on the ballot.

Summary of Public Outreach Efforts

A Candidate Information page was added to the City website, listing the candidates' contact information, ballot designations, ballot statements, and pre-election campaign financial statements. The page was updated as new information was received.

On September 11, 2020, a Notice of Nominees for Public Office and Measure to be Voted On was published in the Daily Review newspaper, pursuant to Elections Code Section 12110.

On September 30, 2020, City staff conducted a Candidate Orientation for all City Council candidates, and members of the public were invited. The Orientation provided information on

City services and projects.

A webpage for The Notice of Nominees for Public Office and Measures to be Voted On was added to the City's website. A link to translate the website was prominently placed in the upper corner of the page to allow easy translation of the Notice into the four required languages: Spanish, Chinese, Tagalog and Vietnamese.

An Election Campaign Sign webpage was created, to provide candidates and members of the public with information on the rules governing temporary political campaign signs.

Fiscal Impacts

The 2020 election is estimated to cost \$450,800. There is sufficient funding in the budget to cover the election's costs.

Budget Authority

There is \$475,000 in the FY 2020-2021 General Fund budget (Account 010-11-031-5890) for funding the election costs.

ATTACHMENT

Attachment to Related Resolution

Certificate of Election Results and Official Canvass by the Alameda County Registrar of Voters for the following races:

- Member, City Council, District 2
- Member, City Council, District 4
- Member, City Council, District 6
- Measure VV

PREPARED BY: Leticia I. Miguel, City Clerk, City Manager's Office



City of San Leandro

Meeting Date: December 14, 2020

Resolution - Council

File Number: 20-607 **Agenda Section:** CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Jeff Kay
City Manager

BY: Jeff Kay
City Manager

FINANCE REVIEW: Not Applicable

TITLE: RESOLUTION of the City of San Leandro City Council Declaring the Results of the General Municipal Election Held on Tuesday, November 3, 2020 (accepts the statement of election results for City Council Districts 2, 4, and 6 and Measure VV)

WHEREAS, a General Municipal Election was held and conducted in the City of San Leandro on Tuesday, the 3rd of November, 2020, in consolidation with the Statewide General Election, as required by the California Elections Code, the Charter of the City of San Leandro, and the City of San Leandro Municipal Code; and

WHEREAS, notice of said election was duly and regularly given as required by law, voting precincts were properly established, election officers were duly and regularly appointed, election supplies furnished, and in all respects said election was held and conducted, the votes cast were received and canvassed, and the returns thereof made, determined and declared in the time, form and manner required by law regulating and controlling such elections; and

WHEREAS, the qualified electors cast ballots at said election for the following Officials:

City Council Member, District 2

City Council Member, District 4

City Council Member, District 6

WHEREAS, the qualified electors cast ballots at said election upon the following proposed Measure:

Measure VV - To maintain City of San Leandro services, with revenue that cannot be taken by the State, including: repairing potholes/streets; supporting seniors, families and local small businesses through COVID-19 economic recovery; preserving 911 emergency response; maintaining youth violence prevention programs; and general city services; shall San

Leandro increase the existing real property transfer tax rate, collected when property is sold, by \$5 per \$1,000 in valuation, generating an additional \$4,000,000 annually, until repealed by voters, all funds benefiting San Leandro?

WHEREAS, a canvass of the returns of said election was made by the Registrar of Voters of Alameda County, a copy of which is attached; and

WHEREAS, the City Council of the City of San Leandro met in the special meeting place of the Council on the 14th day of December 2020, to declare the results of said election in compliance with Section 10263 of the California Elections Code; and

WHEREAS, the City Council finds as a result of said canvass that the number of votes cast, the names of the persons voted for, and other matters required by law are as hereinafter stated.

NOW, THEREFORE, the City Council of the City of San Leandro does **RESOLVE** and declare as follows:

- A General Municipal Election was held and conducted in the City of San Leandro on Tuesday, November 3, 2020 at the time and in the form and manner required by law.
- There were 5 Accessible Voting Locations established for the purpose of holding said election.
- The total number of votes cast at said election, for the candidates for City Council Districts 2, 4, and 6 was 39,821.

BE IT FURTHER RESOLVED, that at said election, the following persons were elected to the following offices respectively:

Bryan Azevedo, Councilmember, District 2, for a full term of four years from and after January 1, 2021, and until his successor is elected and qualified.

Fred Simon, Councilmember, District 4, for a full term of four years from and after January 1, 2021, and until his successor is elected and qualified.

Pete Ballew, Councilmember, District 6, for a full term of four years from and after January 1, 2021, and until his successor is elected and qualified.

BE IT FURTHER RESOLVED, that Measure VV received a majority of the affirmative votes cast at said election for said Measure and is hereby declared to have passed. The approval of Measure VV results in the adoption of an Ordinance of the People of the City of San Leandro, to increase the existing real property transfer tax rate.



REGISTRAR OF VOTERS

ALAMEDA COUNTY • CALIFORNIA

TIM DUPUIS
REGISTRAR OF VOTERS

CYNTHIA CORNEJO
DEPUTY REGISTRAR OF VOTERS

December 1, 2020

Leticia I. Miguel, City Clerk
City of San Leandro
835 East 14th Street
San Leandro, CA 94577

Dear Leticia I. Miguel:

Enclosed are the Certificate of Election Results and a copy of the Official Canvass for City of San Leandro for the General Election held on Tuesday, November 3, 2020.

If you have any questions, please contact me at (510) 272-6933.

Sincerely,

Tim Dupuis
Registrar of Voters
Alameda County

Enclosures

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of San Leandro, Council District 2**, at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for each candidate in the **City of San Leandro, Council District 2**, for the office of **City Council Member, District 2**.

I hereby set my hand and my official seal this **1st** day of **December 2020**.



TIM DUPUIS
Registrar of Voters
Alameda County
State of California

RCV Detailed Report

General Election
ALAMEDA COUNTY
November 03, 2020

Member, City Council, Dist. 2 - San Leandro (RCV)

Official results

Number of positions to elect is 1.

Tabulation status: All Positions Filled

Tabulation time: 11/30/2020 4:48:33 PM

Tabulation Options	
RCV method	IRV
Previous rounds evaluation method	None
Elimination type	Single
Votes to include in threshold calculation	Continuing ballots per round
Fixed precision decimals	0
Use previous tie break decision	False
Exclude unresolved write-ins	True
Declare winners by threshold	True
Uses precincts	True
Pause after round	False
Perform elimination transfer in last round	True
Skip overvoted rankings	False
Assign skipped rankings to the set of exhausted ballots	False
Use first round suspension	True
Include disabled candidate rankings in overvote	False

Ties are resolved in accordance with election law.

ALAMEDA COUNTY**Round 1****Threshold: 16,832**

Candidate	Votes	Percentage
BRYAN AZEVEDO	18,182	54.01%
ED HERNANDEZ	15,480	45.99%
Continuing Ballots Total	33,662	
Blanks	5,228	
Exhausted	0	
Overvotes	166	
Remainder Points	0	
Suspended	765	
Non Transferable Total	6,159	

BRYAN AZEVEDO is elected because the candidate reached the threshold value.

ED HERNANDEZ is eliminated because the candidate was not elected in the last round.

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of San Leandro, Council District 4**, at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for each candidate in the **City of San Leandro, Council District 4**, for the office of **City Council Member, District 4**.

I hereby set my hand and my official seal this **1st** day of **December 2020**.



TIM DUPUIS
Registrar of Voters
Alameda County
State of California

RCV Detailed Report

General Election
ALAMEDA COUNTY
November 03, 2020

Member, City Council, Dist. 4 - San Leandro (RCV)

Official results

Number of positions to elect is 1.

Tabulation status:

All Positions Filled

Tabulation time:

11/30/2020 4:48:39 PM

Tabulation Options	
RCV method	IRV
Previous rounds evaluation method	None
Elimination type	Single
Votes to include in threshold calculation	Continuing ballots per round
Fixed precision decimals	0
Use previous tie break decision	False
Exclude unresolved write-ins	True
Declare winners by threshold	True
Uses precincts	True
Pause after round	False
Perform elimination transfer in last round	True
Skip overvoted rankings	False
Assign skipped rankings to the set of exhausted ballots	False
Use first round suspension	True
Include disabled candidate rankings in overvote	False

Ties are resolved in accordance with election law.

ALAMEDA COUNTY**Round 1****Threshold: 15,587**

Candidate	Votes	Percentage
CHRISTOPHER BAMMER	9,099	29.19%
FRED SIMON	22,073	70.81%
Continuing Ballots Total	31,172	
Blanks	6,954	
Exhausted	0	
Overvotes	99	
Remainder Points	0	
Suspended	1,596	
Non Transferable Total	8,649	

CHRISTOPHER BAMMER is eliminated because the candidate was not elected in the last round.

FRED SIMON is elected because the candidate reached the threshold value.

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of San Leandro, Council District 6**, at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for each candidate in the **City of San Leandro, Council District 6**, for the office of **City Council Member, District 6**.

I hereby set my hand and my official seal this **1st day of December 2020**.



TIM DUPUIS
Registrar of Voters
Alameda County
State of California

RCV Detailed Report

General Election
ALAMEDA COUNTY
November 03, 2020

Member, City Council, Dist. 6 - San Leandro (RCV)

Official results

Number of positions to elect is 1.

Tabulation status:

All Positions Filled

Tabulation time:

11/30/2020 4:48:44 PM

Tabulation Options	
RCV method	IRV
Previous rounds evaluation method	None
Elimination type	Single
Votes to include in threshold calculation	Continuing ballots per round
Fixed precision decimals	0
Use previous tie break decision	False
Exclude unresolved write-ins	True
Declare winners by threshold	True
Uses precincts	True
Pause after round	False
Perform elimination transfer in last round	True
Skip overvoted rankings	False
Assign skipped rankings to the set of exhausted ballots	False
Use first round suspension	True
Include disabled candidate rankings in overvote	False

Ties are resolved in accordance with election law.

ALAMEDA COUNTY**Round 1****Threshold: 13,616**

Candidate	Votes	Percentage
PETE BALLEW	27,231	100.00%
Continuing Ballots Total	27,231	
Blanks	10,347	
Exhausted	0	
Overvotes	23	
Remainder Points	0	
Suspended	2,220	
Non Transferable Total	12,590	

PETE BALLEW is elected because the candidate reached the threshold value.

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of San Leandro** at the General Election held on Tuesday, **November 3, 2020**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for and against **Measure VV**.

I hereby set my hand and my official seal this **1st** day of **December 2020**.



TIM DUPUIS
Registrar of Voters
Alameda County
State of California

1 Measure VV - City of San Leandro

		Registered Voters	Voters Cast	Turnout (%)	YES	NO	Write-ins	Over Votes	Under Votes
450200	Total	3847	2943	76.50 %	1418	1377			148
450610	Total	3791	2986	78.77 %	1306	1499		1	180
450620	Total	0	0						
450800	Total	1287	1023	79.49 %	402	569		1	51
450920	Total	0	0						
450930	Total	3	1	33.33 %		1			
451600	Total	2546	2014	79.10 %	872	1026		1	115
451900	Total	1381	1029	74.51 %	450	520			59
452400	Total	4201	3235	77.01 %	1633	1424			178
453300	Total	870	652	74.94 %	320	286			46
453500	Total	3103	2338	75.35 %	1101	1109		1	127
453920	Total	1014	743	73.27 %	437	243			63
454100	Total	1340	1037	77.39 %	549	434			54
454220	Total	68	52	76.47 %	41	10			1
454230	Total	0	0						
454510	Total	0	0						
454600	Total	0	0						
454700	Total	406	300	73.89 %	133	147			20
455010	Total	449	318	70.82 %	143	152			23
455100	Total	939	697	74.23 %	446	207			44
455200	Total	570	454	79.65 %	245	189			20
455300	Total	2841	2089	73.53 %	1086	893			110
455400	Total	1812	1431	78.97 %	727	622			82
455700	Total	580	474	81.72 %	213	238			23
456100	Total	1918	1470	76.64 %	822	548			100
456200	Total	4261	3449	80.94 %	1653	1619		1	176
456500	Total	785	705	89.81 %	386	288		1	30
456610	Total	0	0						
457300	Total	2810	2414	85.91 %	1297	991			126
457500	Total	3265	2721	83.34 %	1578	989		1	153
458300	Total	2798	2263	80.88 %	1173	983		1	106
458500	Total	1009	792	78.49 %	480	254			58
458800	Total	3295	2450	74.36 %	1245	1058			147
Total - Election Day		51189	0	0.00 %					
Total - Election Night		51189	2969	5.80 %	1374	1267		1	327
Total - Vote by Mail		51189	37111	72.50 %	18782	16409		7	1913
Contest Total		51189	40080	78.30 %	20156	17676		8	2240

1 Member, City Council, Dist. 2 - San Leandro (RCV)

		Registered Voters	Voters Cast	Turnout (%)	BRYAN AZEVEDO	ED HERNANDEZ	Write-ins	Over Votes	Under Votes
450200	Total	3847	2924	76.01 %	1312	1138	21	11	442
450610	Total	3791	2975	78.48 %	1221	1224	18	11	501
450620	Total	0	0						
450800	Total	1287	1015	78.87 %	357	445	10	7	196
450920	Total	0	0						
450930	Total	3	1	33.33 %		1			
451600	Total	2546	2002	78.63 %	940	753	15	7	287
451900	Total	1381	1022	74.00 %	442	413	5	3	159
452400	Total	4201	3215	76.53 %	1408	1281	34	14	478
453300	Total	870	647	74.37 %	290	253	7	6	91
453500	Total	3103	2317	74.67 %	982	929	20	12	374
453920	Total	1014	740	72.98 %	335	273	7	4	121
454100	Total	1340	1031	76.94 %	442	425	9	4	151
454220	Total	68	52	76.47 %	24	22			6
454230	Total	0	0						
454510	Total	0	0						
454600	Total	0	0						
454700	Total	406	297	73.15 %	113	120	3	1	60
455010	Total	449	313	69.71 %	143	121	1	3	45
455100	Total	939	689	73.38 %	283	288	5	4	109
455200	Total	570	451	79.12 %	229	154	2	3	63
455300	Total	2841	2071	72.90 %	1055	731	11	8	266
455400	Total	1812	1426	78.70 %	656	585	7	8	170
455700	Total	580	474	81.72 %	230	190	5		49
456100	Total	1918	1459	76.07 %	695	544	7	8	205
456200	Total	4261	3431	80.52 %	1554	1399	26	13	439
456500	Total	785	701	89.30 %	408	218	1		74
456610	Total	0	0						
457300	Total	2810	2400	85.41 %	1246	856	25	3	270
457500	Total	3265	2706	82.88 %	1316	994	29	10	357
458300	Total	2798	2246	80.27 %	1052	864	18	4	308
458500	Total	1009	782	77.50 %	324	313	8	8	129
458800	Total	3295	2434	73.87 %	1125	946	12	14	337
Total - Election Day		51189	0	0.00 %					
Total - Election Night		51189	2971	5.80 %	1276	1097	26	7	565
Total - Vote by Mail		51189	36850	71.99 %	16906	14383	280	159	5122
Contest Total		51189	39821	77.79 %	18182	15480	306	166	5687

1 Member, City Council, Dist. 4 - San Leandro (RCV)

		Registered Voters	Voters Cast	Turnout (%)	CHRISTOPHER BAMMER	FRED SIMON	Write-ins	Over Votes	Under Votes
450200	Total	3847	2924	76.01 %	723	1613	15	9	564
450610	Total	3791	2975	78.48 %	695	1607	18	8	647
450620	Total	0	0						
450800	Total	1287	1015	78.87 %	196	604	16	3	196
450920	Total	0	0						
450930	Total	3	1	33.33 %		1			
451600	Total	2546	2002	78.63 %	502	1076	17	4	403
451900	Total	1381	1022	74.00 %	239	557	12	2	212
452400	Total	4201	3215	76.53 %	771	1698	33	13	700
453300	Total	870	647	74.37 %	156	343	9	2	137
453500	Total	3103	2317	74.67 %	557	1219	16	3	522
453920	Total	1014	740	72.98 %	184	377	8		171
454100	Total	1340	1031	76.94 %	263	549	10	6	203
454220	Total	68	52	76.47 %	14	32			6
454230	Total	0	0						
454510	Total	0	0						
454600	Total	0	0						
454700	Total	406	297	73.15 %	63	153	5		76
455010	Total	449	313	69.71 %	82	149	1	2	79
455100	Total	939	689	73.38 %	180	341	7	3	158
455200	Total	570	451	79.12 %	105	243	3	2	98
455300	Total	2841	2071	72.90 %	428	1187	19	4	433
455400	Total	1812	1426	78.70 %	275	831	9	5	306
455700	Total	580	474	81.72 %	103	288	3		80
456100	Total	1918	1459	76.07 %	382	749	9	6	313
456200	Total	4261	3431	80.52 %	723	2010	27	9	662
456500	Total	785	701	89.30 %	121	448	3		129
456610	Total	0	0						
457300	Total	2810	2400	85.41 %	466	1477	22	3	432
457500	Total	3265	2706	82.88 %	604	1533	33	5	531
458300	Total	2798	2246	80.27 %	500	1267	11	1	467
458500	Total	1009	782	77.50 %	164	428	7	3	180
458800	Total	3295	2434	73.87 %	603	1293	17	6	515
Total - Election Day		51189	0	0.00 %					
Total - Election Night		51189	2971	5.80 %	978	1202	23	3	765
Total - Vote by Mail		51189	36850	71.99 %	8121	20871	307	96	7455
Contest Total		51189	39821	77.79 %	9099	22073	330	99	8220

**1 Member, City Council, Dist. 6 - San Leandro
(RCV)**

		Registered Voters	Voters Cast	Turnout (%)	PETE BALLEW	Write-Ins	Over Votes	Under Votes
450200	Total	3847	2924	76.01 %	2030	38	1	855
450610	Total	3791	2975	78.48 %	2005	23	3	944
450620	Total	0	0					
450800	Total	1287	1015	78.87 %	700	26		289
450920	Total	0	0					
450930	Total	3	1	33.33 %	1			
451600	Total	2546	2002	78.63 %	1342	29	1	630
451900	Total	1381	1022	74.00 %	719	20		283
452400	Total	4201	3215	76.53 %	2212	47		956
453300	Total	870	647	74.37 %	473	9		165
453500	Total	3103	2317	74.67 %	1588	27	3	699
453920	Total	1014	740	72.98 %	496	7	1	236
454100	Total	1340	1031	76.94 %	725	19	2	285
454220	Total	68	52	76.47 %	43			9
454230	Total	0	0					
454510	Total	0	0					
454600	Total	0	0					
454700	Total	406	297	73.15 %	190	7		100
455010	Total	449	313	69.71 %	195	4		114
455100	Total	939	689	73.38 %	466	9	1	213
455200	Total	570	451	79.12 %	297	6	1	147
455300	Total	2841	2071	72.90 %	1450	28		593
455400	Total	1812	1426	78.70 %	954	12		460
455700	Total	580	474	81.72 %	336	6		132
456100	Total	1918	1459	76.07 %	1019	33	1	406
456200	Total	4261	3431	80.52 %	2361	62	2	1006
456500	Total	785	701	89.30 %	455	21		225
456610	Total	0	0					
457300	Total	2810	2400	85.41 %	1594	36	4	766
457500	Total	3265	2706	82.88 %	1848	49		809
458300	Total	2798	2246	80.27 %	1509	39		698
458500	Total	1009	782	77.50 %	532	8	1	241
458800	Total	3295	2434	73.87 %	1691	50	2	691
Total - Election Day		51189	0	0.00 %				
Total - Election Night		51189	2971	5.80 %	1776	56		1139
Total - Vote by Mail		51189	36850	71.99 %	25455	559	23	10813
Contest Total		51189	39821	77.79 %	27231	615	23	11952



City of San Leandro

Meeting Date: December 14, 2020

Ordinance

File Number: 20-339

Agenda Section: CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Jeff Kay
City Manager

BY: City Council

FINANCE REVIEW: Susan Hsieh
Finance Director

TITLE: ORDINANCE of the City of San Leandro City Council Amending Section 2-3-105 of the San Leandro Municipal Code Relating to the Real Property Transfer Tax.

THE PEOPLE OF THE CITY OF SAN LEANDRO DO ORDAIN as follows:

SECTION 1. AMENDMENT TO THE SAN LEANDRO MUNICIPAL CODE. San Leandro Municipal Code Section 2-3-105 of the San Leandro Municipal Code is hereby amended to read as follows (with additions in *italics* and deletions in ~~strike through~~):

“CHAPTER 2-3 REAL PROPERTY TRANSFER TAX

2-3-105 IMPOSITION OF TAX

(a) 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 or 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, said tax is to be at the rate of ~~Six Dollars (\$6.00)~~ *Eleven Dollars (\$11.00)* for each One Thousand Dollars (\$1,000.00) or fractional part of One Thousand Dollars or the value of the consideration.

As used herein, “value of the consideration” means the total consideration, paid or delivered or contracted to be paid or delivered in return for the transfer or any lands, tenements or other 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 or 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~~ of the consideration” also includes the amount of any special assessment levied or imposed upon the lands, tenements or other real 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 the above provisions of this section.

SECTION 2. FUTURE AMENDMENTS. 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. CEQA. Approval of the ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 5. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect ten (10) days after the certification of its approval by the voters at the Election pursuant to Elections Code section 9217. 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.

Introduced by Councilmember Hernandez and passed to print on this 20th day of July 2020, by the following called vote:

Members of the Council:

AYES: Councilmembers Aguilar, Ballew, Cox, Hernandez, Lee, Lopez, Mayor Cutter

(7)

NOES: None (0)

ABSENT: None (0)

APPROVED by the following vote of the People of the City of San Leandro on November 3, 2020:

YES: 20,156

NO: 17,676

ADOPTED by Declaration of the vote at the November 3, 2020 election by the City Council of the City of San Leandro on December 14, 2020:

Members of the Council:

AYES:

NOES:

ABSENT: