

# ANNOTATED AGENDA

# for

MARCH 1, 2018

# BOARD OF ADMINISTRATIVE APPEALS ADMINISTRATIVE REVIEW PANEL

Council Chambers 200 "H" Street

MARCH 1, 2018 3:00 р.м.

3:01 P.M. <u>ROLL CALL</u> Deborah Simpson, Chairperson - *Present* Ademuyiwa "Ade" Adeyemi, Vice Chairperson - *Present* Andrew Schleder - *Present* Farideh Faraji - *Absent Vacant* Marie Livingston, Alternate - *Present* 

# PLEDGE OF ALLEGIANCE

# 1. <u>CONSENT CALENDAR</u>

 A. APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR FEBRUARY 1, 2018

Approved, 4/0

Recommended Action: Motion to approve the minutes.

STAFF REPORT

B. APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTH OF JANUARY 2018

# Approved, 4/0

Recommendation: The Board of Administrative Appeals shall confirm each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property. The Board shall also direct that the same be recorded with the Contra Costa County Recorder's Office and thereafter the assessment shall constitute a special assessment and lien against the property.

STAFF REPORT

# 2. <u>REGULAR AGENDA</u>

**OATH** for all intending to testify

A. <u>ADMINISTRATIVE CITATION NO. 4191</u> – APPEAL FILED BY PAVAN AND CHANDA RAI FOR THEIR PROPERTY LOCATED AT 3617 MEADOWBROOK ROAD, ANTIOCH, REGARDING ANTIOCH MUNICIPAL CODE <u>"BUSINESS LICENSE</u> <u>REQUIRED" [§3-1.103].</u>

Appeal Denied & Citation Upheld, 4/0

STAFF REPORT

# PUBLIC COMMENTS—Only unagendized issues will be discussed during this time

WRITTEN/ORAL COMMUNICATIONS

# ADJOURNMENT @ 3:26 p.m.

# Notice of Availability of Reports

This agenda is a summary of the discussion items/actions proposed to be taken by the Board of Administrative Appeals. Materials provided regarding the agenda items will be available at the following website: <u>http://www.ci.antioch.ca.us/CityGov/Agendas/default.asp</u> or at the City Clerk's Office, City Hall, 200 H Street, Antioch, CA 94509, Monday through Friday, 8:00 a.m. to 5:00 p.m., for inspection and copying (for a fee). Copies are also made available at the Antioch Public Library for inspection. The meetings are accessible to those with disabilities. Auxiliary aides will be made available for persons with hearing or vision disabilities upon request in advance at (925) 779-7009 or TDD (925) 779-7081.

# Notice of Opportunity to Address the Committee

The public has the opportunity to address the Board on each agenda item. To address the Board, fill out a yellow Speaker Request form, available on each side of the entrance doors, and place in the Speaker Card Tray. This will enable us to call upon you to speak. Each speaker is limited to not more than 3 minutes. Comments regarding matters not on this Agenda may be addressed during the "Public Comments" section on the agenda. No one may speak more than once on an agenda item or during "Public Comments".

PLEASE TURN OFF CELL PHONES BEFORE ENTERING COUNCIL CHAMBERS.

# BOARD OF ADMINISTRATIVE APPEALS ADMINISTRATIVE REVIEW PANEL

# Regular Meeting 3:00 P.M.

February 1, 2018 Council Chambers

Acting Chair Schleder called the meeting to order at 3:03 P.M. on Thursday, February 1, 2018 in the Council Chambers.

# ROLL CALL:

Present: Absent:	Board Members Faraji, Livingston and Acting Chair Schleder Chairperson Simpson (arrived at 3:04 P.M.) Board Member Adeyemi
Staff Present:	Interim City Attorney, Elizabeth Perez Board Secretary/City Clerk, Arne Simonsen CMC Minutes Clerk, Kitty Eiden Code Enforcement Manager, Curt Michael

# PLEDGE OF ALLEGIANCE

Acting Chair Schleder led the board, staff and public in the Pledge of Allegiance.

Chairperson Simpson arrived at 3:04 P.M.

# 1. CONSENT CALENDAR

# A. APPROVAL OF ADMINISTRATIVE APPEALS MINUTES FOR JANUARY 4, 2018

Board Member Faraji amended the minutes of January 4, 2018 page 1, Consent Calendar Item 1A to read; "On motion by..."

On motion by Board Member Faraji, seconded by Chairperson Simpson, the Board of Administrative Appeals approved the Minutes for January 4, 2018 as amended. The motion carried the following vote:

Ayes: Schleder, Faraji, Livingston and Chairperson Simpson Absent: Adeyemi

Acting Chairperson Schleder pulled Item B from the Consent Calendar for discussion.

# B. APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTH OF DECEMBER 2017.

City Clerk Simonsen announced an Appeal was filed by Miguel and Leticia Del Rio and copies were provided to the Board, public and staff.

1A 03-01-18 Interim City Attorney Perez explained the manner in which the proceedings would be conducted.

# OATH

City Clerk Simonsen administered the Oath for all persons present intending to testify.

Code Enforcement Manager Michael explained the items being appealed were the unpaid fines and penalties for administrative citations in the amount of \$1,720.00 for a property on Terrace Drive. He clarified that the citations were not appealable as the deadline had passed and the only reason the lien amount could be eliminated or reduced was if the citations had been paid or the lien amount was incorrect. He clarified to date there was no record of the citations being paid and he had verified that the lien amount was correct.

In response to Chairperson Simpson, Code Enforcement Manager Michael explained that the citations were issued for violations of the Antioch Municipal Code related to junk and debris storage in connection with an unpermitted construction project. He noted the property owner was notified of compliance requirements and provided timelines to correct. He further noted the City had not received any appeals for the citations issued on September 26, 2017, November 30, 2017, and December 12, 2017.

Miguel Del Rio stated when he became aware of the citations, it was past the deadline to appeal. He clarified that materials were stored on the property because they were attempting to build on the parcel. He stated he wanted to construct a privacy fence to minimize visual impacts; however, that was not allowed. He noted as soon as he was aware of the citation he met with the inspector who indicated that he would talk to his supervisor regarding eliminating the fine because the issue had been corrected within 1-2 days. He stated he was confused as to why the City wanted to place a lien on the property when the issue was corrected and they knew he was attempting to obtain permits for his project.

In response to Board Member Faraji, Mr. Del Rio explained that he was not aware of the citations. He noted a neighbor was in conflict with them because the fence he had constructed to address the City's concerns prevented him from using the property for his benefit. He noted it was a half acre lot and piles of materials were in the back; however, they were visible from the street. He further noted that even after the fencing was installed, the neighbor could still see into the lot. He stated the lot was maintained; however, he was not aware that the City did not want the materials visible until he received the citation.

Board Member Schleder questioned if there were photos available.

Code Enforcement Manager Michael responded that he did not have photos available today.

In response to City Clerk Simonsen, Chairperson Simpson clarified that the appellant had concluded his response within his timeframe and he could now respond to questions from the Board.

City Clerk Simonsen clarified that when a Board Member asked a question he stopped the clock and it was restarted when the appellant began speaking.

Interim City Attorney Perez added there was no time limitation on what the Board could ask and they should feel free to ask as many questions as they would like to the appellant and Code Enforcement.

In response to Board Member Schleder, Mr. Del Rio stated he was out of town for a few months when the letters were sent from the City.

In response to Chairperson Simpson, Mr. Del Rio stated he came into the City to discuss the matter and was told he could install a fence, which was completed prior to receiving the second letter from the City.

Code Enforcement Manager Michael apologized for not having photos available and provided the following chronology:

- On September 26, 2017, prior to issuing any citation, the property owner discussed this issue with the Code Enforcement Officer at which time he was advised of the violations.
- At the request of the property owner, he was granted a three week extension to comply; however, due to other issues, that extension turned into nearly eight weeks.
- > Upon re-inspection, the violations remained.
- > Citations were issued and the City continued with enforcement action.

In addition, he explained that the property had been the subject of other code enforcement actions when the property owner attempted to build an accessory structure on the property at which time the Planning Department advised him it was not permissible without a primary structure and ordered it be removed. However, that structure remained on the property. He reported, the case being discussed today, generated in August of 2017 as a result of a complaint and several re-inspections occurred before the citation was issued. He noted the owner came in with plans on December 22, 2017 and was advised to clean up the property; however, he had failed to do so. He further noted Mr. Del Rio's Property Manager contacted the City on January 23, 2018 and was advised that based upon the condition of the property and the failure to appeal the citations in a timely manner, the citations stands. He clarified the action the Board was being requested to take today was processing the lien for the unpaid citations. He reiterated the citations had not been paid and the accounting was accurate.

In response to Board Member Faraji, Code Enforcement Manager Michael stated Mr. DelRio did not have City approval to build on the property. He stated they had received a complaint that accessory structures were being built on the property and upon inspection, advised him that based on planning regulations, he could not build the accessory structure without a primary structure being built. He noted at this time, except for the unpermitted accessory structure, junk and debris related to the unpermitted construction, the lot was vacant. He

explained the proper course of action would be to demolish the accessory structure and submit plans for a dwelling unit on the property. He noted the primary structure would need to have water, sewer and power.

In response to Chairperson Simpson, Code Enforcement Manager Michael stated the lien was \$1,720.00 which was based upon the City's citation schedule. He reiterated that violations on the property remained after all of the inspections.

In response to Chairperson Simpson, Mr. DelRio stated he was not able to pay \$1,720.00 today; however, he could pay \$500.00.

In response to Board Member Faraji, Code Enforcement Manager Michael stated the action before the Board was to accept the list of properties that would be forwarded to the County who paid the City through increments and collected fees through tax assessments. He noted ultimately he would be securing the debt owed to the City by placing the lien. He further noted a motion could be made requiring the property owner to pay in increments; however, he recommended a deadline be set so if not paid within that timeframe, a lien on the property for the remainder of the amount could be brought back to the Board for approval as a Consent Item.

City Clerk Simonsen recommended the Board specify a payment schedule.

Code Enforcement Manager Michael stated if the payment schedule was approved by the Board, he would advise the City's Asset Recovery Coordinator of the motion and the property would be taken off the lien list with the understanding that a portion would be paid today and the remaining balance of the lien would be paid within 90 days on a schedule to be determined by the Board. He recommended the Board approve the remainder of the properties on the lien list.

A motion was made by Board Member Schleder, seconded by Board Member Faraji, to removed AR150924 and AR151228 Terrace Drive off of the lien list and approve the following payment schedule for the assessment associated with the property.

$\triangleright$	Today	\$500.00
$\geqslant$	30 days later	\$407.00
$\geqslant$	30 days later	\$407.00
$\triangleright$	30 days later	\$406.00

Discussion ensued regarding the motion with Chairperson Simpson questioning if there should be a 90-day cutoff date stipulated.

City Clerk Simonsen suggested including a date specific for the payment schedule.

The maker of the motion and second, amended the motion as follows:

Page 5 of 5

On motion by Board Member Schleder, seconded by Board Member Faraji, the Board of Administrative Appeals unanimously removed AR150924 and AR151228 Terrace Drive off of the lien list and approved the following date specific payment schedule for the assessment associated with the property.

- February 1, 2018 \$500.00
- March 3, 2018 \$407.00
- April 2, 2018 \$407.00
- May 2, 2018 \$406.00 (Final Payment)

The motion carried the following vote:

Ayes: Schleder, Faraji, Livingston and Chairperson Simpson

Absent: Adeyemi

On motion by Board Member Schleder, seconded by Board Member Faraji, the Board of Administrative Appeals confirmed each assessment and the amount thereof, as proposed or as corrected and modified, and ordered it assessed against the property with the exception of <u>AR150924 and AR151228 Terrace Drive</u> for an amended total amount of \$8,730.00. The Board also directed that the same be recorded with the Contra Costa County Recorder's Office.

The motion carried the following vote:

Ayes: Schleder, Faraji, Livingston and Chairperson Simpson

# Absent: Adeyemi

# PUBLIC COMMENTS – None

# WRITTEN/ORAL COMMUNICATIONS

City Clerk Simonsen reminded the members of the Board that Form 700 Statement of Economic Interest for calendar 2017 were due in the City Clerk's office by April 1, 2018.

# ADJOURNMENT

Chairperson Simpson adjourned the Administrative Board of Appeals meeting at 3:45 P.M. to the next regularly scheduled meeting on March 1, 2018.

Respectfully Submitted,

Kitty Eiden Minutes Clerk

#### STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS FOR CONSIDERATION AT THE HEARING ON MARCH 1, 2018

**Prepared by:** Curt Michael, Code Enforcement Manager

Date: February 15, 2018

Subject:

Approval of the Levy of Special Assessments on Certain Properties for Unpaid Administrative Citations & Abatements for the Month of January, 2018

#### RECOMMENDATION

The Board of Administrative Appeals shall confirm each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property (Attachment "A"). The Board shall also direct that the same be recorded with the Contra Costa County Recorders Office and thereafter the assessment shall constitute a special assessment and lien against the property.

#### FISCAL IMPACT

The action will enable the City of Antioch to collect outstanding receivables against properties for the month of January in the amount of <u>\$15,330.00</u> BACKGROUND INFORMATION

Pursuant to Antioch Municipal Code §1-5.09 the City may collect any past due Administrative Citation fines, Abatements or late payment charges by use of special assessment liens and all action for recovery of money.

A Notice of Intent to Record Lien was sent to each property owner who is entitled to notice reflecting the property address directly connected to conditions or activities on the subject real property, assessors parcel number, the municipal code violation, administrative citation fine and copy of the administrative citations.

#### ATTACHMENT

A: List of assessments

# CITATIONS ABATEMENTS FOR BOARD OF APPEALS - MARCH 1, 2018 ATTACHMENT A

AR	Case	APN	Amount	Site Address	Owner last	Owner first	Mailing address	Paid
AR152029	PE1709-130	066-202-005	\$2,400.00	608 9TH STREET	BENNER	AVERILL J.	608 W 9TH STREET	
AR152033	CD1702-022	076-481-004	\$310.00	3504 GENTRYTOWN DR	BREEZE	LORETTA A.	3504 GENTRYTOWN DR	
AR150301	CE1707-102	072-310-004	\$210.00	404 BLUEROCK DR	CHAVIER	LOUIS JR	404 BLUEROCK DR	
AR151668	CE1710-001	089-5901-026	\$1,300.00	3621 TORGENSEN CT	CRUZ	VINCENT M. & SHEILA M	3621 TORGENSEN CT	
AR151768	CD1711-005	066-183-008	\$310.00	115 W 7TH STREET	GARCIA	JESUS	115 W 7TH STREET	
AR152031	PE1801-016	066-032-003	\$420.00	6TH STREET VACANT LOT	HAYES	EDWARD PHILLIP JR	9711A DUBLIN CANYON RD CASTRO VALLEY, CA	
AR152032	PE1801-017	066-032-015	\$530.00	43 E 6TH STREET	HAYES	EDWARD PHILLIP JR	9711A DUBLIN CANYON RD CASTRO VALLEY, CA	
AR151769	CD1711-009	065-183-031	\$310.00	41 E 18TH STREET	KT BUILDERS LLC		9 CERRO CT, DANVILLE, CA	
AR151232	CD1712-001	074-123-005	\$420.00	FAIRVIEW DR VACANT LOT	NEARON	DAVID A TRE	111 SOUTHVIEW LN, ALAMO	
AR151664	CD1709-038	074-390-004	\$4,930.00	1712 SYCAMORE DR	RAMOS	AMULFO A	170 WATER ST , BAY POINT, CA	
AR151665	CD1710-085	065-261-012	\$1,850.00	85 S LAKE DR	RITTER	DEAN J.	85 S LAKE DR	
AR151231	CD1711-060	066-184-004	\$310.00	310 W 9TH STREET	STEINWAY		P.O. BOX 31634, WALNUT CREEK, CA	
AR151663	CD1711-060	066-184-004	\$750.00	310 W 9TH STREET	STEINWAY		P.O. BOX 31634, WALNUT CREEK, CA	
AR151666	CD1711-037	071-151-012	\$860.00	3501 LONE TREE WAY	THALAANENI	GURU & VEENA TRE	P.O. BOX 292, GLENBROOK, NV	
AR151667	CE1711-049	072-091-004	\$420.00	3220 BLYTHE DR	VANOTTEN	CRAIG A.	3220 BLYTHE DR	1
TOTAL			\$15,330.00					



# STAFF REPORT TO THE ADMINISTRATIVE REVIEW PANEL FOR **CONSIDERATION AT THE HEARING ON MARCH 1, 2018**

DATE:	February 20, 2018		
PREPARED BY:	Sonia Johnsen, Business License Representative		
APPROVED BY:	Dawn Merchant, Finance Director		
SUBJECT:	<u>ADMINISTRATIVE CITATION NO. 4191</u> – Appeal filed by Pavan and Chanda Rai for their property located at MEADOWBROOK RD., ANTIOCH, Regarding Antioch Municipal Code <u>"BUSINESS LICENSE REQUIRED" [§3-1.103].</u>		

# **REQUEST:**

Pavan and Chanda Rai request to appeal the citation fee issued by the City of Antioch on 01/29/18 in the amount of \$200. Pavan and Chanda Rai failed to comply with the Measure O ordinance after several attempts by MuniServices DBA Avenu.

# **BACKGROUND INFORMATION:**

The Council Meeting held on June 24, 2014, adopted Resolution No. 2014/61 to present to Voters a Measure to update the existing Business License Tax Ordinance to include a Residential Landlord Business License Tax (Attachment A). In September 2014, the "Frequently Asked Questions" document (Attachment B), was included and mailed out with water bills. The Contra Costa County Elections Division mailed the November 4, 2014 General Election Sample Ballot and Voter Informational Pamphlet (Attachment C) to all Registered Voters in the City of Antioch. The pamphlet contained the Local Measure Submitted to the Voters for the City of Antioch "Measure O - Business License Tax". This included the Full Text, Impartial Analysis, Argument For, and Argument Against the Measure. Also included in the November 4, 2014 General Election Sample Ballot and Voter Informational Pamphlet were the Candidates running for Antioch City Council.

November 4, 2014 General Election

The City Council adopted Resolution No. 2014/97 at the December 9, 2014, Council Meeting confirming canvass by the County Clerk of Contra Costa of ballots cast at the November 4, 2014 General Municipal Election. Measure O - Residential Landlord Business License Tax was approved by the Voters and Ordinance No. 2094-C-S was adopted by Council (Attachment D).

MuniServices Contract approved by City Council

At the February 24, 2015 Council Meeting, City Council approved the contract with MuniServices after issuing a Request for Proposal (Attachments G & F) to help identify business owners in the City of Antioch.

2A

Their primary functions are to identify owners of both commercial and residential businesses, collect the revenue, and submit the applications with payment to the City of Antioch at which time the Business License Representative enters them in to the City of Antioch's Business License System and collects any money through renewals going forward.

• <u>Regarding Antioch Municipal Code:</u>

# **■**§ 3-1.103 LICENSE REQUIRED.

(A) Except as provided in § <u>3-1.120</u>, it shall be unlawful for any person to commence, conduct or purport to commence or conduct, either directly or indirectly, any business activity in the city without having an unrevoked license under this chapter so to do, valid and in effect at the time, and without paying the required taxes and fees therefore and complying with any and all regulations of such business provided in this chapter, unless such person is exempt under this chapter. Licensees shall promptly inform the city of any change in operation, ownership, location and/or name of licensed businesses. No person who is an employee, or who is the direct representative of a licensee, shall be required to pay a license tax for doing any part of the work of such licensee.

(B) No person may advertise or announce a business activity in the city until he or she has obtained a business license, and where required by this Code, a permit. Advertising or announcement includes, but is not limited to, disseminating pamphlets or handbills, publishing newspaper announcements, electronic advertisement on the internet or otherwise, and purchasing radio and television spots.

(Ord. 2082-C-S, passed 3-25-14)

# **₽**§ 3-1.217 RESIDENTIAL LANDLORD.

(A) In lieu of any other business license tax and subject to division (B) below, all those in the business of renting living quarters, including but not limited to a rental dwelling unit as defined in § 5-20.201 of the Antioch Municipal Code, shall pay the annual license amount indicated in the table immediately below based on the total number of units they are renting or have available for rent within the city and the type of unit as defined in the Municipal Code:

Type of Unit	Annual Tax
Single family dwelling unit	\$250 per unit
Multi-family dwelling unit including duplexes, condominiums and apartments	\$150 per unit

(B) The following living quarters are excepted from this requirement to pay a business license tax based on dwelling units but still must pay the tax based on gross receipts:

(1) Those that fit within the definition of hospital, hotel, motel, and convalescent and extended care facility and residential care facility as defined in § 9-5.203 of the Antioch Municipal Code;

(2) Those that are exempt as a matter of law; and

(3) Those that the Director of Financial Services reasonably determines to be substantially similar in nature to one of the excepted living quarters listed above.

(C) The Director of Financial Services may promulgate policies and procedures to administer this tax. (Ord. 2094-C-S, passed 12-9-14)

RENTAL DWELLING UNIT AS DEFINED IN OUR MUNICIPAL CODE:

"Any building or portion of a building in the city that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, which is hired, rented or leased by a person within the meaning of Cal. Civ. Code § 1940. A "rental dwelling unit" includes a single family dwelling, either attached or detached, or a unit in a multifamily or multipurpose dwelling, or a unit in a condominium or cooperative housing project, or any room or group of rooms located within a dwelling and forming a single unit with facilities that are used or intended to be used for living, sleeping, cooking or eating. The definition of "rental dwelling unit" applies to any dwelling space that is actually used or available for residential purposes whether or not the residential use is legally permitted."

## DISCUSSION

Pavan and Chanda Rai received the following notifications for their rental property located at Meadowbrook Road requesting compliance with Measure O (please refer to Attachments G-J for the notifications mailed to Pavan and Chanda Rai on property located at Meadowbrook Road):

- 04/06/16 MuniServices sent 1<sup>st</sup> letter along with a declaration of information and business license application.
- 05/12/16 MuniServices sent 2<sup>nd</sup> letter along with a declaration of information and business license application.
- 06/07/16 MuniServices sent 3<sup>rd</sup> letter along with a declaration of information and business license application.
- 09/14/17 MuniServices sent a follow up notice of violation.

All letters mailed by MuniServices included an application with instructions to complete and return.

• Per Antioch Municipal Code:

**§** 3-1.203 PENALTIES.

(A) Unless otherwise specified by the terms of a particular license, taxes are due and payable within 30 days following expiration date of the license.

(B) Any business license tax not paid when it becomes due and payable shall be delinquent and the following penalties added to it as follows:

(1) Ten percent of the business license tax for a delinquency after 30 days from the expiration date;

(2) Thirty percent of the business license tax for a delinquency of 60 days from the expiration date plus a new application fee as provided in § 3-1.120; and

(3) Fifty percent of license tax for a delinquency of 90 days from the expiration date plus a new application fee as provided in § 3-1.120.

(C) Failure to pay the business license tax is a violation of the Antioch Municipal Code and a public nuisance. The city may seek any remedies available to it for such violation and public nuisance.

(D) Any business operating in violation of the Antioch Municipal Code or as a nuisance is subject to water service disconnection, subject to noticing requirements under the law.

(Ord. 2082-C-S, passed 3-25-14)

• Per State statute of limitation:

Section 6501(a) of the Internal Revenue Code (Tax Code) and section 301.6501(a)-1(a) of the Income Tax Regulations (Tax Regulations), the IRS is required to assess tax within 3 years after the tax return was filed with the IRS. Similarly, under 301.6501(a)-1(b) of the Tax Regulations no proceeding in court by the IRS without assessment for the collection of any tax can begin after the expiration of 3 years.

The final letter sent from MUNI Services on 09/14/17 contained the following statement (fifth and sixth paragraphs) notifying that if compliance was not made, Pavan and Chanda Rai could be subject to citation from the City:

Required correction: Within 15 calendar days from the date of this notice, you must contact MuniServices, LLC by phone at 1-800-987-0999 or in person at 200 H Street, Antioch, CA and obtain a business license for the above property or file an appeal with the office of the City Clerk.

I hope you take this one-time opportunity to voluntarily abate the above violation(s) and public nuisance without the need for the City to issue Administrative Citations, which carry fines that range from \$100 to \$1,000 for every day the violation(s) are permitted to remain and/or take other action to compel your compliance.

The following actions were taken by the City when Pavan and Chanda Rai continued to fail to comply with the Measure O ordinance for Meadowbrook Rd.:

- <u>12/07/17</u>- No application received from Pavan and Chanda Rai through MuniServices or the City of Antioch. An invoice in the amount of \$783 was issued out of the Business License system. The invoice had a due date of 12/18/17 (<u>Attachment K</u>).
- <u>12/21/17</u>- No application was received by 12/18/17 through MuniServices or the City of Antioch. A delinquent invoice for \$783 was created in the City's Accounts Receivable system and an accounts receivable bill was generated and sent (<u>Attachment L</u>).
- <u>12/22/17</u>- No application was received from Pavan and Chanda Rai through MuniServices or the City of Antioch. A \$100 Administrative Citation (No. 3488) was issued for non compliance with Measure O with a due date of 01/02/18 (<u>Attachment M</u>).
- <u>01/29/18</u> No application or citation payment was received from Pavan and Chanda Rai by 1/2/18 through MuniServices or the City of Antioch. A \$200 Administrative Citation (No. 4191) was issued for non compliance with Measure O with a due date of 02/08/18 (<u>Attachment N</u>).
- <u>01/30/18</u>- No payment for the \$100 Administrative Citation No. 3488 was received by the due date of 1/2/18. A delinquent citation for \$100 was entered in to our Accounts Receivable system with a 10% penalty and an A/R bill was generated and sent (<u>Attachment O</u>).
- 02/02/18 Property owner came in to office and complied with Measure O ordinance and filed appeal for the \$200 Administrative Citation No. 4191(<u>Attachments P & Q</u>).

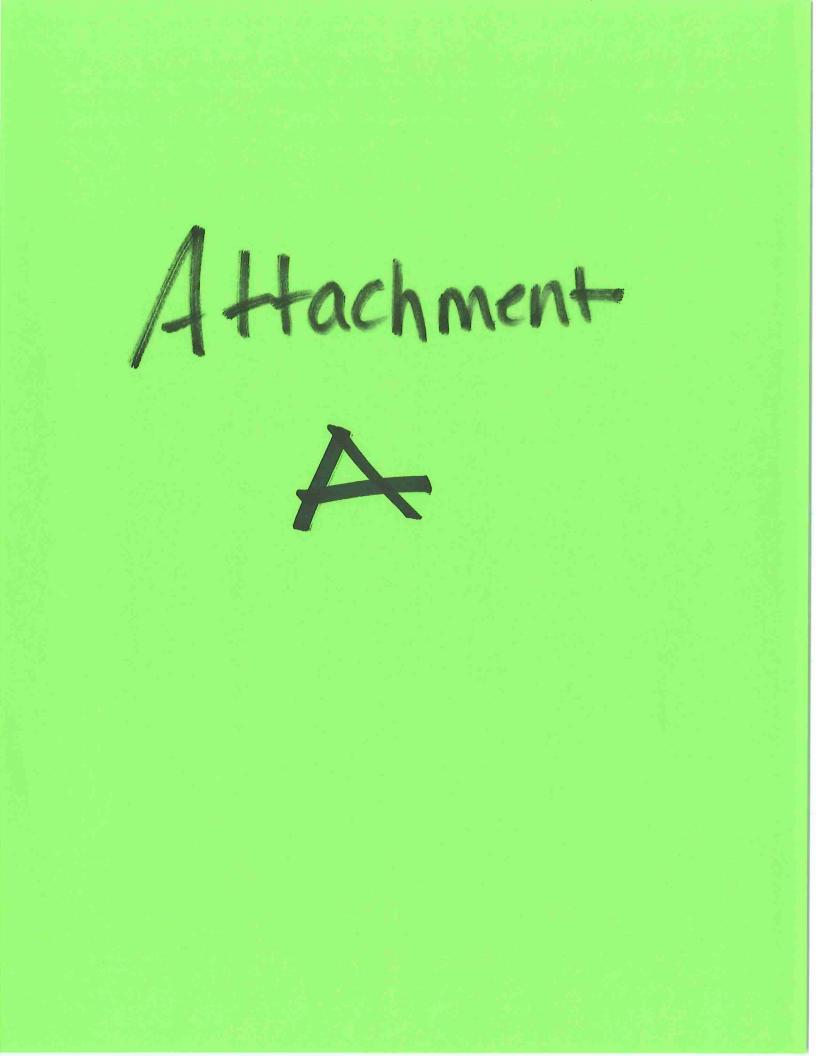
# **RECOMMENDATION:**

It is staff's recommendation to uphold the \$200 Administrative Citation No. 4191 issued on January 29, 2018 for violation of the Antioch Municipal Code Business License Required and Residential Landlord Business License Tax (Measure O).

# ATTACHMENTS:

- A. Resolution No. 2014/61 adopted at the 6/24/14 Council Meeting
- **B.** "Frequently Asked Questions" mailed out with water bill in September 2014
- **C.** Contra Costa County Sample Ballot and Voter Information Pamphlet for Nov. 4, 2014 General Election
- D. Resolution 2014/97 and Ordinance No. 2094-C-S adopted at the 12/09/14 Council Meeting
- E. Proposal No. 946-1231-15F for Business License Discovery/Recovery Services
- F. Business License Discovery / Recovery Contract with MuniServices
- **G.** 04/06/16 1<sup>st</sup> letter mailed from MuniServices
- **H.** 05/12/16 2<sup>nd</sup> letter mailed from MuniServices
- I. 06/07/16 3<sup>rd</sup> letter mailed from MuniServices
- J. 09/14/17 MuniServices Notice of Violation mailed
- K. 12/07/17 Invoice #3086 for \$783 mailed

- L. 12/21/17 Accounts Receivable bill for \$783 mailed
- M. 12/22/17 \$100 Administrative Citation No. 3488 issued
- N. 01/29/18 \$200 Administrative Citation No. 4191 issued
- O. 01/30/18 Accounts Receivable bill for \$100 Administrative Citation and penalty mailed
- P. 02/02/18 Property owner came in and complied with Measure O ordinance
- **Q.** 02/07/2018 Pravan and Chanda Rai's Appeal for \$200 Administrative Citation No. 4191 (3617 Meadowbrook Rd.) issued 01/29/2018



#### **RESOLUTION NO. 2014/61**

#### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH CALLING FOR AND NOTICING A MUNICIPAL ELECTION ON NOVEMBER 4, 2014 TO PRESENT TO VOTERS A MEASURE TO UPDATE THE EXISTING BUSINESS LICENSE TAX ORDINANCE TO INCLUDE A RESIDENTIAL LANDLORD BUSINESS LICENSE TAX AND TO CONFIRM THE EXISTING BUSINESS LICENSE TAX, WITH AN INCREASE IN THE MINIMUM TAX

WHEREAS, the Antioch City Council desires to place a ballot measure before the voters at the November 4, 2014 regular municipal election to update the City's existing business license tax ordinance as set forth in Chapter 1 of Title 3 of the Antioch Municipal Code; impose a residential landlord business license tax; and maintain the existing business license taxes for all other businesses with an increase in the minimum tax to \$100.00 for those businesses, with such ordinance attached as Exhibit 1; and

WHEREAS, under existing ordinances, some residential apartment landlords are assessed an annual business license tax based on their gross annual income and others were not assessed any business license tax at all; and

WHEREAS, renting out property in the City of Antioch is a business and such business owners should pay a business license tax like other businesses owners in the City of Antioch to fund municipal services to those businesses and their tenants; and

WHEREAS, the majority of residential landlords do not pay a business license tax; although they benefit financially from tax advantages, including depreciation for tax purposes, while historically enjoying asset appreciation; and

WHEREAS, the City has insufficient funds to provide the necessary services to the Antioch community, which has only been exacerbated by the national economic recession and State's dissolution of redevelopment agencies, requiring severe cuts to City services, including reduced Police services with the elimination of School Resource Officers and Traffic Enforcement, virtual elimination of Code Enforcement, reduced street repairs and maintenance, reduced services at the Animal Shelter and Recreation Programs and less access for the public given the weekly closures of City facilities; and

WHEREAS, confirming and updating the City's existing business license tax ordinance as set forth in Chapter 1 of Title 3 of the Antioch Municipal Code by imposing a residential landlord business license tax and maintaining the existing business license taxes for all other businesses with an increase in the minimum tax to \$100.00 for those businesses subject to the gross receipts tax formula except for home occupation businesses that are not defined as professionals whose minimum tax shall remain \$25.00, the revenues of which are legally required to stay in Antioch to maintain local services for

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general governmental purposes is vital to the preservation of the public health, safety and welfare; and

WHEREAS, the City Council is authorized to request and order that this general municipal election be consolidated with other elections to be held on November 4, 2014 and in the same territory (California Elections Code sections 10400 *et seq.*) so that within the City, the precincts, polling places, and election officers for the two elections be the same; that the Contra Costa County Registrar of Voters canvass the returns of the general municipal election; and this general municipal election and the November 4, 2014 general election be held in all respects as if there were only one election;

WHEREAS, this resolution is adopted by a two-thirds vote of all five council members as required by Government Code section 53724(b) and consolidated with the Statewide general election as required by Government Code section 53724(c);

#### NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANTIOCH DOES RESOLVE AS FOLLOWS:

#### Section 1. Call for Election

Pursuant to California Constitution Article XIIIC, Section 2(b), Government Code Section 53723, and Elections Code Section 9222, the City Council of the City of Antioch hereby submits to the qualified voters of the City a measure that, if approved, would confirm and update the City's existing business license tax ordinance as set forth in Chapter 1 of Title 3 of the Antioch Municipal Code and state that the rental or leasing of real property is a business subject to taxation; impose an annual business license tax on the rental or leasing of detached single family dwelling units at \$250.00 per unit and attached multifamily units at \$150.00 per unit; and maintain the existing business license taxes for all other businesses with an increase in the minimum tax to \$100.00 for those businesses subject to the gross receipts tax formula except for home occupation businesses that are not defined as professionals whose minimum tax shall remain \$25.00.

This measure shall be designated by letter by the Contra Costa County Elections Department. Pursuant to California Election Code Sections 10400 et seq., the election for this measure shall be consolidated with the Statewide general election to be conducted on November 4, 2014.

#### Section 2. Ballot Language

The question to be presented to the voters shall be as follows:

<b>BUSINESS LICENSE TAX</b> . To provide funding that cannot be seized by the State, to maintain such general City services as police services, code enforcement, street repairs, senior services and youth programs, shall the City of Antioch adopt a residential landlord business license tax based on the type and number of units and confirm the existing gross receipts business license tax with an increased minimum tax, which is not a tax on the general public?	YES	
	NO	

The measure shall be designated on the ballot by a letter, as provided in California Election Code section 13116.

#### Section 3. Proposed Ordinance

The Ordinance authorizing the general tax to be approved by the voters is as set forth in Exhibit 1 to this resolution.

#### Section 4. Specifications of the Election Order

#### a. Request to Consolidate, Conduct Election and Canvass Returns

The Board of Supervisors of the County of Contra Costa is hereby requested to authorize the County Registrar of Voters to render services necessary for the conduct of the general municipal election called by this Resolution. Pursuant to California Elections Code section 10403, the City Council hereby requests that the Contra Costa County Board of Supervisors consolidate that election with the Statewide general election to be conducted on November 4, 2014 and order the general municipal election to be conducted by the Registrar of Voters. The Contra Costa County Elections Department is authorized to canvass the returns of the election, and the elections shall be held in all respects as only one election. The ballots to be used in the election shall be in form and content as required by law.

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

The notice of the time and place of holding the election is hereby given, and the City Clerk and County Registrar of Voters are authorized to give further notice of the election, as required by law.

#### b. Costs

The City will reimburse the County for the actual cost incurred in conducting the election upon receipt of a bill stating the amount due as determined by the Registrar of Voters.

#### c. Wording of the Measure

The working of the ballot measure is as specified in Section 2 of this resolution.

## d. Full Text of the Measure

The full text of the "Ordinance of the City of Antioch to Update the Existing Business License Tax Ordinance to include a Residential Landlord Business License Tax and to Confirm the Existing Business License Tax with an increase in the Minimum Tax," which is attached as Exhibit 1 to this resolution, shall be completely printed in the Voter Information Pamphlet.

#### e. Passage of the Measure

This business license tax ballot measure is a general tax requiring the approval of a majority of qualified electors casting votes. While the measure lists several of the various municipal purposes to be funded, the list is illustrative only and the City Council retains complete discretion to expend the tax proceeds for any lawful purpose of the City of Antioch.

#### f. Boundaries

The City of Antioch's boundaries have changed since the November 5, 2013 election and information about that change has been provided to the County Clerk-Recorder/Registrar of Voters.

#### Section 5. Publication of Measure

The City Clerk's Office is hereby directed to cause notice of the measure to be published once in accordance with Section 12111 of the Elections Code, in the form attached as Exhibit 2 to this resolution.

#### Section 6. Submission of Ballot Arguments

Per the direction of the Registrar of Voters, the City Clerk's Office has fixed 5:00 p.m. on Wednesday, August 20, 2014 as the deadline for submittal of arguments for or against the measure.

The direct arguments ("in support and against") shall not exceed three hundred (300) words, and shall not be signed by more than five (5) persons. The City Council does not adopt the provisions of Elections Code Section 9285(a) and repeals any previous resolution implementing that section which might remain in effect; there shall be no rebuttal arguments.

#### Section 7. Council Preparation of Argument In Support of Measure

The City Council hereby authorizes the Mayor or Mayor Pro Tem to prepare and file the written primary argument on behalf of the City Council in support of the ballot measure described above, pursuant to Article 4 of Chapter 3 of Division 9 of the California Elections Code. The City Council authorizes the Mayor and Mayor Pro Tem to determine the signatories to the ballot argument.

#### Section 8. Impartial Analysis

Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk's Office to transmit a certified copy of the measure to the City Attorney. The City Attorney shall prepare an Impartial Analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure. Per the direction of Registrar of Voters, the Impartial Analysis shall be transmitted to the City Clerk and Registrar of Voters by no later than 5:00 p.m. on Friday, August 15, 2014.

#### Section 9. Implementation.

The City Clerk's Office is directed to file with the Board of Supervisors certified copies of this resolution, with a copy to the Registrar of Voters of Contra Costa County, pursuant to California Elections Code section 10403.

#### Section 10. CEQA

The approval of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). The business license tax update 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

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project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either 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 Resolution shall become effective immediately upon its passage and adoption.

**I HEREBY CERTIFY** that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 24th day of June, 2014, by the following vote:

\* \* \* \*

AYES: Council Members Wilson, Rocha, Tiscareno, and Mayor Harper

NOES: None

ABSENT: Council Member Agopian

S 1 8

ARNE SIMONSEN CITY CLERK OF THE CITY OF ANTIOCH

#### ORDINANCE NO.

#### AN ORDINANCE OF THE CITY OF ANTIOCH TO UPDATE THE EXISTING BUSINESS LICENSE TAX ORDINANCE TO INCLUDE A RESIDENTIAL LANDLORD BUSINESS LICENSE TAX AND TO CONFIRM THE EXISTING BUSINESS LICENSE TAX, WITH AN INCREASE IN THE MINIMUM TAX

The people of the City of Antioch do ordain as follows:

**SECTION 1. BUSINESS LICENSING.** The following sentence is added to the definition of "Business" in Section 3-1.102 of the Antioch Municipal Code:

"The rental or lease of real property is a Business subject to taxation under this chapter."

**SECTION 2. RESIDENTIAL LANDLORD BUSINESS LICENSE TAX.** The following provision is added to Chapter 1 of Title 3 of the Antioch Municipal Code to read as follows:

#### "Section 3-1.217 RESIDENTIAL LANDLORD

(A) In lieu of any other business license tax and subject to subsection (B) below, all those in the business of renting living quarters, including but not limited to a rental dwelling unit as defined in Section 5-20.201 of the Antioch Municipal Code, shall pay the annual license amount indicated in the table immediately below based on the total number of units they are renting or have available for rent within the City of Antioch and the type of unit as defined in the Municipal Code:

Type of Unit	Annual Tax
Single family dwelling unit	\$250.00 per unit
Multi-family dwelling unit including duplexes, condominiums and apartments	\$150.00 per unit

(B) The following living quarters are excepted from this requirement to pay a business license tax based on dwelling units but still must pay the tax based on gross receipts: (i) those that fit within the definition of hospital, hotel, motel, and convalescent and extended care facility and residential care facility as defined in Section 9-5.203 of the Antioch Municipal Code; (ii) those that are exempt as a matter of law; and (iii) those that the Director of Financial Services reasonably determines to be substantially similar in nature to one of the excepted living quarters listed above. (C) The Director of Financial Services may promulgate policies and procedures to administer this tax.

**SECTION 3. CONFIRMATION OF THE EXISTING BUSINESS LICENSE TAX ORDINANCE AND RATE.** The business license tax provisions in Chapter 1 of Title 3 of the Antioch Municipal Code are hereby confirmed. Any business not specifically enumerated in Chapter 1 of Title 3 of the Antioch Municipal Code, which the City may tax, shall pay a business license tax according to the average annual gross receipts as defined according to the existing formula in Section 3-1.201 of the Antioch Municipal Code, with the exception that the minimum tax is raised to \$100.00, except for Home Occupation Businesses as defined in Title 9 that are not "Professionals" as defined in Title 3, as to whom the minimum tax shall remain \$25.00:

From	То	Тах
\$0.00	\$20,000.00	\$100.00 (except for non-
		Professional Home
		Occupation businesses
		which shall pay \$25.00)
\$20,001.00	\$1,000,000.00	\$1.25 / \$1,000.00 of gross receipts
\$1,000,001.00 & above		\$1,250.00 plus 20 ¢ / thousand dollars of gross receipts over \$1,000,000.00

**SECTION 4. AMENDMENT.** This Ordinance may be repealed or amended by the City Council without a vote of the People except as follows: as required by Article XIIIC of the California Constitution, any amendment that increases the amount or rate of tax beyond the levels authorized by this Ordinance may not take effect unless approved by a vote of the People. The City Council may impose the tax in any amount or rate which does not exceed the rate approved by the voters of the City.

**SECTION 5. REVENUE MEASURE.** The tax adopted by this Ordinance is enacted solely to raise revenue for municipal purposes and is not intended for the purpose of regulation. The People of the City determine the tax to be an appropriate general tax for the purpose of raising revenue. Proceeds of the tax will be deposited in the general fund of the City and will be available for any lawful municipal purpose. This Ordinance does not, in itself, authorize the conduct of any business or activity in the City, but merely provides for the taxation of such businesses or activities. **SECTION 6. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The voters of the City hereby declare that they would have adopted this Ordinance and each portion thereof regardless of the fact that an invalid portion or portions may have been present in the Ordinance.

**SECTION 7. CEQA.** This business license tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose. 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. Therefore, under CEQA Guidelines section 15060, review under CEQA is not required.

**SECTION 8. EFFECTIVE DATE.** This ordinance relates to the levying and collecting of the City's business license tax and shall not take effect until ten days after the certification of its approval by the majority of the voters voting at the general municipal election to be held on November 4, 2014 pursuant to Elections Code section 9217

**SECTION 9.** <u>CERTIFICATION; PUBLICATION</u>. 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.

#### \* \* \* \* \* \* \* \* \*

Ordinance No. \_\_\_\_\_ was submitted to the People of the City of Antioch at the November 4, 2014 municipal election. It is hereby certified that this Ordinance was **APPROVED** by the following vote of the People of Antioch:

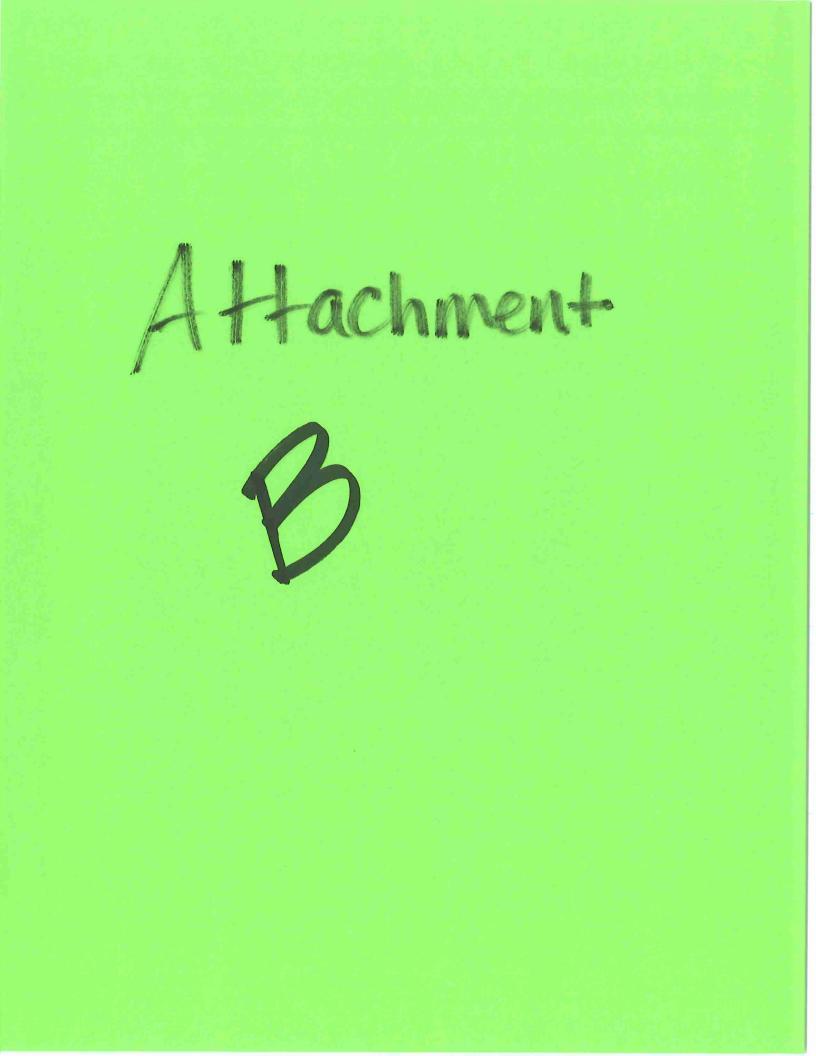
#### YES: NO:

This Ordinance was thereby adopted by the voters at the November 4, 2014 election and took effect 10 days following adoption of a resolution declaring the results of the election at a regular meeting of the City Council held on \_\_\_\_\_\_ by the following vote:

#### AYES: NOES: ABSENT:

I hereby certify that the foregoing is a true and correct copy of an ordinance duly and regularly adopted by the People of the City of Antioch, California.

#### Arne Simonsen, City Clerk of the City of Antioch





# Frequently Asked Questions about Measure O Residential Landlord and Business License Tax Update

## Q: Why does Antioch need to update the Business License Tax?

A: Antioch continues to face a severe fiscal crisis due to very low revenues. We are among the poorest city governments in the County. With Measure C, our budgeted General Fund revenue for fiscal year 2014/15 is \$43,046,381. With a population of 106,455, that puts our per capita (per person) revenue at only \$404.36 (which means \$404 per year per resident to provide all services including Police, streets, parks, recreation, senior and youth programs, administration, etc). Compare this to our neighboring cities of Brentwood at \$817.35 and Pittsburg at \$555.84. Comparable sized cities Concord and Richmond are at \$681.68 and \$1255.75 - a General Fund <u>three times</u> as large as Antioch's.

#### Q: Why can't the City just cut costs?

- A: Since 2007, the City has taken severe actions to reduce costs and avoid bankruptcy, including:
  - Reducing staffing by 30% through layoffs, retirements and attrition.
  - Eliminating cost-of-living increases and decreasing management salaries 10%.
  - Implementing furloughs and closing City business offices on Fridays.
  - Reducing benefit payments by increasing employee contributions towards retirement costs and drastically reducing medical after retirement benefits for new employees.
  - Reducing other expenditures by cutting service, supply and equipment costs, and deferring vehicle, building and equipment maintenance.

# Q: What about the Measure C (sales tax measure) funding?

- A: With approval of the 2014/15 budget, the City Council directed 100% of Measure C revenues toward the hiring of more Police Officers, which is well in progress, and augmenting Code Enforcement services. However, even with Measure C funds:
  - The General Fund revenue is still down \$4.2 million from the height in 2007. That is an 8.9% reduction.
  - Multi-million dollar budget deficits are projected starting in fiscal year 2016/17. At this
    pace, the City's reserves will be exhausted by June of 2019.
  - Measure C is only approved for seven (7) years, expiring in 2021, so sustainable, ongoing revenue needs to be identified.

#### Q: What is Measure O?

A: Measure O is an increase in the minimum Business License Tax and it will get **residential landlords to pay a tax based on the number of units rented**. In June, the City Council authorized placing a measure on the local November ballot to specifically add the business of renting or leasing of residential property as a business and subject to taxation.

#### Q: How much will landlords have to pay?

A: Residential landlords will pay \$250 per year for single family dwelling rentals (e.g. houses) and \$150 per year for multi-family rental units (e.g. apartments and condos).

#### Q: Are there exemptions from the new Business License Tax on Landlords?

A: Hotel/motel, hospital, convalescent, extended care (nursing) and residential care (assisted living) facilities are exempt from the proposed per unit fee. Non-profits continue to be exempt from the Business License Tax.

#### Q: How much will businesses have to pay?

A: The minimum annual Business License Tax will go from \$25, where it was in the 1960's, to \$100. The City Council heard the request of the Chamber of Commerce to not raise the tax on smaller home-based businesses, which will remain at \$25.

#### Q: How did Measure O come to be?

A: In 2013, a group of citizens requested that the City Council add the rental or leasing of residential property to the business license ordinance at a rate of \$240 per unit per year. The City Council decided to only bring one measure forward, and moved ahead with the sales tax ordinance (Measure C). However, the Council directed staff to work with the citizens group and the California Apartment Association to develop a measure for 2014. The citizens group agreed with the City's compromise proposal, but the Apartment Association did not.

#### Q: Why did the City Council put Measure O on the ballot?

A: In 2013 the City Council declared a Fiscal Emergency, and, although Measure C was successful, the City's approved budget still has projected budget deficits of over \$3,000,000 per year starting in FY 2016/17. The City Council felt that City services have already been cut to unacceptable levels and, given the temporary nature of Measure C funding and the projected multi-million dollar deficits, that having residential landlords pay a per unit Business License Tax was the best alternative to stabilize the City's finances.

The purpose of Measure O is to provide General Fund revenue to help eliminate the projected structural deficits and improve essential community services such as:

- Reopening City Hall, the Public Works office, and the Police Department lobby five (5) days a week.
- Further enhancing Police, Code Enforcement and blight elimination activities, such as graffiti and dumping abatement.
- Reinvesting in infrastructure and maintenance, such as streets, landscaping and buildings to improve the appearance of the community and increase property values.

## Q: Can the City provide a full range of services without additional revenue?

A: No. Without additional revenue the City will be deficit spending by fiscal year 2015/16. This will require further cuts in expenditures, necessitating staffing reductions in General Fund departments, including the Police Department.

#### Q: How do we know these funds will be spent responsibly?

A: The City's finances are independently audited every year. City budgets are posted on the City web site. In addition, all City revenues are reported and discussed at public meetings during the annual budget process.

#### Q: Can these funds be taken by Sacramento?

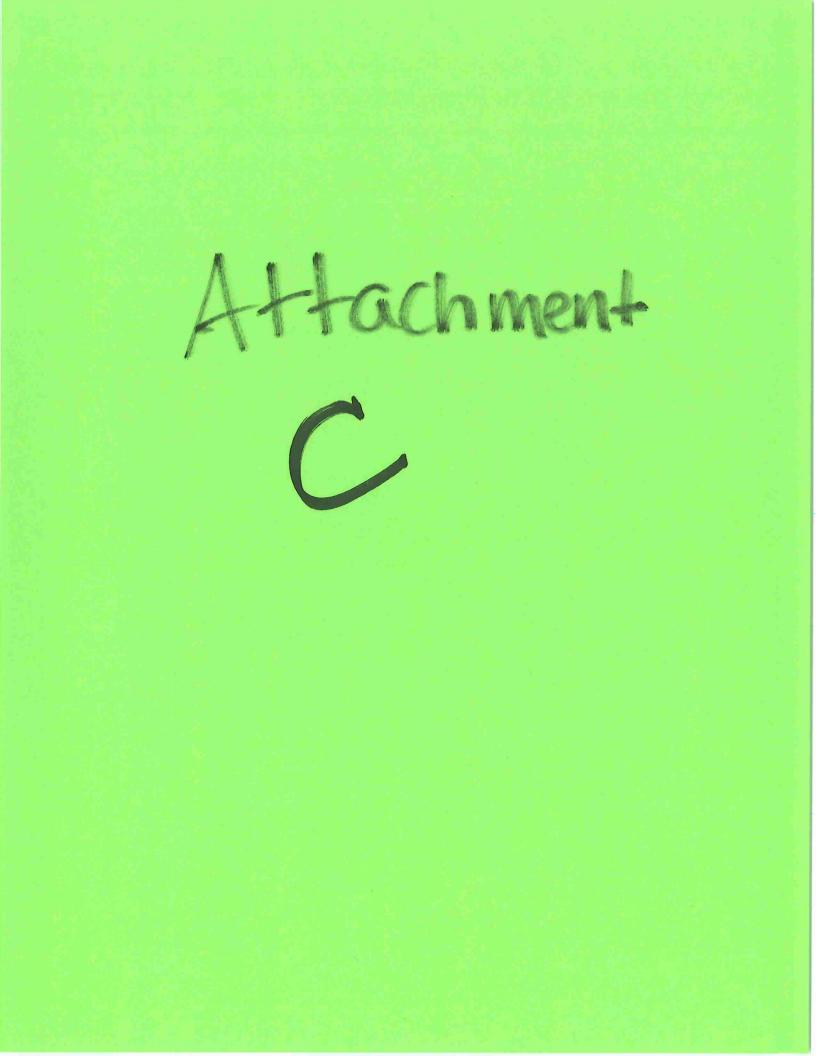
A: No. By law, these are locally approved funds and <u>can only be used for local Antioch</u> <u>services</u>. Not a penny can be taken by the State or the County.

#### Q: When is the election?

A: Tuesday, November 4, 2014.

#### Q: How can I find out more factual information about Measure O?

A: For the full text of Measure O and the City Attorney's Impartial Analyses, visit <u>www.ci.antioch.ca.us</u> or call 779-7011 for more information.



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CONTRA COSTA COUNTY

# SAMPLE BALLOT AND VOTER INFORMATION PAMPHLET MUESTRA DE BALOTA

# FOLLETO DE INFORMACION AL VOTANTE



# John Muir National Historic Site General Election Tuesday, November 4, 2014

Elección General Martes, Noviembre 4, 2014

Joseph E. Canciamilla County Clerk-Recorder and Registrar of Voters Secretario-Escribano del Condado y Registrador de Votantes 555 Escobar Street, Martinez, CA 94553 925.335.7800 www.cocovote.us



# POLLS OPEN AT 7 AM AND CLOSE AT 8 PM

# **Polling Place**

Please check the back of this booklet for the name of your precinct & your polling place location.

# **Election Information Online**

Visit our website at <u>www.cocovote.us</u> for:

- Registration Status Am I registered?
- Vote by Mail Status Where is my ballot?
- Military and Overseas voters Voting away from home?
- Polling Place locations Where do I vote?
- Maps

For statewide information about candidates and propositions visit the Secretary of State website: <u>www.sos.ca.gov</u>

#### Volunteer

If you would like to serve as a poll worker, email <u>EO.Recruitment@vote.cccounty.us</u> or call Contra Costa Elections' Division at 925.335.7800.

# LUGARES DE VOTACION ABREN A L'AS

# 7 AM Y CIERRAN A LAS 8 PM

# Lugar de Votación

Favor de revisar el reverso de este folleto para el nombre de su recinto y la localidad de su lugar de votación.

# Información de Elecciones en Línea

Visite nuestro sitio web en www.cocovote.us para:

- Estatus de Inscripción ¿Estoy inscrito?
- Estatus de Voto por Correspondencia ¿Dónde está mi balota?
- Votantes Militares y Elector en el Extranjero ¿Votar lejos de casa?
- Localidades de Lugares de Votación

Mapas

Para información acerca de los candidatos o propuestas estatales visite el sitio web: <u>www.sos.ca.gov</u>

# Voluntario

Si le gustaría servir como Trabajador Electoral, mande un correo electrónico <u>EO.Recruitment@vote.cccounty.us</u> o llame a la Oficina de Elecciones de Contra Costa al 925.335,7800.

IFC

Administration 925.335,7899 925.335,7893 fax

Elections Division 925.335.7800 925.335.7836 fax

# Contra Costa County Clerk-Recorder-Elections Department 555 Escobar Street

555 Escobar Street Martinez, CA 94553

artinez, CA 9455



Dear Voter,

We strive to continually update and improve our service to you. Our recent changes have proven to be very well received and have streamlined many of the processes and options available for you to access our services. We want to take this opportunity to highlight some of the recent changes and remind you of the options available to you.

- The Sample Ballot is in a new booklet format. On the back cover is a removable application for an absentee ballot. Return this only if you are not a regular vote by mail voter, IF YOU ARE ALREADY A VOTE BY MAIL VOTER THEN YOU DON'T NEED TO RETURN THE REQUEST, you will automatically receive your ballot in the mail. Remember that you can track the status of your ballot on our website www.cocovote.us.
- This booklet lists your precinct name and number on the back cover. Many polling places will house more than one precinct so please remember your precinct number when you go to your polling place as it will speed you through the process.
- Standardizing voting locations as well as identifying your individual precinct by name and number will
  reduce the confusion that is caused when polling places are moved between elections. Barring an
  unusual circumstance, your precinct and polling place should not change for years to come.
- Our redesigned website at <u>www.cocovote.us</u> makes it easier to browse and search for helpful information and resources. You may register to vote, request to be a Vote-by-Mail voter, change your address or any other personal information or party affiliation. You can also track the status of your ballot online.

We are interested to hear about your experience with our office. If you have any questions, comments or wish to provide feedback please email our office at candidate.services@vote.cccounty.us or call us at 925-335-7800.

Thank you for your participation in the voting process!

Sincerely,

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Joseph E. Canciamilla County Clerk-Recorder and Registrar of Voters

CC-MP-JEC

Joseph E. Canciamilla County Clerk-Recorder and Registrar of Voters

Deborah Cooper Deputy County Clerk-Recorder

> Scott Konopasek County Assistant Registrar

# VOTER INFORMATION PAMPHLET

The following pages contain voter information applicable to your ballot which may include the following items:

- CANDIDATE STATEMENTS
- BALLOT MEASURES
- LEGAL ANALYSES
- ARGUMENTS IN SUPPORT & IN OPPOSITION

Pursuant to the provisions of Sections 13307, 13308 and 13312 of the Elections Code and 85601(c) of the Government Gode

# ARGUMENTS IN SUPPORT OF OR IN OPPOSITION TO THE PROPOSED LAWS ARE THE OPINIONS OF THE AUTHORS.

This pamphlet may not contain statements for all candidates; however, a complete list of candidates appears on the facsimile ballot in this booklet. Candidate statements are submitted by the candidate and are printed as submitted. Statements are printed at the expense of the candidate unless otherwise determined by the governing body for the office.

#### Visit our website at: <u>www.cocovote.us</u>

If you have questions email us at <u>Candidate.Services@vote.cccounty.us</u> or call 925.335.7800

CC-MP-VIP

#### LORI OGORCHOCK

Local Business Woman

No mistaking, I'm passionate about Antioch! After graduating Antioch High, with Richard, my husband of 31 years, we raised our 3 children here. Later graduated LMC's Police Reserve Academy and was a former Walnut Creek Police Reserve Officer.

Twelve years ago I retired from CSAA to run my own Real Estate business. After work I give back to the community I love. I've sat on Sutter Elementary School Site Council, several boards for youth baseball, football, helped design and install City Park.

On Keller Williams leadership team, I organized civic events, planting community gardens and assisting Veterans. I'm the incoming Treasurer for the Delta Association of Realtors, future Director for California Association of Realtors, a Rotarian and the incoming Club Service Chair.

Antioch will flounder if it remains reactive. We must grab the bull by the horns with fearless leadership. Let me bring my candid, roll-up your sleeves approach to our City Council.

My Four Main Goals:

- 1. <u>Community Safety 1stl</u> I will Insure Measure C funds are used as promised for police, plain and simple
- 2. Revitalize Downtown; Our seniors deserve only the best reatment, building condos where there should be a park is just foolishness
- Tax Business Reasonably; simplify taxes, be fair Economic Growth; safety and business friendly attitudes will stimulate our city and economy

"A" should stand for Antioch, not "Afraid". I am a successful business woman, a proven doer with common sense and spine. I can't bring results alone, though. I need your support!

#### LAMAR THORPE

Community College Administrator

In 1981, I was born in prison to a mother addicted to heroin. At two days old, I was placed in foster care and raised by a family who immigrated to the US from Mexico. As a result, my first language is Spanish. In 5th grade, I was placed in Special Education and subsequently graduated high school not knowing how to read and write. After two semesters in junior college, I was asked to leave because I was illiterate. With nowhere else to go, I enlisted in the US Navy.

Today, I'm a proud 8 year Navy veteran, two time graduate of The George Washington University, higher education administrator, and member of the Antioch Economic Development Commission.I'm running for city council to create opportunities for our residents to build a more secure livelihood and a sense of dignity. I chose to raise my family in Antioch, but what I did not choose was violent crime, an 8% local unemployment rate, and an imbalance between jobs and housing.

Since the foreclosure crisis, many in Antioch have resorted to working two to three part-time jobs, often receiving low wages to keep their homes and put food on the table. As a councilmember, I will fight to advance policies that are going to:

Incentivize high paying job growth in manufacturing, research and development and biotechnology;

Build Antioch's police and code enforcement divisions; and.

Streamline government to foster a collaborative environment between business, labor and City Hall.

I humbly ask for your vote.

#### DIANE GIBSON-GRAY

Executive Director/Trustee

The city of Antioch is at a crisis point and good leadership requires experience. My business, community service, elected and appointed office experiences, combined with my lifetime knowledge of Antioch qualifies me to serve on the Antioch City Council.

Below are my three top priorities:

- 1. Quickly hire public safety employees and get additional "boots on the ground". Police officers, code enforcement and support staff must be hired now!
- 2. Increase city services to the public by bringing back city employee's 40-hour work week.
- 3. Transportation improvements (widening Highway 4, E-Bart and Highway 160 connector ramps) makes Antioch an attractive development opportunity; now is the time for discussions with potential new business entities.

I have worked 28 years in the cable telecommunications industry, 10 years as a nonprofit Executive Director for the Arts & Cultural Foundation, and over 25+ years as an active community volunteer. I am in my second term as a Trustee for the Antioch Unified School District. I currently serve on the Executive Board for the Antioch Chamber of Commerce and have been a Planning and Recreation Commissioner. I am a Rotarian and a Women's Club member and a 504 year resident of Antioch a 50+ year resident of Antioch.

The residents of Antioch deserve to live in a safe community, have access to public services and have smart growth that will leave a lasting positive legacy.

Elect a Council Member with experience, willing to make needed changes and ready to do the job today. Vote for Diane Gibson-Gray.

**Diane Gibson-Gray** www.DianeGibsonGray.com (925) 325-9897

# TONY G. TISCARENO

Appointed Antioch Councilmember

Last year, I was appointed to fill the vacancy on the Antioch City Council. I've resided in Antioch for 44 years. My wife, Olivia, and I raised our children here. It is my great honor to represent you.

Antioch has many challenges to overcome to become the great city I know we can be. Getting a handle on crime being the most important:

#### Hiring More Police:

We are aggressively recruiting EXPERIENCED police officers and training dozens more at the Police Academy. We are making progress, with the goal of getting 22 additional officers on the streets.

#### Fighting Gangs, Drugs and Illegal Weapons:

While we're hiring more officers, Antioch Police and the FBI are working overtime to PROACTIVELY take down criminals BEFORE they engage in violent behavior against citizens. I WHOLEHEARTEDLY SUPPORT THIS EFFORT.

#### Taking CRIME PREVENTION into Our Own Hands:

I'm proud of our residents who participate in monthly Antioch Police neighborhood cleanups; get involved in Neighborhood Watch (we have 480 "Block Captains"); even our garbage collectors and postal workers now CALL IN SUSPICIOUS NEIGHBORHOOD ACTIVITY.

Hiring more code enforcement officers to cite and fine negligent property owners, revitalizing RIVERTOWN, making City Hall more "business friendly", and attracting a great restaurant at Humphrey's – are also priorities.

Today requires a new kind of Councilmember – one who is accessible 24/7. <u>Please call me anytime</u>. As your representative, I will continue to work hard to improve this great city. I would be honored to earn your vote.

Tony Tiscareno Cell (925) 234-3639

# LOCAL MEASURES SUBMITTED TO VOTERS

# City of Antioch

#### MEASURE O CITY OF ANTIOCH

**BUSINESS LICENSE TAX.** To provide funding that cannot be seized by the State, to maintain such general City services as police services, code enforcement, street repairs, senior services and youth programs, shall the City of Antioch adopt a residential landlord business license tax based on the type and number of units and confirm the existing gross receipts business license tax with an increased minimum tax, which is not a tax on the general public?

#### CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE O

The City Council voted unanimously to put Measure O on the ballot to ask voters to:

- Confirm that the rental of real property (e.g. land or building) is a business subject to taxation;
- Impose an annual business license tax on residential landlords renting Antioch property at \$250 per detached, single-family dwelling unit (e.g. house) and \$150 per attached, multi-family dwelling unit (e.g. apartment); and
- · Maintain existing business license taxes for all
- other businesses, but with an increase in the annual minimum tax to \$100 for businesses subject to the gross receipts tax formula, except for certain home occupation businesses for which the minimum tax remains \$25.

#### Applicability of Business License Taxes

Business license taxes are not taxes on the general public. Businesses operating in Antioch pay the tax to provide funding for municipal services in Antioch. These municipal services, like police, code enforcement, street repair, park and median landscaping and maintenance, benefit businesses and residences in Antioch.

Landlords of commercial properties already pay business license taxes based on the existing gross receipts formula. Likewise, their commercial tenants pay business license taxes. Historically, the majority of residential landlords (single-family and multi-family) have not paid a business license tax. The proposed per dwelling unit business license tax would replace the gross receipts business license tax that some apartment owners have paid.

Nonprofits -- including nonprofit senior housing -- are exempt from paying the existing business license tax and would be exempt from this proposed tax.

#### **Business License Tax Formulas**

Cities may use different formulas for taxing different kinds of businesses. This may include using flat dollar amounts for some businesses and a percentage of gross receipts for other kinds of businesses. Sometimes cities use a particular formula because it is more efficient method of tax collection. The proposed tax on residential landlords would only apply to properties located in Antioch. This meets Constitutional requirements to be nondiscriminatory and apportioned so not to burden interstate commerce.

#### General Revenue for All City Services

The tax revenue would be deposited in the City's general fund. It could be used for any legal municipal purpose including: police and emergency response; code enforcement; local economic development and job creation; street repair; and any other City program or service.

#### Effect of Measure O

Voting "Yes" on Measure O is a vote to: 1) confirm that the rental of property is a business subject to taxation; 2) impose an annual business license tax on residential landlords; and 3) maintain the existing business license taxes for all other businesses but with an increase to the minimum business license tax for businesses subject to the gross receipts formula, with some exceptions.

Voting "No" on Measure O is a vote against the tax on residential landlords and the increased minimum business license tax.

If a majority of voters vote "Yes" on Measure O, it passes.

Respectfully submitted,

Lynn Tracy Nerland Antioch City Attorney

#### ARGUMENT IN FAVOR OF MEASURE O

The City of Antioch lacks the revenue to provide adequate levels of municipal services to the community. Suffering from staffing and operating expense cuts of 30% since 2007, all General Fund functions are significantly understaffed, including Police, Code Enforcement, Public Works, Planning, Building and administrative departments.As a result the police department, the public works office and City Hall are closed on Fridays.

Antioch does not have a spending problem. Antioch has a <u>revenue</u> problem. Low property values, low property tax revenue, and low sales tax revenue give Antioch much lower General Fund revenues than comparably sized cities in the County, at \$404.36 per resident (2014-15 budget). In comparison, Concord receives \$681.68 and Richmond, at \$1,255.75, receives more than triple the revenue of Antioch. Pittsburg and Brentwood receive \$555.84 and \$817.35 respectively.

A group of Antioch citizens started an initiative to adjust the Business License Tax for residential landlords to \$240 per unit per year. After months of negotiations between the California Apartment Association, the citizen's initiative leaders and the City, the City proposed a \$250 per unit annual charge for detached houses being rented and \$150 per unit for multi-family rental units. This will equate to \$20.83 per month for rental houses and \$12.50 a month for apartments - about one percent (.8% to 1.2%) of gross rent, which will be paid by landlords. The citizens agreed. The Apartment Association did not.

Many wealthy investors that purchased houses in Antioch have not been paying Business License Taxes. It's time they did. They are making millions in Antioch, while enjoying the tax advantages of real estate investment. Measure O will ensure they pay their fair share in Antioch. After all, all property owners will benefit greatly from the additional services the City will fund with this revenue.

## JOIN ANTIOCH CITIZENS IN SUPPORTING MEASURE O.

Antioch City Council, Wade Harper, Mayor Hansel Hon Tao Ho, Former Crime Prevention Commissioner James Kenneth Gray Jr., Boardmember – East Contra Costa Transit Authority Donald P. Freitas, Former Mayor – City of Antioch Robin Agopian, Resident

#### ARGUMENT AGAINST MEASURE O

In June, the Contra Costa Times reported that the City of Antioch has a budget surplus according to the City's own Finance Director. But once again, the Antioch City Council is trying to increase taxes on its citizens.

And once again the City Council has proposed a tax measure that side-steps the two-thirds vote requirement, thus making it even easier to increase taxes without requiring the City to reveal how the money will be spent.

Last year, Antioch voters supported a massive tax increase – Measure C. The City Council claimed (falsely) that the money would be used to hire 22 new police officers. But the Contra Costa Times uncovered that Measure C money was never used to hire 22 new officers; and another news report stated that Antioch voters were "hoodwinked on the use of Measure C funds."

With Measure O, the City Council is trying to take advantage of the voters again!

- Many senior citizens will ultimately be paying for the Measure O tax.
- There are absolutely no guarantees how the Measure O money will be spent.
- Antioch's Finance Director said that the City has a budget surplus.

It is irresponsible for the City Council to raise taxes resulting in higher costs for senior citizens – many on fixed incomes and elderly – and least able to afford increased monthly payments.

The City Council should simply trust the voters and provide a detailed spending plan when asking for new taxes. But instead, the City Council is asking for another blank check, and using scare tactics to influence unsuspecting voters.

So if the City Council won't trust the voters, why should we trust the City Council with yet another tax increase? Please join senior citizens, home owners, and business owners in Voting NO on Measure O.

California Apartment Association, Contra Costa Division, Aaron Meadows, Board Member Lisa Alotte, Antioch Senior Citizen Scott MacIntyre, Antioch Realtor/Resident Perry Shusta, Antioch Resident/Business Owner Charles Caballero, Antioch Senior Citizen

#### FULL TEXT OF MEASURE O

#### AN ORDINANCE OF THE CITY OF ANTIOCH TO UPDATE THE EXISTING BUSINESS LICENSE TAX ORDINANCE TO INCLUDE A RESIDENTIAL LANDLORD BUSINESS LICENSE TAX AND TO CONFIRM THE EXISTING BUSINESS LICENSE TAX, WITH AN INCREASE IN THE MINIMUM TAX

The people of the City of Antioch do ordain as follows:

**SECTION 1. BUSINESS LICENSING.** The following sentence is added to the definition of "Business" in Section 3-1.102 of the Antioch Municipal Code:

"The rental or lease of real property is a Business subject to taxation under this chapter."

**SECTION 2. RESIDENTIAL LANDLORD BUSINESS LICENSE TAX.** The following provision is added to Chapter 1 of Title 3 of the Antioch Municipal Code to read as follows:

#### "Section 3-1.217 RESIDENTIAL LANDLORD

(A) In lieu of any other business license tax and subject to sub-section (B) below, all those in the business of renting living quarters, including but not limited to a rental dwelling unit as defined in Section 5-20.201 of the Antioch Municipal Code, shall pay the annual license amount indicated in the table immediately below based on the total number of units they are renting or have available for rent within the City of Antioch and the type of unit as defined in the Municipal Code:

Type Of Unit	Annual tax
Single family dwelling unit	\$250.00 per unit
Multi-family dwelling unit including duplexes, condominiums and apartments	\$150.00 per unit

(B) The following living quarters are excepted from this requirement to pay a business license tax based on dwelling units but still must pay the tax based on gross receipts: (i) those that fit within the definition of hospital, hotel, motel, and convalescent and extended care facility and residential care facility as defined in Section 9-5.203 of the Antioch Municipal Code; (ii) those that are exempt as a matter of law; and (iii) those that the Director of Financial Services reasonably determines to be substantially similar in nature to one of the excepted living quarters listed above.

(C) The Director of Financial Services may promulgate policies and procedures to administer this tax.

SECTION 3. CONFIRMATION OF THE EXISTING BUSINESS LICENSE TAX ORDINANCE AND RATE. The business license tax provisions in Chapter 1 of Title 3 of the Antioch Municipal Code are hereby confirmed. Any business not specifically enumerated in Chapter 1 of Title 3 of the Antioch Municipal Code, which the City may tax, shall pay a business license tax according to the average annual gross receipts as defined according to the existing formula in Section 3-1.201 of the Antioch Municipal Code, with the exception that the minimum tax is raised to \$100.00, except for Home Occupation Businesses as defined in Title 9 that are not "Professionals" as defined in Title 3, as to whom the minimum tax shall remain \$25.00:

From	То	Tax
\$0.00	\$20,000.00	\$100.00 (except for non-Professional Home Occupation businesses which shall pay \$25.00)
\$20,001.00	\$1,000,000.00	\$1.25 / \$1,000.00 of gross receipts
\$1,000,001.00 & above		\$1,250.00 plus 20 ¢ / thousand dollars of gross receipts over \$1,000,000.00

**SECTION 4. AMENDMENT.** This Ordinance may be repealed or amended by the City Council without a vote of the People except as follows: as required by Article XIIIC of the California Constitution, any amendment that increases the amount or rate of tax beyond the levels authorized by this Ordinance may not take effect unless approved by a vote of the People. The City Council may impose the tax in any amount or rate which does not exceed the rate approved by the voters of the City.

**SECTION 5. REVENUE MEASURE.** The tax adopted by this Ordinance is enacted solely to raise revenue for municipal purposes and is not intended for the purpose of regulation. The People of the City determine the tax to be an appropriate general tax for the purpose of raising revenue. Proceeds of the tax will be deposited in the general fund of the City and will be available for any lawful municipal purpose. This Ordinance does not, in itself, authorize the conduct of any business or activity in the City, but merely provides for the taxation of such businesses or activities.

**SECTION 6. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The voters of the City hereby declare that they would have adopted this Ordinance and each portion thereof regardless of the fact that an invalid portion or portions may have been present in the Ordinance.

**SECTION 7. CEQA.** This business license tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose. 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.

Therefore, under CEQA Guidelines section 15060, review under CEQA is not required.

**SECTION 8. EFFECTIVE DATE.** This ordinance relates to the levying and collecting of the City's business license tax and shall not take effect until ten days after the certification of its approval by the majority of the voters voting at the general municipal election to be held on November 4, 2014 pursuant to Elections Code section 9217

#### SECTION 9. CERTIFICATION: PUBLICATION.

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.

\* \* \* \* \* \* \* \* \*

Ordinance No. \_\_\_\_\_ was submitted to the People of the City of Antioch at the November 4, 2014 municipal election. It is hereby certified that this Ordinance was **APPROVED** by the following vote of the People of Antioch:

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YES: NO:

This Ordinance was thereby adopted by the voters at the November 4, 2014 election and took effect 10 days following adoption of a resolution declaring the results of the election at a regular meeting of the City Council held on \_\_\_\_\_\_ by the following vote:

#### AYES: NOES: ABSENT:

I hereby certify that the foregoing is a true and correct copy of an ordinance duly and regularly adopted by the People of the City of Antioch, California.

#### Arne Simonsen, City Clerk of the City of Antioch

# ★ Voting-by-Mail ★

Can I vote-by-mail for this election only? Yes! Fill out and return the vote-by-mail application on the back cover of your <u>Voter Information</u> <u>Pamphlet</u>. If you want to vote by mail for this election, just check the box on the application to request a ballot for this election only.

#### When will I get my vote-by-mail ballot?

Your ballot goes in the mail starting 29 days before the election. If you do not receive your ballot around that time, call us. We will send you a replacement ballot. If there is not enough time to mail it, you can pick one up at our office.

#### How can I vote before Election Day?

You can vote at the Elections' Office beginning 29 days before the election.

# If I am traveling, can I get my vote-by-mail ballot at a different address?

Yes. Contact us and give us your temporary out oftown address. Or if you prefer, you can vote early at the Elections' Office starting 29 days before the election.

# Will the Post Office forward my vote-bymail ballot to my new address?

No! Vote-by-mail ballots cannot be forwarded. Update your registration at <u>www.registertovote.ca.gov</u> or fill out a new voter registration form with your updated information. It must be postmarked no later than 15 days before the election in order for a vote-by-mail ballot to be sent to you.

#### What if I lose my ballot?

Call us. If it is too late to mail you a replacement ballot, you may pick one up at the Elections Office.

#### What if I make a mistake on my ballot?

You may make a correction in a manner that clearly indicates your intended vote, or contact our office to ask for a replacement ballot.

## Can I vote at the polls if I am a vote-by-mail voter?

Yes. Take your vote-by-mail ballot and envelope to the polling place, and ask for a poll b allot. If you do not have **both** your vote-by-mail ballot and envelope, you must vote a provisional ballot, which will be counted after the election.

#### How do I turn in my vote-by-mail ballot?

You must return your ballot in the envelope provided. You can:

- Mail your ballot,
- Drop it off at the Elections' Office, or
- Take it to a polling place on Election Day between 7 a.m. and 8 p.m.

#### Deadline: Your ballot must be at the Elections' Office or a polling place by 8 p.m. Election Night – no exceptions!

# What if I forgot to sign my return envelope?

Your ballot will **not** be counted. But if we receive your unsigned ballot envelope before the election, we will try to contact you.

# Can I check to see if you have received my vote-by-mail ballot?



Yes. Go to our website at www.cocovote.us or call: 925.335.7800

If the Elections Office receives your vote-by-mail ballot before Election Day, it will be counted by 8 p.m. on Election Day. If you drop off your votebymail ballot on Election Day, it will be counted after Election Day.

#### **Contra Costa County Elections Office**

Open 8 am to 5 pm weekdays, and from 7 am to 8 pm on Election Day 555 Escobar St., Martinez, CA 94553 Tel. 925.335.7800 ★ www.cocovote.us

## ALTERNATE LANGUÃGE ASSISTANCE

Federal and State laws recognize that many Americans require voting information and ballots in non-English languages in order to be informed voters and participate effectively in our representative democracy.



Contra Costa County provides the following services on Election Day:

- Bilingual ballots in English and Spanish at all polling places.
- In selected precincts, ballot facsimiles are available in Chinese, Tagalog, Japanese, Korean, Vietnamese and Hindi.
- Automark ™ touchscreen / audio device to assist voters in reading and marking their ballot in English or Spanish.
- Bilingual Poll Workers we are actively recruiting volunteers!

CONTACT OUR OFFICE FOR FURTHER INFORMATION

Email: outreach@vote.cccounty.us

Phone: 925.335.7821

# ACCESSIBILITY INFORMATION



Contra Costa County is proactive in reducing or eliminating barriers to increase voter access for participation on Election Day. The following resources are available at **all polling places** to ensure that voting is accessible to voters with disabilities.

**Curbside Voting**: is available for voters who are unable to enter the polling place; poll workers will bring the necessary voting materials to the voter in front of the polling place.

#### Accessible Voting Equipment:

- ✓ Voting booths that allow voters to vote while sitting in a chair or wheelchair
- ✓ Magnifying sheets to enlarge the print on the ballot
- ✓ AutoMARK<sup>™</sup> touchscreen / audio device to assist voters with vision or various motor skill limitations to mark their ballot privately and independently

Large Print or Audio Format Information is available upon request by calling 925.335.7821 or via email to <u>outreach@vote.cccounty.us</u>

# INFORMACIÓN SOBRE ACCESIBILIDAD



El Condado de Contra Costa es proactivo para reducir o eliminar obstáculos y aumentar el acceso a la participación de los votantes el dia de elecciones. Los siguientes recursos están disponibles en todos los lugares de votación para garantizar que el voto sea accesible para los votantes con discapacidades

**Votación desde la acera**: esta disponible para votantes que no tengan la abilidad para entrar al lugar de votación; los trabajadores electorales pueden traer los materiales electorales necesarios para que el votante vote afuera del lugar de votación.

#### Equipo de votación accessible:

- ✓ Cabinas de voto que permiten a los votantes votar mientrasse está sentado en una silla o silla de ruedas
- ✓ Hojas de aumento para ampliar la imagen impresa en la balota
- ✓ AutoMARK<sup>™</sup> dispositivo de pantalla táctil /audio para ayudar a los votantes con limitaciones visuales o motrices para marcar su balota en privado y de forma independiente

Información impresa con letra grande o formato de audio puede ser solicitada llamando al 925.335.7821 o por correo electrónico a: <u>outreach@vote.cccounty.us</u>

## Important Dates for this Election

October 6, 2014	FIRST DAY TO RECEIVE A VOTE-BY-MAIL BALLOT – This is the first day our office can issue you a vote-by-mail ballot.
October 20, 2014	LAST DAY TO REGISTER TO VOTE IN THIS ELECTION You must be registered by this date to vote in this election.
October 28, 2014	LAST DAY FOR THE REGISTRAR TO MAIL YOU A BALLOT – Your written request for a vote-by-mail ballot must be received in our office no later than 5:00 pm on this date.
November 4, 2014	ELECTION DAY – Polls will be open from 7:00 am to 8:00 pm. Return your voted vote-by-mail ballot to this office or any polling place in Contra Costa County by 8:00 pm.

## 3 Ways to Vote

Contra Costa County offers multiple voting options to fit your style of voting.

- 1. Vote at the Polls on Election Day! Your assigned polling place is located on the back cover. Be aware that your polling place may have changed since the previous election.
- Vote Early The Contra Costa County Elections' Division office is open as a polling place for the November 4, 2014 Election, beginning on Monday, October 6, 2014 through Tuesday, November 4, 2014. You may vote a vote-by-mail ballot at the Elections' Division office:

Location:555 Escobar Street, MartinezVoting Hours:Oct. 6th – Nov 4thMonday – Friday 8 am to 5 pm

Nov. 4, 2014 (Election Day) 7:00 am to 8:00 pm

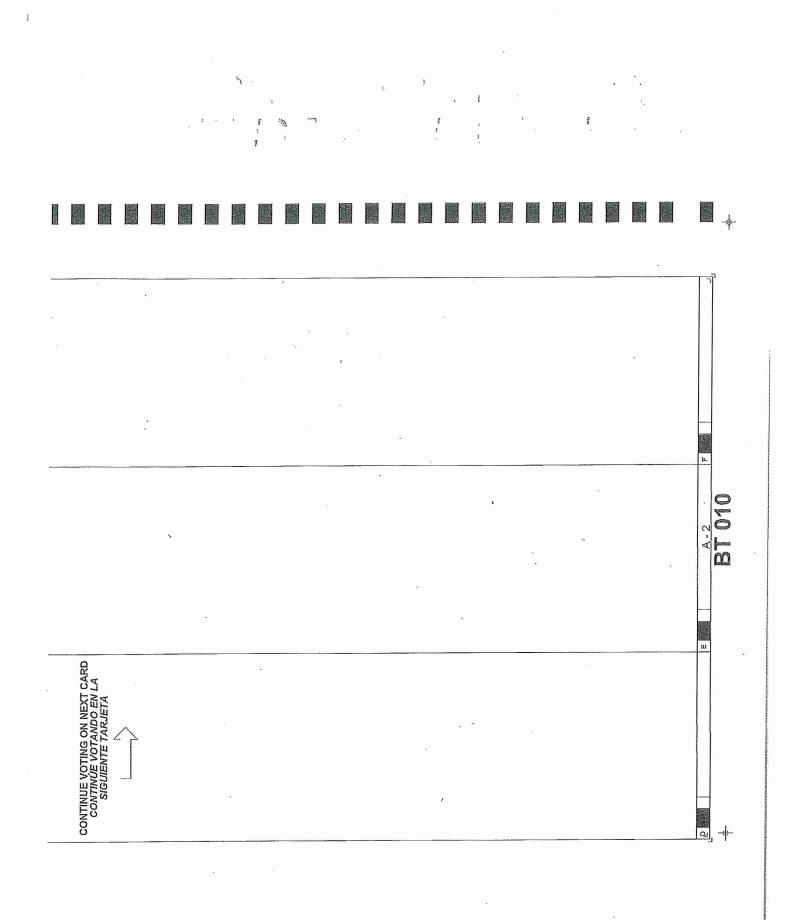
3. Vote-by-Mail – The application on the back of this pamphlet must be completed, signed only by the voter, sent by mail or fax to 925.335.7838, and must be received by the Elections' Division no later than Oct. 28th. Voters may also send a letter providing their name, residence address, mailing address if different, birth date, and signature.

To become a permanent vote-by-mail voter, just sign the vote-by-mail application. You will automatically receive your vote-by-mail ballot before every election in which you are eligible to vote.

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+ BT 010	CITY OF ANTIOCH / CIUDAD DE ANTIOCH Member, City Council / Miembro, Concejo	Four Year Term / Término de cuatro años Vote for Two / Vote por Dos	Alter Hart Cottrell     Asstere Stio de Segurided     Asstere Stio de Segurided     ANTHONY SEGOVIA	Analista Financial Analyst Analista Financial Ordon Chor LORI DGORCHOCK Local Business Woman	Empresaria Local DIANE GIBSON-GRAY Executive Director/Trustee Directora Elevativario	CONTRACTION     STEVEN BADO     Serorial Sales Manager     Gerorial Sales de Ventas en General     KARL DIETZEL	Commercial sales Hepresontative Representante de Ventas Comerciales LAMAR THORA Administrator	Administration of Commission TONY G TISCARENO Appointed Antioch Councilientiber	Nontratado Internoro Concegal de Antaoch Witherin / Candidato por escrito	Write-in / Candidato por escrito	EAST BAY REGIONAL PARK DISTRICT / DISTRITO REGIONAL DE PARQUES DEL ESTE DE LA BAHÍA	Director, Ward 7 / Director, Subdivisión 7 Four Year Term / Término de cuatro años Vote for One / Vote por Uno	DIANE BURGIS Conservation Director/Councilwomian Directora de Conservación/Concegal MARK FOLEY	Systems Analyst - EBMUD Analista de Sistemas - EBMUD Write-in / Candidato por escrito

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E	MEASURES SUBMITTED TO THE VOTERS MEDIDAS SOMETIDAS A LOS VOTANTES	STATE / ESTADO	<ul> <li>47</li> <li>47</li> <li>CRIMINAL SENTENCES, MISDEMIEANOR PENALTIES, INITLATIVE STATUTE. Requires misdemeanor sentence insead of felony for certain drug and property offenses. Inapplicable to persons with prior conviction for sentous or violent offine and registered sex offenders. Fiscal Impact. State and potentially in the high hundreds of millions of dollars annually. State actiopout prevention, mental health and substance abuse treatment, and victim services. <i>PENALES. PENAS POR DELITOS INENORES.</i> <i>INICLATIVA PARA PROMULGAR UNCLATIVA PARA PROMUCION PARA UNCLATIVA PARA PROMUCION PROMUCIÓN UNCLATIVA PARA PROMUCIÓN PAUSO UNDENDER PROMUCIÓN PAUSOS A PROMUSOS A PROMOS ANDENDER PAUSOS A PROMOS SERVICION PROMOS ANDENDER PAUSOS A PROMOS SERVICIÓN PROMOS ANDENDER PAUSOS A PROMOS SERVICIÓN PROMOS ANDENDER PAUSOS A PROMOS SERVICIÓN PROMOS ANDENDER PAUSOS A PROMOS A PROMOS ANDENDER PAUSOS A PROMOS A PROMOS ANDENDER PROMOS A PROMOS A PROMOS ANDENDER PROMOS A PROMOS A PROMOS A PROMOS ANDENDER PROMOS A PROMOS A PROMOS ANDE</i></li></ul>	
	MEASURES SUBMITTED TO THE VOTERS MEDIDAS SOMETIDAS A LOS VOTANTES	STATE / ESTADO	45 HEALTHCARE INSURANCE. RATE CHANGES. INITIATIVE STATUTE. Requires Insurance Commissioner's approval before health insurer can ofnange its rates or anything else affecting the charges associated with health insurance. Provides for public notice, disclosure, and hearing, and subsequent judicial review. Exempts Fiscal Impact. Increased state administrative costs to regulate health insurance, likely not exceeding the low millions of dollars annually in most years, funded from fees paid by health insurance companies.SEGURO DE CUIDADOS DE LA SALUD. CAMBIOS DE TARIFAS. INICLATIVA PARA PROINULGAR UN ESTATUTO. Exige la aprobación de que las aseguradoras de salud puedan combiar sus tarifas o cualquier cosa que afecte los cargos relacionados con el seguro de salud, que muy pudicial. Exime a los planes de salud para grupos grandes proporcionados for empleadores. Impacto fiscal: Incremento de los costos administrativos del estado para regular el seguro de salud, que muy pocos miliones de estado para regular el seguro de salud, que muy pocos miliones de estado para regular el seguro de salud, que muy pocos miliones de estado para regular el seguro de salud, que muy pocos miliones de estado para regular el seguro de salud, que muy pocos miliones de estado para regular el seguro de salud, que muy pocos miliones de estado para regular el seguro de salud, que muy pocos miliones de estado para regular el seguro de seguro.	

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48 INDIAN GAMING COMPACTS. REFERENDUM. A "Yes" vote approves, and a "No" vote rejects,

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Administration 925,335.7899 925.335.7893 fax

Elections Division 925.335.7800 925.335.7836 fax

### Contra Costa County Clerk-Recorder-Elections Department 555 Escobar Street

Martinez, CA 94553

Joseph E. Canciamilla County Clerk-Recorder and Registrar of Volers

Deborah Cooper Deputy County Clerk-Recorder

> Scott Konopasek County Assistant Registrar



Giberro

Estimado Votante,

Continuamente, nos esforzamos para actualizar y mejorar nuestro servicio hacia ustedes. Nuestros cambios recientes han probado ser bien recibidos y han mejorado mucho los procesos y opciones reestructurados para que usted obtenga nuestros servicios. Queremos tomar esta oportunidad para resaltar alguno de los últimos cambios y recordarle las opciones que tiene a su disponibilidad.

- La Muestra de Balota está en el nuevo folleto. En el reverso del folleto hay una solicitud desglosable para solicitar una balota de Voto por Correspondencia. Devuélvala solamente si usted no es un votante de Voto por Correspondencia. SI USTED YA ES UN VOTANTE DE VOTO POR CORRESPONDENCIA NO NECESITA DEVOLVER LA SOLICITUD, usted recibirá automáticamente su balota en el correo. Recuerde que puede seguir el estado de su balota en nuestra página web <u>www.cocovote.us</u>
- Este folleto indica el nombre y número de su recinto electoral en la contraportada. Muchos lugares de votación tendrán más de un recinto electoral, por favor, acuérdese de su número de recinto electoral cuando vaya a su lugar de votación, esto le ayudará a avanzar más rápido durante el proceso.
- La estandarización de los lugares de votación así como la identificación de recintos electorales por nombre y número reducirá la confusión causada cuando los lugares de votación son movidos entre elecciones. Con la excepción de circunstancias especiales, su recinto electoral y lugar de votación no debe cambiar en los años venideros.
- Nuestras páginas web rediseñadas en <u>www.cocovote.us</u> ayudan para que el explorar y buscar por información y recursos sea más fácil. Usted puede inscribirse para votar, solicitar ser un votante de Voto por Correspondencia, actualizar su dirección o cualquier otra información personal o afiliación política. Usted también puede hacer el seguimiento de su balota en-línea.

Estamos interesados en escuchar sobre su experiencia con nuestra oficina. Si tiene alguna pregunta, comentario, o desea darnos su opinión, por favor envíelo por correo electrónico a candidate.services@vote.cccounty.us o llámenos al 925-335-7800.

Gracias por participar en el proceso electoral!

Sinceramente,

See Inserimette

Joseph E. Canciamilla Secretario- Escribano y Registrador de Votantes del Condado

# FOLLETO DE INFORMACIÓN PARA EL VOTANTE

Las siguientes páginas contienen información para el votante que es aplicable a su balota que puede incluir los siguientes artículos:

- DECLARACIONES DE LOS CANDIDATOS
- MEDIDAS
- ANÁLISIS LEGAL
- LOS ARGUMENTOS A FAVOR Y EN CONTRA

De conformidad con las disposiciones de las Secciones 13307,13308 y 13312 del Código Electoral y 85601(c) del Código de Gobierno

LOS ARGUMENTOS A FAVOR O EN CONTRA DE LA MEDIDA PROPUESTA SON LAS OPINIONES DE SUS AUTORES.

Existe la posibilidad de que este folleto no contenga las declaraciones de todos los candidatos; sin embargo, en la Muestra de Balota aparece una lista completa de todos ellos. Las declaraciones de los candidatos son presentadas por el candidato y se imprimen tal como son presentadas. El costo de imprimir cada declaración queda a cargo del candidato, a no ser que el órgano ejecutivo determine lo contrario.

### Visite nuestro sitio web en: www.cocovote.us

### Si usted tiene alguna pregunta envíenos un correo electrónico a <u>Candidate.Services@vote.cccounty.us</u> o llámenos al 925.335.7800

CC 010-033

#### LORI OGORCHOCK Empresaria Local

jNo cabe ninguna duda, me apasiona Antioch! Luego de graduarme en Antioch High, con Richard, mi esposo hace 31 años, criamos a nuestros 3 hijos aquí. Luego me gradué en la Academia de Reserva de la Policía de LMC y fui ex Agente de Policía de Reserva de Walnut Creek.

Doce años atrás me retiré de CSAA para dirigir mi propio negocio de Bienes Raíces. Luego del trabajo le retribuyo a la comunidad que amo. Presidí el Consejo Escolar de la Escuela Primaria Sutter, varias juntas de béisbol juvenil, fútbol, ayudé a diseñar e instalar el Parque Municipal.

En el equipo de liderazgo de Keller Williams, organicé eventos cívicos, plantando jardines comunitarios y asistiendo a los Veteranos. Soy la Tesorera entrante de la Asociación de Agentes Inmobiliarios del Delta, futura Directora de la Asociación de Agentes Inmobiliarios de California, una Rotaria y la Presidenta entrante del comité Club Service.

Antioch fracasará si sigue inactiva. Debemos tomar al toro por las astas con un liderazgo valiente. Déjeme traer mi enfoque cándido de arremangarse las mangas a nuestro Concejo Municipal.

Mis Cuatro Metas Principales:

- <u>i La Seguridad de la Comunidad 1<sup>™</sup></u> Aseguraré que los fondos de la Medida C sean utilizados según lo prometido para la
- de la Medida C sean utilizados segun lo prometido para la policía, lisa y llanamente
  2. <u>Revitalizar el Centro Urbano:</u> Nuestros ciudadanos mayores merecen solo el mejor tratamiento, construir condominios donde debería haber un parque es simplemente una tontería
  3. <u>Gravar a los Negocios Razonablemente</u>; simplificar los impuestos, ser justos
  4. <u>Crecimiento Económico</u>; las actitudes favoreciendo la seguridad y los negocios estimularán nuestra ciudad y economía
- economía

"A" debería ser por Antioch, no por "Asustado". Soy una empresaria exitosa, una hacedora comprobada con sentido común y fuerza de voluntad.

No obstante, no puedo traer resultados yo sola. ¡Necesito su apoyo!

#### LAMAR THORPE

#### Administrador de Colegio Comunitario

En 1981, nací en prisión por una madre adicta a la heroína. A los dos días de vida, fui colocado en el cuidado de acogida y criado por una familia de inmigrantes de México a EE. UU. Como resultado, mi primer idioma es el español. En 5° grado, fui colocado en Educación Especial y subsiguientemente me gradué en la escuela secundarla sin saber leer y escribir. Luego de dos semestres en la universidad menor, me pidieron que me retirara porque era analfabeto. Sin tener a dónde ir, me enlisté en la Marina de los EE. UU.

Hoy, soy un orgulloso veterano de la Marina de 8 años, graduado dos veces en la Universidad The George Washington, administrador de educación superior, y miembro de la Comisión de Desarrollo Económico de Antioch. Me postulo para el concejo municipal para crear oportunidades para que nuestros residentes construyan un sustento más seguro y un sentido de la dignidad. Elegí criar a mi familia en Antioch, pero lo que no elegí fue el delito violento, una tasa de desempleo local del 8%, y un desequilibrio entre los empleos y la vivienda.

Desde la crisis de las ejecuciones hipotecarias, muchos en Antioch han recurrido a tener de dos a tres empleos de medio tiempo, recibiêndo a menudo bajos salarios para mantener sus hogares y llevar comida a la mesa. Como concejal, lucharé para promover políticas que:

Incentivarán el crecimiento de los empleos bien remunerados en manufactura, investigación y desarrollo y blotecnología;

Construirán las divisiones de policía y cumplimiento de códigos de Antioch; y, Simplificarán al gobierno para fomentar un entorno colaborador entre los negocios, la mano de obra y el Ayuntamiento. Le pido humildemente su voto.

#### **DIANE GIBSON-GRAY**

#### Directora Ejecutiva/Fideicomisaria

La ciudad de Antioch está en un punto de crisis y el buen liderazgo requiere experiencia. Mis experiencias en negocios, servicio comunitario, cargos electos y designados por nombramiento, combinadas con mi conocimiento de toda la vida de Antioch me califica para desempeñarme en el Concejo Municipal de Antioch. Abajo están mis tres principales prioridades:

- Contratar rápidamente empleados de seguridad pública y obtener "botas en el campo" adicionales. ¡Los agentes de policía, el personal de cumplimiento de códigos y de apoyo deben ser contratados ahora!
   Aumentar los servicios municipales al pueblo devolviendo la pomparte de 20 de para el ocampionado municipales de pueblo devolviendo la
- semana laboral de 40 horas a los empleados municipales.
- Mejorar los transportes (ampliación de las rampas conectoras de la Carretera 4, el E-Bart y la Carretera 160) hace de Antioch una atractiva oportunidad de desarrollo; ahora es el momento de las discusiones con las potenciales entidades comerciales nuevas

He trabajado 28 años en la industria de telecomunicaciones por cable, 10 años como Directora Ejecutiva de la Fundación de Arte y Cultura sin fínes de lucro, y más de 25 años como voluntaria de la comunidad activa. Estoy en mi segundo mandato como Fideicomisaria del Distrito Escolar Unificado de Antioch, octubiento me decomerción de la turta Eleventicado de Antioch, actualmente me desempeño en la Junta Ejecutiva de la Cámara de Comercio de Antioch y he sido Comisionada de Planificación y Recreación. Soy una Rotaria y miembro del Club de Mujeres y residente hace más de 50 años de Antioch.

Los residentes de Antioch merecen vivir en una comunidad segura, tener acceso a los servicios públicos y tener un crecimiento inteligente que deje un legado positivo duradero.

Elija una Concejala con experiencia, con voluntad de hacer los cambios necesarios y preparada para hacer el trabajo hoy. Vote por Diane Gibson-Gray.

**Diane Gibson-Gray** www.DlaneGibsonGray.com (925) 325-9897

#### TONY G. TISCARENO

Conceial Designado de Antioch

El año pasado, fui designado para ocupar la vacante en el Concejo Municipal de Antioch. Hace 44 años que resido en Antioch. Mi esposa, Olívia, y yo criamos a nuestros hijos aquí. Es mi gran honor representarlo.

Antioch tiene muchos desafíos que superar para convertirse en la gran ciudad que sé que podemos ser. Lo más importante es lidiar con la delincuencia:

<u>Contratar Más Policías:</u> Estamos reclutando activamente agentes de policía EXPERIMENTADOS y capacitando a docenas más en la Academia de Policía. Estamos progresando, con la meta de tener 22 agentes adicionales en las calles.

<u>Combatir las Pandillas, Drogas y Armas Ilegales</u>. Si bien estamos contratando más agentes policiales, la Policía de Antioch y el FBI están trabajando horas extras para desmantelar PROACTIVAMENTE a los delincuentes ANTES de que participen en comportamientos violentos en contra de los ciudadanos. APOYO ESTE ESFUERZO CON TODO EL CORAZÓN.

Llevar la PREVENCIÓN DE DELITOS a Nuestras Propias Manos: Estoy orgulioso de nuestros residentes que participan en las limpiezas vecinales mensuales de la Policia de Antioch; participan de la Vigilancia Vecinal (tenemos 480 "Capitanes de Cuadra"); incluso nuestros recolectores de basura y trabajadores del correo ahora LLAMAN ANTE ACTIVIDADES SOSPECHOSAS EN EL VECINDARIO.

Contratar más agentes del orden para citar y multar a los propietarios negligentes, revitalizar RIVERTOWN, hacer al Ayuntamiento más "favorable para los negocios", y atraer un gran restaurante en Humphrey's – son prioridades también.

El hoy requiere un nuevo tipo de Concejal - uno que sea accesible 24/7. <u>Por favor, llámeme en cualquier momento</u>. Como su representante, seguiré trabajando duro para mejorar esta gran ciudad. Me sentiría honrado de obtener con su voto. Tony Tiscareno Celular (925) 234-3639

# MEDIDAS LOCALES PRESENTADAS A LOS VOTANTES

# Ciudad de Antioch

#### MEDIDA O DE LA CIUDAD DE ANTIOCH

**IMPUESTO A LA LICENCIA COMERCIAL.** Para brindar financiamiento que no pueda ser apoderado por el Estado, para mantener los servicios Municipales generales tales como los servicios policiales, el cumplimiento de los códigos, las reparaciones de calles, los servicios para ciudadanos mayores y los programas para jóvenes, ¿deberá la Ciudad de Antioch adoptar un impuesto a la licencia comercial sobre las propiedades residenciales basado en el tipo y la cantidad de unidades y confirmar los ingresos brutos del impuesto a la licencia comercial existente con un impuesto mínimo mayor, que no es un impuesto aplicado al pueblo en general

#### ANALISIS IMPARCIAL DE LA MEDIDA O POR EL ABOGADO DE LA CIUDAD

El Concejo Municipal votó unánimemente para colocar la Medida O en la balota para pedir a los votantes que:

- Confirmen que el alquiler de una propiedad inmueble (por ej.: un terreno o una construcción) es un negocio sujeto a gravamen;
- Apliquen un impuesto anual a las licencias comerciales sobre los propietarios residenciales que alquilen propiedades en Antioch a \$250 por unidad de vivienda unifamiliar independiente (por ej. una casa) y \$150 por unidad de vivienda multifamiliar conjunta (por ej.: un departamento); y
- Mantengan el impuesto a las licencias comerciales existente para todos los demás negocios, pero con un aumento en el impuesto mínimo anual de \$100 para los negocios sujetos a la fórmula impositiva de los ingresos brutos, excepto algunos negocios de alojamiento por los cuales el impuesto mínimo se mantiene en \$25.

#### Aplicabilidad de las Impuestos a las Licencias Comerciales

Los impuestos a las licencias comerciales no son impuestos sobre el pueblo en general. Los negocios que operen en Antioch pagan el impuesto para brindar financiamiento para los servicios municipales en Antioch. Estos servicios municipales, como policía, cumplimiento de los códigos, reparaciones de calles, paisajismo y mantenimiento de parques y líneas medias, benefician a los negocios y las residencias de Antioch.

Los propietarios de propiedades comerciales ya pagan los impuestos a las licencias comerciales basados en la fórmula de ingresos brutos existente. Del mismo modo, sus inquilinos comerciales pagan los impuestos a las licencias comerciales. Históricamente, la mayoría de los propietarios residenciales (uni y multifamiliares) no han pagado un impuesto a las licencias comerciales. El impuesto a las licencias comerciales por unidad de vivienda propuesto reemplazaría al impuesto a las licencias comerciales sobre los ingresos brutos que algunos dueños de departamentos han pagado.

Las viviendas sin fines de lucro – incluyendo las viviendas sin fines lucrativos para ciudadanos mayores -- están exentas de pagar el impuesto a las licencias comerciales existente y estarían exentas de este impuesto propuesto.

#### Fórmulas del Impuesto a las Licencias Comerciales

Las ciudades pueden usar diferentes fórmulas para gravar distintos tipos de negocios. Esto puede incluir la utilización de tarifas planas en dólares para algunos negocios y un porcentaje de los ingresos brutos por otros tipos de negocios. A veces las ciudades usan una fórmula en particular porque es un método más eficiente de recaudación impositiva.

El impuesto propuesto sobre los propietarios residenciales solo se aplicaría a las propiedades ubicadas en Antioch. Esto cumple con los requisitos Constitucionales de ser imparcial y distribuido para no cargar al comercio interestatal.

#### Ingresos Generales para Todos los Servicios Municipales

Los ingresos provenientes del impuesto serían depositados en el fondo general de la Ciudad. Se podrían usar para cualquier propósito municipal legal incluyendo: policía y respuesta frente a emergencias; cumplimiento de los códigos; desarrollo de la economía local y creación de empleos; reparación de calles; y cualquier otro programa o servicio de la Ciudad.

#### Efecto de la Medida O

Votar "Sí" en la Medida O es un voto para: 1) confirmar que el alquiler de una propiedad es un negocio sujeto a gravamen; 2) aplicar un impuesto anual a las licencias comerciales sobre los propietarios residenciales; y 3) mantener los impuestos a las licencias comerciales existentes para todos los demás negocios pero con un aumento del impuesto a las licencias comerciales mínimo para los negocios sujetos a la fórmula de ingresos brutos, con algunas excepciones.

Votar "No " en la Medida O es un voto en contra del impuesto a las licencias comerciales sobre los propietarios residenciales y al aumento del impuesto a las licencias comerciales.

Si la mayoría de los votantes votan "Sí" en la Medida O, esta se aprueba.

Respetuosamente,

Lynn Tracy Nerland, Abogada de la Ciudad de Antioch

#### ARGUMENTO A FAVOR DE LA MEDIDA O

La Ciudad de Antioch carece de ingresos para brindar los niveles adecuados de servicios municipales a la comunidad. Sufriendo los recortes de personal y de los gastos operativos del 30% desde 2007, todas las funciones del Fondo General están significativamente sub-dotadas de personal, incluyendo la Policía, el Cumplimiento de Códigos, Obras Públicas, Planificación, Construcción, y los departamentos administrativos. Como resultado, el departamento de policía, la oficina de obras públicas y el Ayuntamiento están todos cerrados los viernes.

Antioch no tiene un problema de gastos. Antioch tiene un problema de <u>ingresos</u>. Los bajos valores de las propiedades, los bajos ingresos provenientes del impuesto a la propiedad y del impuesto a las ventas le dan a Antioch ingresos al Fondo General mucho menores que las ciudades del Condado comparables en tamaño, a \$404.36 por residente (presupuesto 2014-15). En comparación, Concord recibe \$681.68 y Richmond, a \$1,255.75, recibe más del triple de los ingresos de Antioch. Pittsburg y Brentwood reciben \$555.84 y \$817.35 respectivamente.

Un grupo de ciudadanos de Antioch comenzaron una iniciativa para ajustar el Impuesto a las Licencias Comerciales para los propietarios residenciales a \$240 por unidad por año. Luego de meses de negociaciones entre la Asociación de Departamentos de California, los líderes de la iniciativa de los ciudadanos y la Ciudad, la Ciudad propuso un cargo anual de \$250 por unidad para las casas separadas que se alquilen y \$150 por unidad para unidades de alquiler multifamiliares. Esto equivaldrá a \$20.83 por mes para las casas de alquiler y a \$12.50 por mes para los departamentos - aproximadamente el uno por ciento (.8% a 1.2%) de la renta bruta, que será pagado por los propietarios. Los ciudadanos estuvieron de acuerdo. La Asociación de Departamentos no.

Muchos inversores acaudalados que compraron casas en Antioch no han estado pagando el Impuesto a las Licencias Comerciales. Es hora de que lo hagan. Están haciendo millones en Antioch, mientras disfrutan de las ventajas impositivas de la inversión en bienes raíces. La Medida O asegurará que paguen la parte que les corresponde en Antioch. Después de todo, todos los propietarios se beneficiarán enormemente de los servicios adicionales que la Ciudad financiará con estos ingresos.

#### ÚNASE A LOS CIUDADANOS DE ANTIOCH PARA APOYAR A LA MEDIDA O.

Concejo Municipal de Antioch, Wade Harper, Alcalde de Antioch

Hansel Hon Tao Ho, Ex Comisionado de Prevención de Delitos

James Kenneth Gray Jr., Miembro de la Junta - Autoridad de Tránsito de Contra Costa Este

Donald P. Freitas, Ex Alcalde – Ciudad de Antioch Robin Agopian, Residente

#### ARGUMENTO EN CONTRA DE LA MEDIDA O

En junio, el *Contra Costa Times* informó que la Ciudad de Antioch tiene un superávit presupuestario según el propio Director de Finanzas de la Ciudad. Pero una vez más, el Concejo Municipal de Antioch está tratando de aumentar los impuestos a sus ciudadanos.

Y una vez más el Concejo Municipal ha propuesto una medida impositiva que evade el requisito del voto de los dos tercios, facilitando así aún más el aumento de los impuestos sin exigir a la Ciudad que revele de qué manera se gastará el dinero.

El año pasado, los votantes de Antioch apoyaron un aumento masívo de impuestos – la Medida C. El Concejo Municipal declaró (falsamente) que el dinero sería utilizado para contratar 22 agentes de policía nuevos. Pero el Contra Costa Tímes reveló que el dinero de la Medida C nunca se utilizó para contratar 22 agentes de policía nuevos; y otro informe periodístico declaró que los votantes de Antioch estaban siendo "embaucados sobre el uso de los fondos de la Medida C".

¡Con la Medida O, el Concejo Municipal está tratando de aprovecharse de los votantes otra vez!

- Muchos ciudadanos mayores en última instancia pagarán el impuesto de la Medida O.
- No existe absolutamente ninguna garantía de cómo se gastará el dinero de la Medida O.
- El Director de Finanzas de Antioch dijo que la Ciudad tiene un superávit presupuestario.

Es irresponsable que el Concejo Municipal aumente los impuestos dando como resultado costos más altos para los ciudadanos mayores – muchos que viven de sus ingresos fijos y son ancianos – y con la menor capacidad para afrontar el aumento de los pagos mensuales.

El Concejo Municipal debería simplemente confiar en los votantes y brindar un plan de gastos detallado cuando pide nuevos impuestos. Pero en cambio, el Concejo Municipal está pidiendo otro cheque en blanco, y usando una campaña de amedrentamiento para influenciar a los votantes desprevenidos.

Entonces si el Concejo Municipal no va a confiar en los votantes, ¿por qué deberíamos confiar en el Concejo Municipal con otro aumento impositivo más? Por favor, únase a los ciudadanos mayores, los propietarios de viviendas y los propietarios de negocios en Votar NO en la Medida O.

Asociación de Departamentos de California, División de Contra Costa, Aaron Meadows, Miembro de la Junta Lisa Alotte, Ciudadana Mayor de Antioch

Scott MacIntyre, Agente Inmobiliario/Residente de Antioch Perry Shusta, Residente/Propietario de un Negocio de Antioch

Charles Caballero, Ciudadano Mayor de Antioch

#### TEXTO COMPLETO DE LA MEDIDA O SOBRE

#### UNA ORDENANZA DE LA CIUDAD DE ANTIOCH PARA ACTUALIZAR LA ORDENANZA DEL IMPUESTO A LAS LICENCIAS COMERCIALES EXISTENTE PARA QUE INCLUYA UN IMPUESTO A LAS LICENCIAS COMERCIALES SOBRE LOS PROPIETARIOS RESIDENCIALES Y PARA CONFIRMAR EL IMPUESTO A LAS LICENCIAS COMERCIALES EXISTENTE, CON UN AUMENTO DEL IMPUESTO MÍNIMO

El pueblo de la Ciudad de Antioch ordena lo siguiente:

**SECCIÓN 1. OTORGAMIENTO DE LICENCIAS COMERCIALES.** Se agrega la siguiente oración a la definición de "Negocio" en la Sección 3-1.102 del Código Municipal de Antioch:

"El alquiler o arrendamiento de propiedades inmuebles es un Negocio sujeto a gravamen bajo este capítulo."

SECCIÓN 2. IMPUESTO A LAS LICENCIAS COMERCIALES SOBRE LOS PROPIETARIOS RESIDENCIALES. La siguiente disposición se agrega al Capítulo 1 del Título 3 del Código Municipal de Antioch para que diga lo siguiente:

#### "Sección 3-1.217 PROPIETARIOS RESIDENCIALES

(A) En lugar de cualquier otro impuesto a las licencias comerciales y sujeto a la subsección (B) debajo, todos aquellos en el negocio de alquiler de espacios habitables, incluyendo sin limitaciones una unidad de vivienda de alquiler según lo definido en la Sección 5-20.201 del Código Municipal de Antioch, deberán pagar el monto de la licencia anual indicado en la tabla inmediatamente debajo basado en la cantidad total de unidades que alquiler o tengan disponibles para alquilar dentro de la Ciudad de Antioch y el tipo de unidad según lo definido en el Código Municipal:

Tipo de Unidad	Impuesto Anual
Unidad de vivienda unifamiliar	\$250.00 por unidad
Unidad de vivienda multifamiliar incluyendo dúplex, condominios y departamentos	\$150.00 por unidad

(B) Los siguientes espacios habitables están exceptuados de este requisito de pagar un impuesto a las licencias comerciales basado en unidades de vivienda pero igualmente deben pagar el impuesto basado en los ingresos brutos: (i) aquellos que coincidan con la definición de hospital, hotel, motel, e instalaciones de reposo y cuidado extendido e instalaciones de cuidado residencial según lo definido en la Sección 9-5.203 del Código Municipal de Antioch; (ii) aquellos que están exentos por cuestiones legales; y (iii) aquellos que el Director de Servicios Financieros determine razonablemente que sean sustancialmente similares en su naturaleza a alguno de los espacios habitables exceptuados enumerados arriba.

(C) El Director de Servicios Financieros puede promulgar políticas y procedimientos para administrar este impuesto.

#### SECCIÓN 3. CONFIRMACIÓN DEL IMPUESTO A LAS LICENCIAS COMERCIALES EXISTENTE

**ORDENANZA Y TASA.** Por el presente, son confirmadas las disposiciones del impuesto a las licencias comerciales en el Capítulo 1 del Título 3 del Código Municipal de Antioch. Todo negocio que no esté específicamente enumerado en el Capítulo 1 del Título 3 del Código Municipal de Antioch, que la Ciudad pueda gravar, deberá pagar un impuesto a las licencias comerciales de acuerdo con los ingresos brutos anuales promedio según lo definido de acuerdo con la fórmula existente en la Sección 3-1.201 del Código Municipal de Antioch, con la excepción de que el impuesto mínimo se eleva a \$100.00, excepto para los Negocios en Casa según lo definido en el Título 9 que no sean "Profesionales" según lo definido en el Título 3, para quienes el impuesto mínimo seguirá siendo de \$25.00:

Desde	Hasta	Impuesto
\$0.00	\$20,000.00	\$100.00 (excepto para negocios En Casa no Profesionales que deberán pagar \$25.00)
\$20,001.00	\$1,000,000.00	\$1.25 / \$1,000.00 de ingresos brutos
\$1,000,001.00 y más		\$1,250.00 más 20 ¢ / mil dólares de ingresos brutos que excedan \$1,000,000.00

**SECCIÓN 4. ENMIENDA.** Esta Ordenanza puede ser revocada o enmendada por el Concejo Municipal sin el voto del Pueblo excepto lo siguiente: según lo requerido por el Artículo XIIIC de la Constitución de California, toda enmienda que aumente el monto o la tasa del impuesto por encima de los niveles autorizados por esta Ordenanza no puede entrar en vigencia a menos que sea aprobada por el voto del Pueblo. El Concejo Municipal puede aplicar el impuesto por cualquier monto o tasa que no exceda la tasa aprobada por los votantes de la Ciudad.

**SECCIÓN 5. MEDIDA DE INGRESOS.** El impuesto adoptado por esta Ordenanza es aprobado únicamente para recaudar ingresos con propósitos municipales y no

está destinado para fines regulatorios. El Pueblo de la Ciudad determina que el impuesto es un impuesto general apropiado con el fin de recaudar ingresos. Los ingresos provenientes del impuesto serán depositados en el fondo general de la Ciudad y estarán disponibles para cualquier propósito municipal legítimo. Esta Ordenanza en sí misma no autoriza la realización de algún negocio o actividad en la Ciudad, sino que simplemente establece el gravamen de dichos negocios o actividades.

**SECCIÓN 6. DIVISIBILIDAD.** Si alguna disposición de esta ordenanza o su aplicación a alguna persona o circunstancia es considerada inválida, el resto de esta ordenanza y la aplicación de dicha disposición a otras personas o circunstancias no resultarán afectados por dicha invalidez. Los votantes de la Ciudad por el presente declaran que habrían adoptado esta Ordenanza y cada parte de la misma independientemente del hecho que la Ordenanza contuviera una parte o más partes inválida(s).

**SECCIÓN 7. LEY DE CALIDAD AMBIENTAL DE CALIFORNIA (CEQA).** Este impuesto a las licencias comerciales que será presentado a los votantes es un impuesto general que puede ser utilizado para cualquier fin legítimo del gobierno. Como tal, bajo la sección 15378(b)(4) de las Pautas de CEQA, el impuesto no es un proyecto dentro del significado de CEQA porque crea un mecanismo de financiamiento del gobierno que no implica ningún compromiso con un proyecto específico que pueda generar un impacto físico potencialmente significativo en el medioambiente. Por lo tanto, según la sección 15060 de las Pautas CEQA, no se requiere la revisión de CEQA.

SECCIÓN 8. FECHA DE ENTRADA EN VIGENCIA. Esta ordenanza se relaciona con la aplicación y recaudación del impuesto a las licencias comerciales de la Ciudad y no entrará en vigencia hasta diez días después de la certificación de su aprobación por la mayoría de los votantes que votan en la elección municipal general que se realizará el 4 de noviembre de 2014 de conformidad con la sección 9217 del Código Electoral

**SECCIÓN 9.** <u>CERTIFICACIÓN: PUBLICACIÓN</u>. Con la aprobación de los votantes, el Secretario Municipal deberá certificar la aprobación y adopción de esta Ordenanza y ordenará su publicación de acuerdo a las leyes.

#### \* \* \* \* \* \* \* \* \*

La Ordenanza N° \_\_\_\_\_\_ fue presentada al Pueblo de la Ciudad de Antioch en la elección municipal del 4 de noviembre de 2014. Por el presente se certifica que esta Ordenanza fue **APROBADA** por el siguiente voto del Pueblo de Antioch:

SÍ: NO:

La Ordenanza fue, de este modo, adoptada por los votantes en la elección del 4 de noviembre de 2014 y

entró en vigencia 10 días después de la adopción de una resolución que declaró los resultados de la elección en una asamblea regular del Concejo Municipal llevada a cabo el \_\_\_\_\_\_, con la siguiente votación:

#### SÍ: NO: AUSENTES:

Por la presente certifico que lo que antecede es una copia verdadera y correcta de una ordenanza debida y regularmente adoptada por el Pueblo de la Ciudad de Antioch, California.

#### Arne Simonsen,

Secretario Municipal de la Ciudad de Antioch

## Fechas Importantes para esta Elección

Octubre 6, 2014	PRIMER DÍA PARÁ VOTAR POR CORRESPONDENCIA Este es el primer día que nuestra oficina puede emitir una balota de voto por correspondencia.
Octubre 20, 2014	ULTIMO DIA DE REGISTRO PARA ESTA ELECCION Debe estar registrado para esa fecha para votar en esta elección.
Octubre 28, 2014	ULTIMO DIA PARA MANDAR UNA BALOTA - Su solicitud por escrito para una balota de voto por correspondencia debe ser recibida en nuestra oficina a más tardar a las 5:00 pm.
Noviembre 4, 2014	DIA DE ELECCION — Lugares de votación estarán abiertos de 7:00 am a 8:00 pm. Regrese su balota de voto por correspondencia a nuestra oficina o en cualquier lugar de votación en el Condado de Contra Costa antes de las 8:00 pm.

## 3 Formas de Votar

El Condado de Contra Costa ofrece múltiples opciones de voto para adaptarse a su estilo.

- iVote en los Lugares de Votación el día de la Elección! La ubicación de su lugar de votación se indica en la contraportada. Tenga en cuenta que su lugar de votación podría haber cambiado desde la(s) elección(es) anterior(es).
- 2. Vote Temprano: A partir del 6 de octubre 2014, el Departamento de Eleccions del Condado de Contra Costa se encuentra abierta como lugar de votación para la Elección del 4 de noviembre de 2014:

Ubicación: 555 Escobar Street, Martinez Horario de Votación: Oct. 6 – Nov 4 Lunes – Viernes 8 am to 5 pm

> Nov. 4, 2014 (Día de Elección). .7:00 am to 8:00 pm

3. Voto por Correspondencia: La aplicación al reverso de este folleto debe estar firmada solo por el votante, enviada por correo o fax al 925.335.7838, y ser recibida por el el Departamento de Eleccions a más tardar el 28 de octubre 2014. También puede mandar una carta con su nombre, domicilio, dirección de envío si es diferente, fecha de nacimiento y su firma.

Para convertirse en votante por correo permanente, solo firme la solicitud de voto por correo. Usted recibirá automáticamente su balota de voto por correspondencia para cada elección en la cual sea elegible para votar.

#### ¿Puedo Votar por Correspondencia solo para esta elección?

*¡Sil Tiene que llenar y devolver la aplicación en la contraportada de su <u>Folleto de Información al Votante.</u> Si desea votar por correspondencia solo para esta elección, simplemente marque la casilla en la aplicación que indica solicitar una balota solo para esta elección.* 

#### ¿Cuándo recibiré mi balota de Voto por Correspondencia?

Su balota es enviada a partir de 29 días antes de la elección. Si no recíbe su balota alrededor de ese tiempo, llámenos. El departamento de elección le enviara una balota de reemplazo. Si no hay suficiente tiempo para enviarla, usted puede venir a recoger una en la oficina.

¿Cómo puedo votar antes de la elección? Puede votar en la oficina del Departamento de Elecciones comenzando 29 días antes de la elección.

#### ¿Si estoy de viaje, puedo recibir mi balota de Voto por Correspondencia en una dirección diferente?

Si. Contáctenos y dénos su dirección temporal. O si prefiere, puede venir y votar temprano en la oficina comenzando 29 días antes de la elección.

#### ¿La oficina de correo reenviara mi balota de Voto por Correspondencia a mi nueva dirección?

¡No! Balotas de Voto por Correspondencia no son reenviadas. Actualice su inscripción en <u>www.registertovote.ca.gov</u> o llene un formulario de inscripción electoral con su nueva dirección. Debe tener el sello postal a más tarde de 15 días antes de la elección.

#### ¿Si pierdo la balota?

Llámenos. Si es muy tarde para enviarle su reemplazo, podrá venir a recoger una balota nueva en la oficina de elecciones.

#### ¿Qué pasa si cometo un error en mi balota?

Usted puede hacer una corrección de una manera que indica claramente su intención de voto. Contacte nuestra oficina para pedir una balota de reemplazo.

#### ¿Puedo votar en mi lugar de votación si Voto por Correspondencia?

¡Sil Lleve su balota de Voto por Correspondencia y el sobre al lugar de votación y pida una balota de recinto. Si no tiene su balota de Voto por Correspondencia y el sobre tendrá que votar una balota provisional, que será contada después de la elección.

#### ¿Cómo regreso mi balota de Voto por Correspondencia?

Debe devolver su balota en el sobre adjunto. Usted puede:

- Envíar por correo su balota
- · Entregarlo en la oficina de elecciones, o
- Llevarlo a un lugar de votación el día de elección entre las 7 a.m. y 8 p.m.

Fecha limite: Su balota debe estar en la oficina de elección o lugar de votación a las 8 p.m. la noche de elección – sin excepción!

# ¿Si me olvide de firmar el sobre de mi balota?

Su balota no será contada. Pero si recibimos su sobre de balota sin firma antes de la elección, trataremos de ponernos en contacto con usted.

## ¿Puedo comprobar si ha recibido mi balota

de Voto por Correspondencia? ¡Si! Visite nuestra página de Web. <u>www.cocovote.us</u> o llame: 925.335.7800



Si la oficina de Elecciones recibe su balota de Voto por Correspondencia antes de la elección, será contada el día de la elección a las 8:00 pm. Si entrega su balota de Voto por Correspondencia el día de la elección en la casilla, será contada después del día de la elección.

Contra Costa County Elections Office Abiertos de 8 a.m. a 5 p.m. entre semana, y de 7 a.m. a 8 p.m. el Día de Elección. 555 Escobar St., Martinez, CA 94553 Tel. 925.335.7800 ★ www.cocovote.us **ABANDONE LA LINEA** 

## AHORRE TIEMPO

# **VOTE POR CORREO**

No más buscar estacionamiento, o tomarse tiempo para ir al lugar de votación el Día de la Elección.

Al Votar-por-Correspondencia puede votar en la comodidad de su casa al tiempo que le sea conveniente.

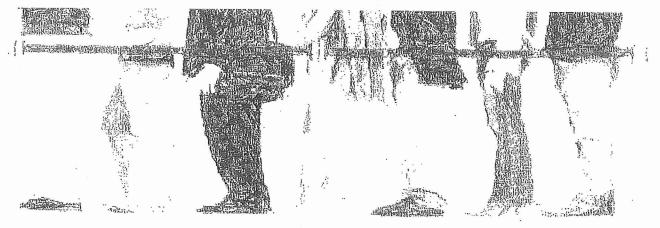
Para comenzar solo complete la solicitud al reverso de este folleto. Las solicitudes deben ser recibidas a más tardar siete días antes del Día de la Elección.

#### Como regresar su balota:

• Regrésela por correo a más tardar 5 días antes del Día de Elección.

• Entréguela en la Oficina de Elecciones durante horas de oficina.

 Entréguela en cualquier lugar de votación en el Condado de Contra Costa de 7am a 8pm el Día de la Elección.



## COMPLETE LA SOLICITUD AL REVERSO DE ESTE FOLLETO

## Responsabilidades del Votante

- Es RECOMENDADO separar y marcar su voto en la muestra de balota y llevarla a su lugar de votación el día de elección para usar como referencia. Esto permitirá que vote la balota rápidamente. Recuerde recoger su muestra de balota de la casilla después de haber completado la votación.
- □ LEA todas las instrucciones en su Folleto de Información para familiarizarse con los procedimientos de votación.
- ACTUALICE su preferencia de idioma si no está recibiendo materiales en el idioma que eligió.
- □ ASEGÚRESE de que su partido político de preferencia sea el correcto.
- ACTUALICE su registro cuando: 1) Se mude; 2) Cambie su nombre; 3) Desee cambiar su preferencia de partido.
- ENCUENTRE la ubicación de su lugar de votación asignado en la parte posterior de su Folleto de Información.
- VOTE. Los lugares de votación están abiertos de 7:00 a.m. a 8:00 p.m. el Día de la Elección.
- □ APAGUE su localizador electrónico y/o teléfono celular antes de entrar al lugar de votación.
- □ REVISE en detalle su Balota. Asegúrese de que su Balota esté correcta antes de emitirla.
- □ COMUNÍQUESE con el Departamento de Elecciones si tiene preguntas al 925.335.7800, sin cargo al 877.335.7802 o visite nuestro sitio web <u>www.cocovote.us</u>.



FROM / DE:



PLACE 1ST CLASS LETTER POSTAGE STAMP HERE

DID YOU SIGN YOUR APPLICATION? ¿FIRMO SU APLICACION?

### CONTRA COSTA COUNTY CLERK ELECTIONS DIVISION P O BOX 271 MARTINEZ CA 94553-0027

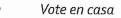
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# VOTE-BY-MAIL VOTE-POR-CORREO

DETACH HERE

- Vote at Home
- Vote When You Want
- Save Time and Gas
- No more waiting in line at the Polls
- Carefully evaluate each issue at your leisure.

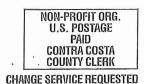


- Vote cuando guste
- Ahorre tiempo y gas
- No más esperas en línea en la casilla electoral
- Cuidadosamente evalúe cada contienda cómodamente

To apply, sign & return the application above. Para aplicar, complete y regrese la aplicación arriba. (If you already receive your ballot by mail no action is required.) (Si usted recibe su balota por correo no necesita hacer nada más.)

vote by mail



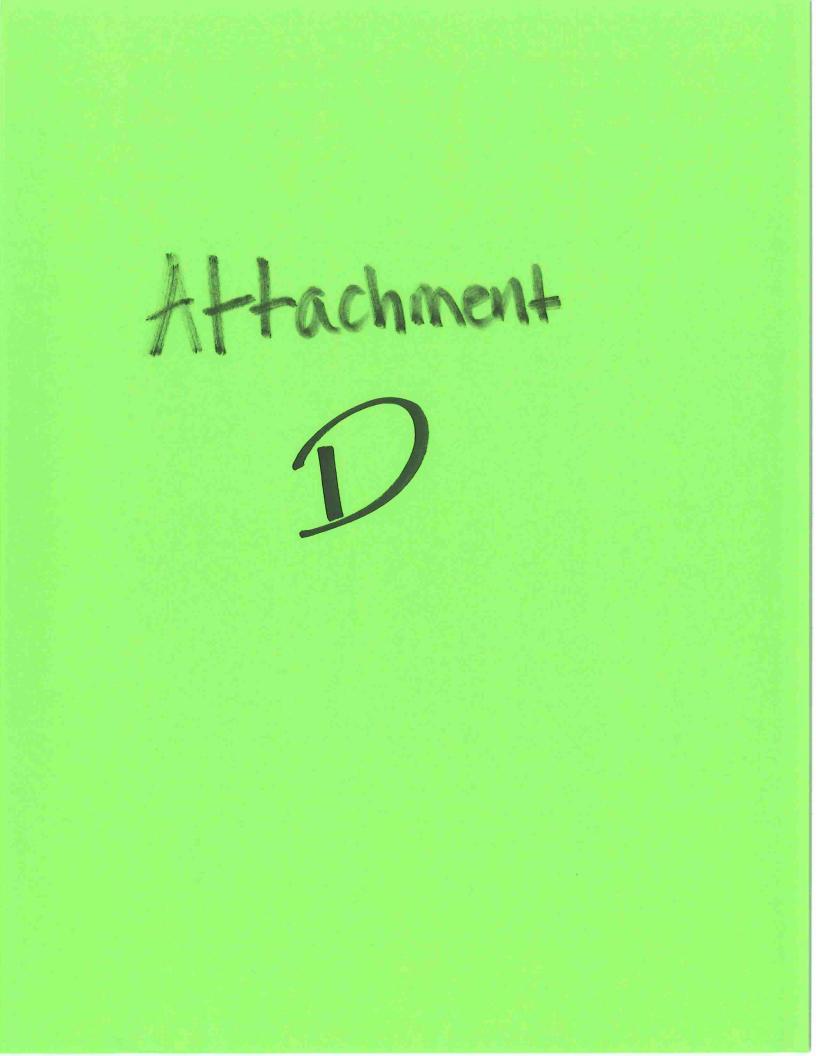


LOCALIDAD DE LUGAR DE VOTACION Y

#### POLLING PLACE LOCATION AND APLICACIÓN PARA VOTAR-POR-CORREO PERMANENTE PERMANENT VOTE-BY-MAIL BALLOT APPLICATION 🗊 DESPRENDA AQUÍD 🗊 DETACH HERE 🕽 Regrese o entregue esta aplicación directamente al Registro de Votantes Mail or deliver this application directly to the Contra Costa County CUT HERE del Condado de Contra Costa. **Registrar of Voters.** Application must be received seven days prior to election to permit a La aplicación debe ser recibida siete días antes de elección para permitir ballot to be received, voted and returned by Election Day. tiempo para recibir, votar y regresar para el día de elección. MAILING ADDRESS FOR BALLOT (IF DIFFERENT FROM ADDRESS BELOW) Direccion de envio para la balota (si es diferente de la direccion de Abajo) Please mail me a ballot for each Favor de enviarme una balota election in which I am eligible to para cada elección en la cual soy elegible para votar. vote. X STREET OR BOX / CALLE O CAJA POSTAL I only wish to receive a Vote-By-Mail ballot for this election. Solo deseo recibir Voto-por-Correspondencia en esta elección. CITY / CIUDAD STATE / ESTADO ZIP / ZONA CORTE AQUI SIGNATURE OF APPLICANT (DON'T PRINT) / FIRMA DEL APLICANTE (NO EN LETHA DE MOLDE) DATE / FECHA I attest under penalty of perjury under the laws of the State of California that the contents of my application are true and correct. Yo doy te bajo pena de perjuno bajo las leyes del Estado de California que el contenido de mi aplicación es verdedero y correcto. YOUR POLLING PLACE IS / SU LUGAR DE VOTACION ES TO / PARA: 010 DESPRENDA AQUÍ 😹 ----- 😪 DETACH HERE 泽 Questions? ¿Preguntas? For further Vote-By-Mail 925.335.7800 Information: www.cocovote.us Para más información de 🖁 Voto-por-Correspondencia:

## POLLS OPEN AT 7 AM AND CLOSE AT 8 PM

## LUGARES DE VOTACION ABREN A LAS 7 AM Y CIERRAN A LAS 8 PM



#### **RESOLUTION NO. 2014/97**

#### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH CONFIRMING CANVASS BY THE COUNTY CLERK OF CONTRA COSTA OF BALLOTS CAST AT THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2014

WHEREAS, the County Clerk of Contra Costa County, pursuant to the request of and under direction of the City Clerk for the City of Antioch, has duly canvassed the votes cast in the General Election held on November 4, 2014, for the election of two Council Members seats and the Residential Landlord Business License Tax (Measure O) as hereinafter set forth, and has certified to this City Council the results of the votes cast thereon, certification of which is now on file in the office of the Antioch City Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Antioch that said canvass by the County Clerk as shown by said certification and the results shown thereby are hereby ratified, confirmed and approved, and the votes cast for the various candidates and measure are attached as in "Exhibit A".

IT IS THEREFORE, FURTHER RESOLVED, FOUND AND DETERMINED as follows:

- 1) LORI OGORCHOCK was elected as City Councilmember for a term of four (4) years, commencing forthwith;
- 2) TONY TISCARENO was elected as City Councilmember for a term of four (4) years, commencing forthwith.
- 3) Residential Landlord Business License Tax (Measure O) was approved.

\* \* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing Resolution was duly passed and adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 9th day of December, 2014, by the following vote:

AYES: Council Members Wilson, Rocha, Tiscareno and Mayor Harper

NOES: None

ABSENT: None

ARNE SIMONSEN CITY CLERK OF THE CITY OF ANTIOCH

**EXHIBIT 1** 

#### RECEIVED

DEC 0 1 2014 CITY OF ANTIOCH CITY CLERK

#### CERTIFICATE OF COUNTY CLERK AS TO THE RESULTS OF THE CANVASS OF THE

#### **CITY OF ANTIOCH**

#### NOVEMBER 4, 2014 GENERAL ELECTION

State of California ) ) ss. County of Contra Costa )

I, JOSEPH E. CANCIAMILLA, County Clerk in and for the County of Contra Costa, State of California, do hereby certify that, pursuant to the provisions of the Elections Code, I did canvass the returns of the votes cast in the **CITY OF ANTIOCH** in said county at the General Election held on November 4, 2014 for said city candidates and Measure O submitted to the vote of the voters. I further certify that the statement of the votes cast, to which this certificate is attached, shows the whole number of votes cast in said City and each respective precinct therein, and that the totals of the respective columns and the totals as shown for each candidate and measure are full, true and correct.

WITNESS my hand and Official Seal this 26th day of November, 2014.



JOSEPH E. CANCIAMILLA, County Clerk

Mena By:

Rosa Mena, Deputy Clerk

#### Final Official Results

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Antioch101 Antioch102	V A	1171 907	113 225	9.65 24.81	13   11	11 27	33 62	36 85	8	7	28	25	0
Antioch102	Ŷ.	907	110	12.13	2	18	48	39	16 6	6 4	41 11	102 41	0 0
Antioch103	Ă	993	158	15.91	3	26	49	39	8	4	43	73	1
Antioch103	V	993	108	10.88	3	15	31	35	4	3	32	35	Ō
Antioch104	A	1080	246	22.78	9	27	81	73	6	11	59	112	0
Antioch104	V	1080	148	13.70	6	19	59	38	11	5	25	62	0
Antioch105	A	845	221	26.15	12	22	82	58	2	11	82	89	0
Antioch105	V	-845	103	12.19	5	13	38	29	4	6	30	30	1
Antioch106 Antioch106	A	749	219	29.24	9	22	76	69	14	18	66	62	5
Antioch107	V   A	749 851	138 188	18.42 22.09	8	16 26	50 72	44 60	6	14	34 70	37	7
Antioch107	Ŷ	851	100	12.57	4	20	36	23	9 8	7 10	70 34	73 38	3 0
Antioch108	Å	1247	425	34.08	20	54	210	143	16	10	93	162	3
Antioch108	V	1247	187	15.00	7	17	97	47	9	25	37	63	1
Antioch109	A	1001	291	29.07	8	24	118	107	5	16	70.	109	1
Antioch109	V	1001	168	16.78	8	21	50	62	4	9	49	50	0
Antioch110	A	1027	319	31.06	15	31	158	123	7	11	60	101	14
Antioch110	V	1027	174	16.94	5	19	81	61	8	8	27	58	1
Antioch111 Antioch111	A   V	1159 1159	308 236	26.57 20.36	9   20	45	130	105	10	20	68	119	1
Antioch112	A	664	185	20.36	10	29 26	99 69	59 65	11 7	19 12	52 32	90 74	0
Antioch112	Ŷ	664	113	17.02	6	16	41	20	6	12	26	74 47	2 1
Antioch113	À	1170	200	17.09	17	25	55	57	10	4	53	94	1
Antioch113	vi	1170	156	13.33	8	22	35	45	6	9	43	56	1
Antioch114	A	792	164	20.71	11	12	58	67	5	7	52	56	1
Antioch114	V	792	149	18.81	7	16	48	58	3	6	44	43	1
Antioch115	A	859	240	27.94	10	25	79	103	8	14	49	109	5
Antioch115	V	859	137	15.95	3	16	47	61	5	10	37	43	2
Antioch116 Antioch116	A	640 640	117	18.28	8	17	40	35	6	2	24	42	3
Antioch117	V   A	640 1002	118 272	18.44 27.15	11 18	8 31	45 120	29 88	10	10	25 56	39	2 7
Antioch117 Antioch117	Ŷ	1002	176	17.56	6	13	89	60 45	11 7	23 13	43	99 67	4
Antioch118	Â	707	213	30.13	12	24	106	75	7	7	43 54	72	1
Antioch118	v	707	109	15,42	4	13	47	31	5	11	39	26	0
Antioch119	A	1227	308	25.10	28	34	110	112	10	12	75	109	3
Antioch119	vj	1227	133	10.84	1	21	46	35	10	6	37	47	0
Antioch120	A	1129	368	32.60	11	42	183	133	12	18	68	125	0
Antioch120	V	1129	184	16.30	4	16	100	64	6	18	28	62	0
Antioch121	A	782	188	24.04	6	16	62	42	11	12	63	78	4
Antioch121	V	782 1093	96 227	12.28	7   8	14	24	25	3	8	32	30	1
Antioch122	A	1032	221	20.77	0	23	63	79	6	6	83	78	4

Final Official Results

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Antioch122	v	1093	144	13.17	3	19	50	31	3	5	48	37	3
Antioch123	Aj	1108	243	21.93	10	27	80	67	7	9	78	92	0
Antioch123	V	1108	210	18.95	11	20	65	67	6	8	80	42	0
Antioch124 Antioch124	A	1062	275	25.89		25	92	100	5	7	89	104	2
Antioch125	V   A	1062 890	122 194	11.49 21.80	6	14 26	33 68	29 55	0 8	6 15	54 54	43 63	0 0
Antioch125	Ŷ	890	148	16.63		14	60	52	6	15	27	41	1
Antioch126	A	1345	391	29.07	20	55	176	112	11	18	98	170	1
Antioch126	vj	1345	195	14.50	7	25	66	53	9	12	68	59	1
Antioch127	A	946	340	35.94	20	35	144	134	13	17	67	129	2
Antioch127	V	946	105	11.10 25.62		14	40	. 42	2	6	29	29	1
Antioch128 Antioch128	A   V	843 843	216 120	25.02 14.23	12   1	28 12	82 49	· 60 44	10 4	10 10	64 36	94 37	0
Antioch129	A	583	171	29.33	12	22	59	61	13	8	39	56	0
Antioch129	V	583	69	11.84	5	3	21	26	2	2	15	34	1
Antioch130	A	665	169	25.41	9	20	62	53	2	8	37	68	3
Antioch130	V	665	111	16.69	9	9	29	31	9	3	39	38	0
Antioch131	A   V	968 968	254 141	26.24	14	27	93	105	15	3	60	94	1
Antioch131 Antioch132	A	736	141	14.57 22.28	8	10 22	49 48	55 63	7 9	6 11	46 48	40 37	2
Antioch132	Ŷ	736	130	17.66	10	9	43	41	5	10	39	36	3
Antioch133	A	811	167	20.59	10	19	40	45	6	6	85	46	õ
Antioch133	Vį	811	139	17.14	2	16	28	28	8	8	77	34	0
Antioch134	A	972	181	18.62	14	16	54	65	6	5	66	53	0
Antioch134	V	972	146	15.02	5	19	49	46	0	4	56	44	0
Antioch135	A   V	861	212	24.62 12.43	9	32	83	63	6	3	69	70	5
Antioch135 Antioch136	A	861 1370	107 342	24.96	9	11 31	39 121	29 113	5 17	4 15	36 112	26 138	0 1
Antioch136	Ŷ	1370	204	14.89	6	16	80	66	5	6	60	56	0
Antioch137	A	850	187	22.00	8	27	66	68	. 4	12	52	64	2
Antioch137	V	850	135	15.88	4	17	56	43	4	12	42	36	1
Antioch138	A	1119	279	24.93	16	37	95	72	8	12	96	98	2
Antioch138	V	1119	171	15.28	7	12	51	56	6	10	62	44	1
Antioch139	A	870	185	21.26	6	32	52	58	6	3	68	53	1
Antioch139	V	870	122	14.02 20.12	5	22	43	21	2	10	38	23	0
Antioch140 Antioch140	A   V	1188 1188	239 177	14.90	13   11	31 19	85 52	81 47	9 14	9 11	58 44	81 50	7 1
Antioch140 Antioch141	A	1013	258	25.47	11	35	52 104	47 94	14 9	11	44 66	50 91	3
Antioch141	v l	1013	172	16.98	6	18	66	51	4	15	41	46	Ő
Antioch142	A	644	190	29.50	8	19	53	68	9	7	65	68	1
Antioch142	V	644	93	14.44	j 10	11	31	30	3	4	33	22	0
Antioch143	A	1056	230	21.78	j 9	41	88	72	5	7	72	80	7
Antioch143	V	1056	163	15.44	3	25	43	45	2	8	66	36	0

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49 PRECINCTS	R V E O T E S R E R E D	B C A A L S L T O T S	T P E R C E N T A G E	J H   E A   F L   F L   R ·   E C   Y O   T   T   R   E   L   L   L	A S N E T G H O O V N I Y A (NON)	L 0 0 G R 0 I R C H 0 C K (NON)	DG II AB NS EO N G R A Y (NON)	SB TA ED VO E N (NON)	K D A I R E L T Z E L (NON)	L T A H M O A R R P E (NON)	TGT OI NS YC A R E N O (NON)	W R I E I N (NON)
Antioch144AAntioch144VAntioch145AAntioch145VAntioch146AAntioch146VAntioch147AAntioch147VAntioch801AAntioch801VAntioch802AAntioch802V	575 575 757 864 864 1007 1007 4 4 19 19	151 93 142 77 220 147 232 151 3 0 9 1	26.26 16.17 18.76 10.17 25.46 17.01 23.04 15.00 75.00 47.37 5.26	4 5 5 8 15 8 11 10 9 0 0 0 2 0	11 13 19 8 31 18 21 15 2 0 0 0 0	59 36 40 26 95 57 86 38 1 0 4	60 26 35 24 70 41 87 34 0 0 4 0 0 4 0	10 8 10 3 8 7 15 8 0 0 0 0 1	5 5 11 4 9 17 3 6 0 0 0 0 0	36 21 36 26 38 37 64 54 0 0 1 0	51 24 57 20 86 53 92 54 3 0 0 0 0	4 1 1 4 0 2 0 0 0 0 0 0 0 0
COUNTY TOTAL	44221	17483	39.54	832	2040	6410	5595	684	886	4829	6041	151
ABSENTEES VOTING PRECINCTS	44221 44221	10927 6556	24.71 14.83	526   306	1298 742	4065 2345	3651 1944	411 273	475 411	2942 1887	4048 1993	112 39
9TH CONGRESSIONAL DST 11TH CONGRESSIONAL DST - CONGRESSIONAL TOTAL	33501 10720 44221	13692 3791 17483	40.87 35.36 39.54	622 210 832	1577 463 2040	5137 1273 6410	4404 1191 5595	520 164 684	726 160 886	3860 969 4829	4589 1452 6041	131 20 151
7TH SENATORIAL STATE SENATE TOTAL	44221 44221	17483 17483	39.54 39.54	   832   832	2040 2040	6410 6410	5595 5595	684 684	886 886	4829 4829	6041 6041	151 151
11TH ASSEMBLY DST STATE ASSEMBLY TOTAL	44221 44221	17483 17483	39.54 39.54	832 832	2040 2040	6410 6410	5595 5595	684 684	886 886	4829 4829	6041 6041	151 151
Bd Of Equalization BD OF EQUALIZATION TOT	44221 44221	17483 17483	39.54 39.54	832 832	2040 2040	6410 6410	5595 5595	684 684	886 886	4829 4829	6041 6041	151 151
3RD SUPERVISORIAL 5TH SUPERVISORIAL SUPERVISORIAL TOTAL	37170 7051 44221	15046 2437 17483	40.48 34.56 39.54	688 144 832	1754 286 2040	5627 783 6410	4771 824 5595	578 106 684	769 117 886	4182 647 4829	5133 908 6041	131 20 151
CITY OF ANTIOCH CITY TOTAL	44221 44221	17483 17483	39.54 39.54	832 832	2040 2040	6410 6410	5595 5595	684 684	886 886	4829 4829	6041 6041	151 151
MAIL BALLOT PRECINCT	23	13	56.52	2	2	6	4	1	0	1	3	0

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Final Official Results

RV ΤP | Measure 0 · City of Antioch Business License Tax - Majority Ε0 UΕ GΤ RR ΙE BC NC SR 0 E ΑΑ ΤS LS UN Ε LΤ Y TT R 0 Ν Α e Ε Т G о S **49 PRECINCTS** D S Е (NON) (NON) 17.16 Antioch101 Α 1171 201 96 104 Antioch101 ۷ 1171 113 9.65 50 59 Antioch102 95 907 225 24.81 Α 115 Antioch102 ۷ 907 110 12.13 36 71 Antioch103 993 15.91 65 А 158 88 Antioch103 ۷ 993 108 10.88 43 57 Antioch104 1080 22.78 А 246 130 106 Antioch104 ۷ 1080 13.70 62 148 82 Antioch105 А 845 221 26.15 115 103 ۷ Antioch105 845 103 12.19 47 53 219 Antioch106 749 29.24 112 105 A Antioch106 ٧ 749 138 18.42 73 60 Antioch107 851 188 22.09 94 93 А Antioch107 ۷ 851 107 12.57 46 57 Antioch108 А 1247 425 34.08 228 190 Antioch108 ۷ 1247 187 15.00 75 105 Antioch109 1001 29.07 171 Α 291 113 Antioch109 ۷ 1001 168 16.78 87 76 Antioch110 1027 319 31.06 134 A 172 174 Antioch110 ۷ 1027 16.94 65 104 Antioch111 А 1159 308 26.57 168 134 Antioch111 ۷ 1159 236 20.36 108 125 664 27.86 79 100 Antioch112 А 185 ۷ 664 17.02 Antioch112 113 50 60 17.09 93 Antioch113 А 1170 200 100 Antioch113 ۷ 1170 156 13.33 78 76 Antioch114 А 792 164 20.71 84 73 Antioch114 ۷ 792 149 73 18.81 69 859 Antioch115 A 240 27.94 135 98 Antioch115 ۷ 859 137 15.95 76 59 640 58 Antioch116 A 117 18.28 57 ۷ Antioch116 640 118 18.44 51 65 1002 27.15 128 Antioch117 Α 272 143 ۷ 1002 72 Antioch117 176 17.56 97 Antioch118 А 707 213 30.13 75 125 ۷ Antioch118 707 109 48 15.42 57 Antioch119 Α 1227 308 25.10 153 151 ۷ 54 Antioch119 1227 133 10.84 74 Antioch120 A 1129 368 32.60 179 173 ۷ 1129 16.30 Antioch120 184 93 88 24.04 782 188 115 67 Antioch121 А Antioch121 ۷ 782 96 12.28 46 46 Antioch122 А 1093 227 20.77 106 114 ۷ 1093 Antioch122 144 13.17 81 59 1108 243 21.93 151 82 Antioch123 А ۷ Antioch123 1108 210 18.95 107 93 1062 275 25.89 162 101 Antioch124 А ۷ Antioch124 1062 122 11.49 75 46 890 194 21.80 110 79 Antioch125 А ۷ Antioch125 890 148 16.63 74 67

#### Final Official Results

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| R V T P | Measure O - City of Antioch Business License Tax - Majority

		R V		ТΡ	Measure (	) · City
		EO		UE		
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		SR	AA	0 E		
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49 PRECINCTS		[ D	S	E	(NON)	(NON)
Antioch126	А	1345	391	29.07	195	186
Antioch126	Ŷ	1345	195	14.50	74	117
Antioch127	Å	946	340	35.94	130	199
Antioch127	Ŷ	946	105	11.10	38	65
Antioch128	Ă	843	216	25.62	86	125
Antioch128	Ŷ	843	120	14.23	55	61
Antioch129	Å	583	171	29.33	76	86
Antioch129	Ŷ	583	69	11.84	30	35
Antioch130	Å	665	169	25.41	78	84
Antioch130	Ŷ	665	105	16.69	57	52
Antioch131	A	968	254	26.24	141	102
Antioch131	Ŷ	968	141	14.57	68	68
Antioch132	Å	736	164	22.28	97	59
Antioch132	v	736	130	17.66	76	51
Antioch133	Å	811	167	20.59	99	64
Antioch133	Ŷ	811	139	17.14	62	72
Antioch134	Â	972	181	18.62	103	76
Antioch134	v	972	146	15.02	75	63
Antioch135	Â	861	212	24.62	102	99
Antioch135	V	861	107	12.43	59	46
Antioch136	A	1370	342	24.96	206	123
Antioch136	V	1370	204	14.89	106	81
Antioch137	Α	850	187	22.00	112	71
Antioch137	V	850	135	15.88	81	49
Antioch138	Α	1119	279	24.93	159	113
Antioch138	V	1119	171	15.28	103	64
Antioch139	A	870	185	21.26	88	93
Antioch139	V	870	122	14.02	52	62
Antioch140	Α	1188	239	20.12	143	91
Antioch140	V	1188	177	14.90	86	82
Antioch141	A	1013	258	25.47	138	109
Antioch141	V	1013	172	16.98	92	74
Antioch142	A	644	190	29.50	104	77
Antioch142	V	644	93	14.44	59	34
Antioch143	A	1056	230	21.70	124	103
Antioch143 Antioch144	V	1056 575	163 151	15.44	83	67
Antioch144 Antioch144	A   V	575		26.26	85	63
Antioch145	AI	575	93 142	16.17 18.76	57 68	32
Antioch145	Ŷ	757	77	10.17	46	68 31
Antioch146	A	864	220	25.46	94	120
Antioch146	Ŷ	864	147	17.01	69	76
Antioch147	Ă	1007	232	23.04	104	120
Antioch147	v i	1007	151	15.00	67	76
Antioch801	Ă	4	3	75.00	1	2
Antioch801	Ŷ	4	0	75.00	0	0
Antioch802	Ă	19	9	47.37	3	6
Antioch802	Ŷ	19	1	5.26	0	1
			-		Ŭ	-
COUNTY TOTAL		44221	17483	39.54	8737	8189

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easure 0 - City of Antioch Business License Tax - Majority

	RV   EO   GT   IE   SR   TS	B C A A L S	T P U E R R N C O E U N	Measure	0 - City
	E	LT	ТТ	Y	
	R	0	A	е	N
49 PRECINCTS	E D	T S	G E	s (NON)	o (NON)
ABSENTEES	44221	10927	24.71	5572	5025
VOTING PRECINCTS	44221	6556	14.83	3165	3164
9TH CONGRESSIONAL DST	33501	13692	40.87	7000	6256
11TH CONGRESSIONAL DST	10720	3791	35.36	1737	1933
CONGRESSIONAL TOTAL	44221	17483	39.54	8737	8189
7TH SENATORIAL	44221	17483	39.54	8737	8189
STATE SENATE TOTAL	44221	17483	39.54	8737	8189
11TH ASSEMBLY DST	44221	17483	39.54	8737	8189
STATE ASSEMBLY TOTAL	44221	17483	39.54	8737	8189
Bd Of Equalization	44221	17483	39.54	8737	8189
BD OF EQUALIZATION TOT	44221	17483	39.54	8737	8189
3RD SUPERVISORIAL	37170	15046	40.48	7588	6977
5TH SUPERVISORIAL	7051	2437	34.56	1149	1212
SUPERVISORIAL TOTAL	44221	17483	39.54	8737	8189
CITY OF ANTIOCH	44221	17483	39.54	8737	8189
CITY TOTAL	44221	17483	39.54	8737	8189
MAIL BALLOT PRECINCT	23	13	56.52	4	9

#### ORDINANCE NO. 2094-C-S

#### AN ORDINANCE OF THE CITY OF ANTIOCH TO UPDATE THE EXISTING BUSINESS LICENSE TAX ORDINANCE TO INCLUDE A RESIDENTIAL LANDLORD BUSINESS LICENSE TAX AND TO CONFIRM THE EXISTING BUSINESS LICENSE TAX, WITH AN INCREASE IN THE MINIMUM TAX

The people of the City of Antioch do ordain as follows:

**SECTION 1. BUSINESS LICENSING.** The following sentence is added to the definition of "Business" in Section 3-1.102 of the Antioch Municipal Code:

"The rental or lease of real property is a Business subject to taxation under this chapter."

**SECTION 2. RESIDENTIAL LANDLORD BUSINESS LICENSE TAX.** The following provision is added to Chapter 1 of Title 3 of the Antioch Municipal Code to read as follows:

#### "Section 3-1.217 RESIDENTIAL LANDLORD

(A) In lieu of any other business license tax and subject to sub-section (B) below, all those in the business of renting living quarters, including but not limited to a rental dwelling unit as defined in Section 5-20.201 of the Antioch Municipal Code, shall pay the annual license amount indicated in the table immediately below based on the total number of units they are renting or have available for rent within the City of Antioch and the type of unit as defined in the Municipal Code:

Type of Unit	Annual Tax
Single family dwelling unit	\$250.00 per unit
Multi-family dwelling unit including duplexes, condominiums and apartments	\$150.00 per unit

(B) The following living quarters are excepted from this requirement to pay a business license tax based on dwelling units but still must pay the tax based on gross receipts: (i) those that fit within the definition of hospital, hotel, motel, and convalescent and extended care facility and residential care facility as defined in Section 9-5.203 of the Antioch Municipal Code; (ii) those that are exempt as a matter of law; and (iii) those that the Director of Financial Services reasonably determines to be substantially similar in nature to one of the excepted living quarters listed above.

(C) The Director of Financial Services may promulgate policies and procedures to administer this tax.

#### SECTION 3. CONFIRMATION OF THE EXISTING BUSINESS LICENSE TAX

**ORDINANCE AND RATE.** The business license tax provisions in Chapter 1 of Title 3 of the Antioch Municipal Code are hereby confirmed. Any business not specifically enumerated in Chapter 1 of Title 3 of the Antioch Municipal Code, which the City may tax, shall pay a business license tax according to the average annual gross receipts as defined according to the existing formula in Section 3-1.201 of the Antioch Municipal Code, with the exception that the minimum tax is raised to \$100.00, except for Home Occupation Businesses as defined in Title 9 that are not "Professionals" as defined in Title 3, as to whom the minimum tax shall remain \$25.00:

From	То	Тах
\$0.00	\$20,000.00	\$100.00 (except for non- Professional Home Occupation businesses which shall pay \$25.00)
\$20,001.00	\$1,000,000.00	\$1.25 / \$1,000.00 of gross receipts
\$1,000,001.00 & above		\$1,250.00 plus 20 ¢ / thousand dollars of gross receipts over \$1,000,000.00

**SECTION 4. AMENDMENT.** This Ordinance may be repealed or amended by the City Council without a vote of the People except as follows: as required by Article XIIIC of the California Constitution, any amendment that increases the amount or rate of tax beyond the levels authorized by this Ordinance may not take effect unless approved by a vote of the People. The City Council may impose the tax in any amount or rate which does not exceed the rate approved by the voters of the City.

**SECTION 5. REVENUE MEASURE.** The tax adopted by this Ordinance is enacted solely to raise revenue for municipal purposes and is not intended for the purpose of regulation. The People of the City determine the tax to be an appropriate general tax for the purpose of raising revenue. Proceeds of the tax will be deposited in the general fund of the City and will be available for any lawful municipal purpose. This Ordinance does not, in itself, authorize the conduct of any business or activity in the City, but merely provides for the taxation of such businesses or activities.

**SECTION 6. SEVERABILITY**. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The voters of the City hereby declare that they would have adopted this Ordinance and each portion thereof regardless of the fact that an invalid portion or portions may have been present in the Ordinance.

**SECTION 7. CEQA.** This business license tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose. 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. Therefore, under CEQA Guidelines section 15060, review under CEQA is not required.

**SECTION 8. EFFECTIVE DATE.** This ordinance relates to the levying and collecting of the City's business license tax and shall not take effect until ten days after the certification of its approval by the majority of the voters voting at the general municipal election to be held on November 4, 2014 pursuant to Elections Code section 9217

**SECTION 9.** <u>CERTIFICATION; PUBLICATION.</u> 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.

\* \* \* \* \* \* \* \* \*

Ordinance No. 2094-C-S was submitted to the People of the City of Antioch at the November 4, 2014 municipal election. It is hereby certified that this Ordinance was **APPROVED** by the following vote of the People of Antioch:

YES: 8,737 NO: 8,189

This Ordinance was thereby adopted by the voters at the November 4, 2014 election and took effect 10 days following adoption of a resolution declaring the results of the election at a regular meeting of the City Council held on December 9, 2014, by the following vote:

AYES:Council Members Wilson, Rocha, Tiscareno and Mayor HarperNOES:NoneABSENT:None

I hereby certify that the foregoing is a true and correct copy of an ordinance duly and regularly adopted by the People of the City of Antioch, California.

WADE HARPER

MAYOR OF THE CITY OF ANTIOCH

ATTEST

ARNE SIMONSEN CITY CLERK OF THE CITY OF ANTIOCH

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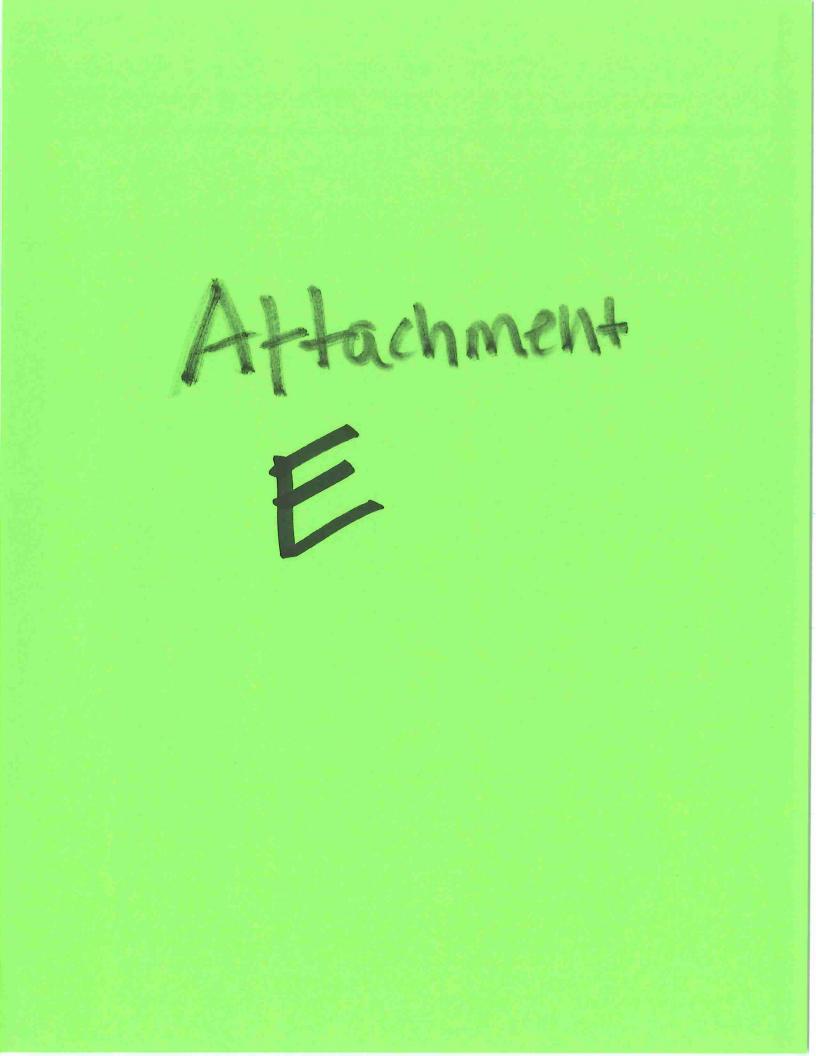
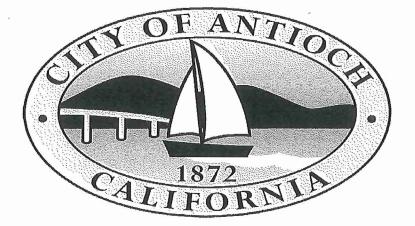


EXHIBIT A - SCOPE OF WORK



# **REQUEST FOR PROPOSAL**

# **BUSINESS LICENSE DISCOVERY/RECOVERY**

# PROPOSAL NO. 946-1231-15F

PROPOSAL DUE DATE: THURSDAY, JANUARY 29, 2015 AT 2:00 PM

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# EXHIBIT A - SCOPE OF WORK

# CITY OF ANTIOCH REQUEST FOR PROPOSAL RFP No. 946-1231-15F

# **BUSINESS LICENSE DISCOVERY/RECOVERY**

RELEASE DATE:

December 31, 2014

CLOSING DATE:

Proposals must be received by Thursday, January 29, 2015 at 2:00 p.m. PST at the address listed below.

CONTACT PERSON:

Lisa Saunders, Finance Services Supervisor 925-779-6150 925-779-7054 (fax) Isaunders@ci.antioch.ca.us

<u>Mailing address</u>:

City of Antioch Finance Department P.O. Box 5007 Antioch, CA 94531-5007

Delivery Address: City of Antioch/Finance Department 200 H St Antioch, CA 94509

Office Hours: M-T 8:00 a.m. – 5:00 p.m. (through January 8, 2015) M-F 8:30 a.m. – 4:30 p.m. (effective January 12, 2015)

#### NOTICE TO BIDDERS

Notice is hereby given that the City of Antioch invites sealed bids for Business License Discovery/Recovery Services. Each proposal shall be in accordance with the conditions and specifications on file in the Office of the Finance Department, City Hall, 200 H St, Antioch, California 94509, where copies of said conditions and specifications may be inspected or obtained. All bids must be in the format specified, enclosed in a sealed envelope and clearly identified with bid title, name of bidder and date of bid opening.

Sealed bids shall be delivered to the Finance Department at the above indicated address on or before 2:00 p.m., Thursday, January 29, 2015. It is the bidder's responsibility to ensure that bids are received prior to the 2:00 p.m. bid closing time as <u>late bids will not be accepted</u>. The City of Antioch reserves the right to award or reject bids in part or in whole and on any basis it deems in the best interest of the City. Reference is hereby made to said specifications for further details which specifications, general conditions, and this "Notice to Bidders" shall be considered part of any contract made pursuant thereto.

If you downloaded this document from the City of Antioch's website, <u>www.ci.antioch.ca.us/CityGov/Finance/Purchasing/RFPs.htm</u>, it is the vendor's responsibility to check back with the website for any addenda that may have been issued, prior to the proposal due date. Or you may contact the Finance Department at 925-779-7055.

# EXHIBIT A - SCOPE OF WORK

# I. <u>BACKGROUND</u>

The City of Antioch was incorporated in 1872 as a general law city operating under the City Council/City Manager form of government. Antioch is a suburban city providing quality police, water, streets, parks, engineering, planning, and administrative services. The City has approximately 285 employees and an annual operating budget in excess of \$124 million.

The City has approximately 3,200 active business licenses, with a fiscal year 2015 budget of \$1,111,000 in business license tax revenue. In November 2014, Antioch voters approved Measure O, an update to the City's existing business license tax. Specifically, Measure O imposes an annual business license tax on residential landlords on the rental or leasing of detached single family dwelling units at \$250.00 per dwelling unit and attached multi-family dwelling units at \$150.00 per dwelling unit. The minimum tax for those businesses subject to the gross receipts tax formula, except for certain home occupation businesses, will be increased to \$100. Measure O became effective December 9, 2014. The ordinance language of Measure O can be found in Exhibit A to the RFP.

Section 1, Chapter 1 of Title 3 of the City's Municipal Code governs the City's business licenses and associated tax. The Municipal Code Chapter can be found at http://www.amlegal.com/antioch ca/.

The City will endeavor to administer the proposal process in accordance with the terms and dates outlined in this RFP, however, the City reserves the right to modify the activities, time line, or any other aspect of the process at any time, as deemed necessary. By requesting proposals, the City is in no way obligated to award a contract or pay the expenses of proposing vendors in connection with the preparation or submission of a proposal. The award of any contract shall be contingent on the requisite staff and Council approvals if required. Determination of best value to the City shall be based upon, but not limited to, the following considerations: cost; the ability, capacity, and skill of the proposer to provide the services; the ability of the provider to deliver timely services; the character, integrity, reputation, judgment, experience, and efficiency of the provider. No single factor will determine the final award decision. Please describe all other services that may be used in the determination for award of bid.

# II. <u>QUALIFYING REQUIREMENTS</u>

The intent of this RFP is to identify a firm that can offer the highest quality of service at the lowest overall cost to the City of Antioch. The City plans to establish a two (2) year contract, if awarded, commencing approximately March 2, 2015, with an option to renew for an additional two (2) years. The City desires fixed pricing for the four-year contract period.

The City of Antioch reserves the right to cancel the awarded contract with a 30-day written notice for noncompliance of agreed upon proposed specifications.

The firm chosen by the City will be required to obtain a City business license prior to starting services.

# III. SCOPE OF WORK

The City of Antioch is seeking to enter into contract with a firm that has demonstrated its ability in providing business license discovery and recovery for a public agency of equal or greater size than the City of Antioch. Business license administration is currently handled by multiple Finance staff and recruitment of a dedicated Business License Representative is in progress. The City utilizes Progressive Solutions Inc. for processing of business license transactions.

#### A. Required Services

- 1. Review of City business licenses to ensure that all persons/companies doing business with the City have a current business license. Review may include physical inventory of businesses and/or analyses of State databases such as State Board of Equalization or Franchise Tax Board.
  - a. This review may include assisting the City in determining those persons/businesses that fall in the category of "Residential Landlord" as defined in business license ballot Measure O approved by the voters on November 4, 2014 and effective December 9, 2014 (see Exhibit A). If there is an additional cost associated with this particular service, please detail in the sealed Cost Proposal.
- 2. For any business that does not have a current business license, achieve licensing compliance from those businesses.
  - a. This may include assisting in achieving licensing compliance from those persons/businesses that fall in the category of "Residential Landlord" (see 1a. above). If there is an additional cost associated with this particular service, please detail in the sealed Cost Proposal.
- 3. Provide assistance to City in verifying accuracy of "gross receipts" reported by businesses as basis of business license tax amount due.

#### **B.** Optional Services

Please detail any additional services your firm provides that it believes may be of value to the City in the administration of Business License. Any additional services detailed may or may not be selected by the City.

## IV. PROPOSAL REQUIREMENTS

#### A. General Requirements

- a. Inquiries concerning the RFP must be submitted via email to Lisa Saunders, Finance Services Supervisor, at the following email address: Isaunders@ci.antioch.ca.us
- b. Responses will not be made to telephone inquiries.
- c. Proposal Submittal: An <u>original and five copies</u> of the complete request for proposal are required. The original must be clearly marked and contain original signatures and must be easily reproducible. Failure to clearly mark the original and provide original signatures will result in a proposal being found non-responsive and given no consideration. The form of the RFP may be found at <u>www.ci.antioch.ca.us/CityGov/Finance/Purchasing/RFPs.htm</u>. There, the document can be downloaded.

The proposal should be delivered as follows:

#### Mailing address:

City of Antioch Finance Department P.O. Box 5007 Antioch, CA 94531-5007

#### **Delivery Address:**

City of Antioch Finance Department 200 H St Antioch, CA 94509

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#### **B.** Format of Technical Proposal

- **a.** Title Page showing the RFP subject and proposal number; the firm's name; the name, address, telephone number and email address of the contact person and date of proposal.
- b. Table of Contents identifying the materials submitted by section and page number.
- **c.** Signed Cover Letter briefly stating the proposer's understanding of the services to be performed; the commitment to perform the services within the specified time period and the person authorized to represent the proposer.
- d. Detailed proposal organized in the order set forth in Section C below.

## C. Contents of Technical Proposal

The purpose of the Technical Proposal is to demonstrate the qualifications, competence and capacity of the firm seeking to provide assistance to the City with Business License services in conformity with the requirements of this RFP. As such, the substance of the proposals will carry more weight than the form or manner of the presentation. The Technical Proposal should demonstrate the qualifications of the firm and of the particular staff to be assigned to the engagement.

The Technical Proposal should address all points outlined in the RFP, excluding cost information, which should only be included in the sealed Cost Proposal. The Technical Proposal should be prepared in a straightforward and economical manner, providing a concise description of the proposer's capabilities to satisfy the requirements of this RFP. While additional information may be presented, the following items must be included. They represent the criteria which the proposal will be evaluated. Specific sections of the Technical Proposal should address:

- 1. Company Qualifications and Experience
  - a. To qualify, the firm must have comprehensive experience in business license processes of local governments. The proposal should state the size of the firm, the location of the office from which the work on this engagement is to be performed, and the number and nature of the professional staff to be employed in this engagement.
  - b. The proposer must provide a list of all current municipal clients for its business license services it provides.
  - c. The proposer must identify the principal staff who will be assigned to this engagement, including resumes.
- 2. Similar Engagements with Other Government Entities
  - a. List the most significant engagements performed in the last three (3) years that are similar to the engagement listed in this RFP.
  - b. Provide three (3) local government references that are of similar size and scope of services being requested by the City. For each reference, include the organization name, dates for which the services are being provided, type of service(s) being provided, and the name, address and telephone number of the responsible person within the organization that we may contact. The City reserves the right to contact any or all of the listed references regarding services performed by the proposer.
- 3. Specific Approach to Discovery/Recovery
  - a. The proposal should set forth a work plan, including an explanation of the methodology to be followed for both the Required Services and Optional Services as described in this RFP.
  - b. The proposal should set forth approach taken to gain an understanding of the City's policies and procedures related to business licensing.
- 4. City's Consulting Services Agreement

The successful proposer shall be required to execute a Consulting Services Agreement, a

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template of which is attached as Exhibit B. If proposer has any questions or proposed deviations to the provisions in this Agreement, those must be set forth in writing in the proposal. Otherwise, the proposer shall be deemed to have accepted all provisions of the Agreement.

**No Proposal:** If a service requirement or section of the proposal cannot be met by a proposer, then "No Proposal" should be indicated in the Technical Proposal. An alternative equivalent service may be offered.

**Contracted Services:** If a service is provided by a third party, please indicate this clearly on in the Technical Proposal.

#### **D.** Cost Proposal

The sealed cost proposal should identify the detailed pricing information relative to the Required Services and then Optional Services proposer may provide. If a contingency fee structure is proposed, the specific contingency percentage and methodology must be described.

## V. EVALUATION OF PROPOSALS

All proposals submitted will be reviewed by a City of Antioch evaluation panel. At the completion of the proposal review, finalists will be asked to provide an in-depth presentation. The panel will select the proposal which best fulfills the City's requirements and represents the best value to the City of Antioch. No single factor will determine the final award decision.

Overall responsiveness to the Request for Proposal is an important factor in the evaluation process. Proposals will be evaluated on the basis of:

- Proposer's professional qualifications for performing work
- The proposer's past experience and performance in similar engagements
- Proposer's success with other clients in achieving full recovery of business license taxes due
- Cost proposal

# VI. <u>TENTATIVE RFP SCHEDULE (Subject to Change)</u>

Mail/publish RFP	December 31, 2014
Proposal Deadline	January 29, 2015 @ 2:00 p.m.
Evaluation of Proposals	January 30 – February 6, 2015
Interviews with Finalists	Week of February 9, 2015
Notification of Award	February 17, 2015
Council Meeting / Approval (if required)	February 24, 2015
Implementation Kick-off Date	March 2, 2015

**EXHIBIT A - SCOPE OF WORK** 

# EXHIBIT 'A'

# EXHIBIT A - SCOPE OF WORK

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# Exhibit A

# ORDINANCE NO.

# AN ORDINANCE OF THE CITY OF ANTIOCH TO UPDATE THE EXISTING BUSINESS LICENSE TAX ORDINANCE TO INCLUDE A RESIDENTIAL LANDLORD BUSINESS LICENSE TAX AND TO CONFIRM THE EXISTING BUSINESS LICENSE TAX, WITH AN INCREASE IN THE MINIMUM TAX

The people of the City of Antioch do ordain as follows:

 $\cdot^{(}$ 

**SECTION 1. BUSINESS LICENSING.** The following sentence is added to the definition of "Business" in Section 3-1.102 of the Antioch Municipal Code:

"The rental or lease of real property is a Business subject to taxation under this chapter."

SECTION 2. RESIDENTIAL LANDLORD BUSINESS LICENSE TAX. The following provision is added to Chapter 1 of Title 3 of the Antioch Municipal Code to read as follows:

# "Section 3-1.217 RESIDENTIAL LANDLORD

(A) In lieu of any other business license tax and subject to subsection (B) below, all those in the business of renting living quarters, including but not limited to a rental dwelling unit as defined in Section 5-20.201 of the Antioch Municipal Code, shall pay the annual license amount indicated in the table immediately below based on the total number of units they are renting or have available for rent within the City of Antioch and the type of unit as defined in the Municipal Code:

Type of Unit	Annual Tax
Single family dwelling unit	\$250.00 per unit
Multi-family dwelling unit including duplexes, condominiums and apartments	\$150.00 per unit

(B) The following living quarters are excepted from this requirement to pay a business license tax based on dwelling units but still must pay the tax based on gross receipts: (i) those that fit within the definition of hospital, hotel, motel, and convalescent and extended care facility and residential care facility as defined in Section 9-5.203 of the Antioch Municipal Code; (ii) those that are exempt as a matter of law; and (lii) those that the Director of Financial Services reasonably determines to be substantially similar in nature to one of the excepted living quarters listed above.

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(C) The Director of Financial Services may promulgate policies and procedures to administer this tax.

SECTION 3. CONFIRMATION OF THE EXISTING BUSINESS LICENSE TAX ORDINANCE AND RATE. The business license tax provisions in Chapter 1 of Title 3 of the Antioch Municipal Code are hereby confirmed. Any business not specifically enumerated in Chapter 1 of Title 3 of the Antioch Municipal Code, which the City may tax, shall pay a business license tax according to the average annual gross receipts as defined according to the existing formula in Section 3-1.201 of the Antioch Municipal Code, with the exception that the minimum tax is raised to \$100.00, except for Home Occupation Businesses as defined in Title 9 that are not "Professionals" as defined in Title 3, as to whom the minimum tax shall remain \$25.00:

From	То	Тах
\$0.00	\$20,000.00	\$100.00 (except for non- Professional Home Occupation businesses which shall pay \$25.00)
\$20,001.00	\$1,000,000.00	\$1.25 / \$1,000.00 of gross receipts
\$1,000,001.00 & above		\$1,250.00 plus 20 ¢ / thousand dollars of gross receipts over \$1,000,000.00

**SECTION 4.** AMENDMENT. This Ordinance may be repealed or amended by the City Council without a vote of the People except as follows: as required by Article XIIIC of the California Constitution, any amendment that increases the amount or rate of tax beyond the levels authorized by this Ordinance may not take effect unless approved by a vote of the People. The City Council may impose the tax in any amount or rate which does not exceed the rate approved by the voters of the City.

SECTION 5. REVENUE MEASURE. The tax adopted by this Ordinance is enacted solely to raise revenue for municipal purposes and is not intended for the purpose of regulation. The People of the City determine the tax to be an appropriate general tax for the purpose of raising revenue. Proceeds of the tax will be deposited in the general fund of the City and will be available for any lawful municipal purpose. This Ordinance does not, in itself, authorize the conduct of any business or activity in the City, but merely provides for the taxation of such businesses or activities.

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**SECTION 6. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The voters of the City hereby declare that they would have adopted this Ordinance and each portion thereof regardless of the fact that an invalid portion or portions may have been present in the Ordinance.

<u>SECTION 7. CEQA.</u> This business license tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose. 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. Therefore, under CEQA Guidelines section 15060, review under CEQA is not required.

SECTION 8. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City's business license tax and shall not take effect until ten days after the certification of its approval by the majority of the voters voting at the general municipal election to be held on November 4, 2014 pursuant to Elections Code section 9217

**SECTION 9.** <u>CERTIFICATION; PUBLICATION</u>. 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.

#### \* \* \* \* \* \* \* \* \*

Ordinance No. \_\_\_\_\_ was submitted to the People of the City of Antioch at the November 4, 2014 municipal election. It is hereby certified that this Ordinance was **APPROVED** by the following vote of the People of Antioch:

YES: NO:

This Ordinance was thereby adopted by the voters at the November 4, 2014 election and took effect 10 days following adoption of a resolution declaring the results of the election at a regular meeting of the City Council held on \_\_\_\_\_\_ by the following vote:

#### AYES: NOES: ABSENT:

I hereby certify that the foregoing is a true and correct copy of an ordinance duly and regularly adopted by the People of the City of Antioch, California.

Arne Simonsen, City Clerk of the City of Antioch

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# EXHIBIT B - COST PROPOSAL

#### Cost Proposal for Business License Discovery/Recovery Services



# Cost Proposal

#### Local Tax Compliance Discovery Services

MuniServices' compensation for providing Discovery Services will be a contingency fee of 32.5% of the additional revenue received by the City from the services. The 32.5% will apply to the current tax year, all eligible prior period revenues, and any applicable penalties, interest, and late charges. The contingency fee only applies to revenue actually received by the City. The term "current tax year" shall mean the most recent tax year for which local taxes are due and payable to the City, and in which MuniServices has identified deficiencies.

#### Discount

Should the City also use MuniServices Business Tax Administration service, the contingency fee is reduced to a 30% contingency fee.

## **Local Tax Compliance Audit Services**

MuniServices' compensation for the Audit Service will be a contingency fee of 32.5%. The 32.5% contingency fee will apply to revenue received by the City as a result of deficiencies identified in the review and will include any eligible prior period revenues together with all applicable penalties, interest and late charges. The City agrees to use reasonable and diligent efforts to collect deficiencies identified by MuniServices.

#### Discount

Should the City also use MuniServices Business Tax Administration service, the contingency fee is reduced to 30%.

#### Optional Service - Local Tax Compliance Turn-key Administration Services

MuniServices' compensation for providing the Business License Tax Administration Services will be \$10.00 per license issued. Additionally we offer to administer the City's Transient Occupancy Tax and returns as part of the Administration service.

The per-license fee is adjusted at the beginning of each calendar year by the percentage change in the Consumer Price Index – West Urban (CPI-WU) as reported by the Bureau of Labor Statistics. The initial CPI-WU used for the first CPI adjustment will be the CPI-WU for the month in which the agreement is fully signed. The adjustments thereafter will be based on the CPI-WU from December of the prior calendar year. Each annual adjustment will not be less than two percent (2%) or greater than ten percent (10%).

Included in the above compensation for Tax Administration Services are;

- 1. Printing and Mailing costs (for notifications, license issuance, etc.)
- 2. Ongoing database management and back-up (taxpayer information)
- 3. Forms processing and funds disbursement (secure lockbox operation)
- 4. Development and support of an on-line business license filing and payment application.





# STAFF REPORT TO THE CITY COUNCIL

DATE:	Regular Meeting of February 24, 2015		
TO:	Honorable Mayor and Members of the City Council		
SUBMITTED BY:	Dawn Merchant, Finance Director		
SUBJECT:	Business License Discovery/Recovery Contract		

# RECOMMENDED ACTION

It is recommended that the City Council approve entering into a contract for business license discovery/recovery services with MuniServices for a two year term, with the option to renew for an additional two years. The fee is on a contingency basis and will be 32.5% of new revenues generated directly by MuniServices. The fee will apply to revenues for the current tax year, all eligible prior period revenues and any applicable penalties, interest and late charges.

# STRATEGIC PURPOSE

This action is essential to Strategy L-4 in the Strategic Plan: "Implement City Council policies and direction," as well as Strategy N-2: "Ensure the City achieves long-term fiscal sustainability." The City Council placed Measure O on the ballot to generate additional revenues for the City's General Fund by instituting a residential landlord tax and raising the minimum business license tax. Measure O aids the City in achieving long-term fiscal sustainability. Council further directed that a Business License Representative and outside discovery/recovery firm be hired. It is important to have tools in place to ensure the City is implementing Measure O and collecting all revenues entitled to achieve the maximum financial impact.

#### **FISCAL IMPACT**

The cost of this contract will fluctuate depending on the new revenues generated by MuniServices under the scope of work. The fixed contingent fee will be 32.5% of new revenues collected. For example, \$400,000 in new revenue would equate to \$130,000 in fees. Should the company assist in discovery of rental units under Measure O, \$2,000,000 in new revenue would equate to \$650,000. The fees will be paid out of the new revenue generated and will not be paid from any other General Fund sources or reserves.

#### DISCUSSION

On December 31, 2014 the City issued Request for Proposal No. 946-1231-15F for business license discovery/recovery services. Bids were due January 29, 2015. Three bids were received. Interviews of two finalists were conducted on February 9, 2015 by a panel of staff members. After careful review of proposals submitted and the results of the interview process, City staff is recommending that the contract be awarded to

5 Agenda Item #

MuniServices for a two year term, with the option to renew for another two years. Staff feels that MuniServices qualifications and services that can be provided are best suited for the City's needs. In addition, MuniServices currently provides the City with sales tax services and therefore has a strong working relationship with the City.

MuniServices will provide local tax compliance discovery and audit to assist the City in identifying businesses that are conducting business in the City but are not currently licensed. As part of this, MuniServices will work directly with the business to achieve compliance and explain the City's Municipal Code and policies. MuniServices can also provide deficiency audit services to identify businesses that may not be paying the full amount of tax to which they are subject to under the ordinance.

#### **ATTACHMENTS**

A. Consulting Services Agreement with MuniServices

2

# CONSULTING SERVICES AGREEMENT BETWEEN THE CITY OF ANTIOCH AND MUNISERVICES, LLC

THIS AGREEMENT for consulting services is made by and between the City of Antioch ("City") and MuniServices, LLC ("Consultant") as of February XX, 2015.

<u>Section 1.</u> <u>SERVICES</u>. Subject to the terms and conditions set forth in this Agreement, Consultant shall furnish all technical and professional services including labor, material, equipment, transportation, supervision and expertise to provide to City the services described in the Scope of Work attached as <u>Exhibit A</u> at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and <u>Exhibit A</u>, the Agreement shall prevail.

- 1.1 <u>Term of Services.</u> The term of this Agreement shall begin on the date first noted above and shall end February XX, 2017, the date of completion specified in the Request for Proposal included in <u>Exhibit A</u>, and Consultant shall complete the work described in <u>Exhibit A</u> prior to that date, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8. The time provided to Consultant to complete the services required by this Agreement shall not affect the City' right to terminate the Agreement, as provided for in Section 8.
- **1.2 Standard of Performance.** Consultant represents that it is experienced in providing these services to public clients and is familiar with the plans and needs of City. Consultant shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which Consultant is engaged in the geographical area in which Consultant practices its profession.
- 1.3 <u>Assignment of Personnel.</u> Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, immediately upon receiving notice from City of such desire of City, reassign such person or persons.
- 1.4 <u>Time.</u> Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 1.1 above and to satisfy Consultant's obligations hereunder.

<u>Section 2.</u> <u>COMPENSATION.</u> City hereby agree to pay Consultant a sum not to exceed 32.5% of new revenues generated by MuniServices for work described in <u>Exhibit A</u>; this fee will apply to revenues for the current tax year, all eligible prior period revenues and any applicable penalties, interest and late charges, notwithstanding any contrary indications that may be contained in Consultant's proposal, for services to be performed and reimbursable costs incurred under this Agreement. In the event of a conflict between this Agreement and Consultant's proposal, attached as <u>Exhibit A</u>, regarding the amount of compensation (outlined in <u>Exhibit B</u>), the Agreement shall prevail. City shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth below. The payments specified below shall be the only payments from City to Consultant for services rendered pursuant to this Agreement. Except as specifically authorized by City, Consultant shall not bill City for duplicate services performed by more than one person.

Consultant and City acknowledge and agree that compensation paid by City to Consultant under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Consultant. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees,

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agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.

- 2.1 <u>Invoices.</u> Consultant shall submit invoices, not more often than once a month during the term of this Agreement, based on the cost for services performed and reimbursable costs incurred prior to the invoice date. Invoices shall contain the following information:
  - Serial identifications of progress bills; i.e., Progress Bill No. 1 for the first invoice, etc.;
  - The beginning and ending dates of the billing period;
  - A Task Summary containing the original contract amount, the amount of prior billings, the total due this period, the balance available under the Agreement, and the percentage of completion;
  - At City' option, for each work item in each task, a copy of the applicable time entries or time sheets shall be submitted showing the name of the person doing the work, the hours spent by each person, a brief description of the work, and each reimbursable expense;
  - The total number of hours of work performed under the Agreement by Consultant and each employee, agent, and subcontractor of Consultant performing services. The Consultant's signature.

#### 2.2 Payment Schedule.

- 2.2.1 City shall make incremental payments, based on invoices received, [according to the cost proposal attached as <u>Exhibit B</u>], for services satisfactorily performed, and for authorized reimbursable costs incurred. City shall have 30 days from the receipt of an invoice that complies with all of the requirements of Section 2.1 to pay Consultant. To the extent permitted by law, upon failure to pay any amount owed to Consultant within thirty (30) days of receipt of such invoice, City shall pay interest at the rate of the lower of the *Wall Street Journal* Prime Rate plus three percent (3%) per annum, or the highest legal rate, and City shall pay a late charge in the amount of (5%) of the outstanding amount of any such invoice more than thirty (30) days in arrears to cover the extra expense involved in handling delinquent payments. City further agrees to pay or reimburse Consultant reasonable attorneys' fees and court costs incurred by Consultant in connection with the collection of amounts owed by City to Consultant.
- **2.2.2** City shall pay the last 10% of the total sum due pursuant to this Agreement within sixty (60) days after completion of the services and submittal to City of a final invoice, if all services required have been satisfactorily performed.]
- 2.3 <u>Total Payment.</u> City shall pay for the services to be rendered by Consultant pursuant to this Agreement. City shall not pay any additional sum for any expense or cost whatsoever incurred by Consultant in rendering services pursuant to this Agreement.

In no event shall Consultant submit any invoice for an amount in excess of the maximum amount of compensation provided above either for a task or for the entire Agreement, unless the Agreement is modified prior to the submission of such an invoice by a properly executed change order or amendment.

- 2.4 <u>Hourly Fees.</u> Fees for work performed by Consultant on an hourly basis shall not exceed the amounts shown on the following fee schedule: \_\_not applicable\_\_\_\_\_
- 2.5 <u>Reimbursable Expenses.</u> Separate reimbursable expenses are not included in this agreement and compensation will only be provided as outlined in <u>Exhibit B</u>.

- 2.6 <u>Payment of Taxes.</u> Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.
- 2.7 <u>Authorization to Perform Services.</u> The Consultant is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of authorization from the Contract Administrator.

Section 3. FACILITIES AND EQUIPMENT. Except as set forth herein, Consultant shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this Agreement. City shall make available to Consultant only the facilities and equipment listed in this section, and only under the terms and conditions set forth herein.

City shall furnish physical facilities such as desks, filing cabinets, and conference space, as may be reasonably necessary for Consultant's use while consulting with City employees and reviewing records and the information in possession of the City. The location, quantity, and time of furnishing those facilities shall be in the sole discretion of City. In no event shall City be obligated to furnish any facility that may involve incurring any direct expense, including but not limited to computer, long-distance telephone or other communication charges, vehicles, and reproduction facilities.

<u>Section 4.</u> <u>INSURANCE REQUIREMENTS.</u> Before beginning any work under this Agreement, Consultant, at its own cost and expense, shall procure insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work by the Consultant and its agents, representatives, employees, and subcontractors. Consultant shall provide proof satisfactory to City of such insurance that meets the requirements of this section and under forms of insurance satisfactory in all respects to the City. Consultant shall maintain the insurance policies required by this section throughout the term of this Agreement. The cost of such insurance shall be included in the Consultant's proposal. Consultant shall not allow any subcontractor to commence work on any subcontract until Consultant has obtained all insurance required herein for the subcontractor(s) and provided evidence thereof to City. Verification of the required insurance shall be submitted and made part of this Agreement prior to execution. Insurers shall have an A.M. Best's rating of no less than A:VII unless otherwise accepted by the City in writing:

4.1. <u>Commercial General Liability (CGL</u>): Insurance Services Office Form CG 00 01 or policy equivalent covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. If Consultant's services include work within 50 feet of a railroad right of way, the Contractor shall have removed any exclusion on their liability policy limiting coverage for work near a railroad, or shall provide a Railroad Protective Liability policy in favor of the City. Limits for such coverage shall be no less than \$5,000,000.

4.2. <u>Automobile Liability Insurance</u>. ISO Form Number CA 00 01 or policy equivalent covering any auto (Code 1), or if Contractor has no owned autos, hired, (Code 8) and non-owned autos (Code 9), with limit no less than \$1,000,000 per accident for bodily injury and property damage.

**4.3.** <u>Workers' Compensation Insurance</u>. as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.

4.4. <u>Professional Liability (Errors and Omissions)</u>: Insurance appropriate to the Contractor's profession, with limit no less than \$1,000,000 per occurrence or claim, \$2,000,000 aggregate.

4.5. <u>Other Insurance Provisions</u>. The insurance policies are to contain, or be endorsed to contain, the following provisions:

4.5.1 Additional Insured Status. The City, its officers, officials, and employees, are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10 and CG 20 37 if a later edition is used).

4.5.2 *Primary Coverage.* For any claims related to this contract, the Contractor's insurance coverage shall be primary insurance as respects the City, its officers, officials, and employees. Any insurance or self-insurance maintained by the City, its officers, officials, or employees, shall be excess of the Contractor's insurance and shall not contribute with it.

4.5.3 *Notice of Cancellation.* Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the City.

4.5.4 Waiver of Subrogation. With respect to commercial general liability insurance and automobile liability insurance required hereunder, Contractor hereby grants to City a waiver of any right to subrogation which any insurer of said Contractor may acquire against the City by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

4.5.5 Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the City. The City may require the Contractor to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

4.5.6 *Claims made policies.* If any of the required policies provide claims-made coverage:

4.5.6.1 The Retroactive Date must be shown, and must be before the date of the contract or the beginning of contract work.

4.5.6.2 Insurance must be maintained and evidence of insurance must be provided for at least two (2) years after completion of the contract of work.

4.5.6.3 If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Contractor must purchase "extended reporting" coverage for a minimum of two (2) years after completion of contract work.

4.6. <u>Certificate of Insurance and Endorsements</u>. Contractor shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor's obligation to provide them. In the event that Contractor materially breaches any provision of this Agreement, the City reserves the right to require complete, certified copies of all applicable insurance policies, including endorsements required by these specifications.

4.7. <u>Subcontractors</u>. Contractor shall include all subcontractors as insured under its polices or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated in this Agreement, including but not limited to naming additional insureds.

4.8. <u>Higher limits</u>. If the contractor maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

4.9 <u>Special Risks or Circumstances</u>. City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage or other special circumstances.

4.10 <u>Remedies.</u> In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Consultant's breach:

- Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
- Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or
- Terminate this Agreement.

# Section 5. INDEMNIFICATION AND CONSULTANT'S RESPONSIBILITIES

**5.1.** CONSULTANT shall, to the fullest extent permitted by law, indemnify, defend (with counsel acceptable to the CITY) and hold harmless CITY, and its employees, officials and agents ("Indemnified Parties") from and against any and all losses, claims, damages, costs and liability arising out of any personal injury, loss of life, damage to property, or any violation of any federal, state, or municipal law or ordinance, arising out of or resulting from the negligent performance of this Agreement by CONSULTANT, its officers, employees, agents, subcontractors or sub-consultants, excepting only liability arising from the sole negligence, active negligence or intentional misconduct of CITY. To the maximum extent permitted by law, in no event shall Consultant, its employees, contractors or agents be liable for any indirect, incidental, special, punitive or consequential damages, lost data or cost of procurement of substitute goods or services arising from or related to the services herein, whether for, among other things, breach of warranty or any obligation arising therefrom, and whether liability is asserted in contract or tort (including but not limited to negligence and strict product liability) whether or not CONSULTANT has been advised of the possibility of any such loss or damage.

**5.2.** In the event that Consultant or any employee, agent, sub-consultant or subcontractor of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, sub-consultants or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

**5.3.** Acceptance by City of insurance certificates and endorsements required under this Agreement does not relieve Consultant from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply.

5.4. By execution of this Agreement, Consultant acknowledges and agrees to the provisions of this Section and that it is a material element of consideration, and that these provisions survive the termination of this Agreement.

Page 5 of 10

# Section 6. STATUS OF CONSULTANT.

- 6.1 Independent Contractor. At all times during the term of this Agreement, Consultant shall be an independent contractor and shall not be an employee of City. City shall have the right to control Consultant only insofar as the results of Consultant's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subparagraph 1.3; however, otherwise City shall not have the right to control the means by which Consultant accomplishes services rendered pursuant to this Agreement. Notwithstanding any other City, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of City and entitlement to any contribution to be paid by City for employer contributions and/or employee contributions for PERS benefits.
- 6.2 <u>Consultant No Agent.</u> Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

## Section 7. LEGAL REQUIREMENTS.

- 7.1 <u>Governing Law.</u> The laws of the State of California shall govern this Agreement.
- 7.2 <u>Compliance with Applicable Laws.</u> Consultant and any subcontractors shall comply with all laws applicable to the performance of the work hereunder.
- 7.3 <u>Other Governmental Regulations.</u> To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.
- 7.4 Licenses and Permits. Consultant represents and warrants to City that Consultant and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions. Consultant represents and warrants to City that Consultant and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions. In addition to the foregoing, Consultant and any subcontractors shall obtain and maintain during the term of this Agreement valid Business Licenses from City.
- 7.5 <u>Nondiscrimination and Equal Opportunity.</u> Consultant shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, sexual orientation or any other legally protected status, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Consultant under this Agreement. Consultant shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Consultant thereby.

Consultant shall include the provisions of this Subsection in any subcontract approved by the Contract Administrator or this Agreement.

7.6 <u>Prevailing Wages.</u> Should the scope of work fall under the requirements of the California Labor Code and implementing regulations for the payment of prevailing wages, then Consultant shall comply and pay prevailing wages.

#### Section 8. TERMINATION AND MODIFICATION.

8.1 <u>Termination</u>. City may cancel this Agreement at any time and without cause upon 30 days' written notification to Consultant.

Consultant may cancel this Agreement upon 30 days' written notice to City and shall include in such notice the reasons for cancellation.

In the event of termination, Consultant shall be entitled to compensation for services performed to the effective date of termination; City, however, may condition payment of such compensation upon Consultant delivering to City any or all documents, photographs, computer software, video and audio tapes, and other materials provided to Consultant or prepared by or for Consultant or the City in connection with this Agreement.

- 8.2 <u>Extension.</u> City may, in their sole and exclusive discretion, extend the end date of this Agreement beyond that provided for in Subsection 1.1. Any such extension shall require a written amendment to this Agreement, as provided for herein. Consultant understands and agrees that, if City grants such an extension, City shall have no obligation to provide Consultant with compensation beyond the maximum amount provided for in this Agreement. Similarly, unless authorized by the Contract Administrator, City shall have no obligation to reimburse Consultant for any otherwise reimbursable expenses incurred during the extension period.
- 8.3 <u>Amendments.</u> The parties may amend this Agreement only by a writing signed by all the parties.
- 8.4 <u>Assignment and Subcontracting.</u> City and Consultant recognize and agree that this Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's unique personal competence, experience, and specialized personal knowledge. Moreover, a substantial inducement to City for entering into this Agreement was and is the professional reputation and competence of Consultant. Consultant may not assign this Agreement or any interest therein without the prior written approval of the Contract Administrator. Consultant shall not subcontract any portion of the performance contemplated and provided for herein, other than to the subcontractors noted in the proposal, without prior written approval of the Contract Administrator.
- 8.5 <u>Survival.</u> All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Consultant shall survive the termination of this Agreement.
- 8.6 <u>Options upon Breach by Consultant.</u> If Consultant materially breaches any of the terms of this Agreement, City' remedies shall include, but not be limited to, the following:
  - **8.6.1** Immediately terminate the Agreement;
  - **8.6.2** Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant pursuant to this Agreement; and/or

**8.6.3** Retain a different consultant to complete the work described in <u>Exhibit A</u> not finished by Consultant in which case the City may charge Consultant the difference between the cost to have a different consultant complete the work described in <u>Exhibit A</u> that is unfinished at the time of breach and the amount that City would have paid Consultant pursuant to Section 2 if Consultant had completed the work.

#### Section 9. KEEPING AND STATUS OF RECORDS.

- 9.1 <u>Records Created as Part of Consultant's Performance.</u> Except for Consultant's pre-existing proprietary information and/or processes, all reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Consultant prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the City. Consultant hereby agrees to deliver those documents to the City upon termination of the Agreement. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the City and are not necessarily suitable for any future or other use.
- 9.2 <u>Confidentiality</u>. All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Consultant prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be kept confidential by Consultant. Such materials shall not, without the prior written permission of City, be used by Consultant for any purpose other than the performance of this Agreement nor shall such materials be disclosed publicly. Nothing furnished to Consultant which is otherwise known to Consultant or is generally known, shall be deemed confidential. Consultant shall not use the City's name or logo or photographs pertaining to the services under this Agreement in any publication without the prior written consent of the City.
- 9.3 <u>Consultant's Books and Records.</u> Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the Consultant to this Agreement.
- 9.4 Inspection and Audit of Records. Any records or documents that Section 9.2 of this Agreement requires Consultant to maintain shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of the City, within reasonable notice. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds TEN THOUSAND DOLLARS (\$10,000.00), the Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of City, for a period of three (3) years after final payment under the Agreement.
- 9.5 Intellectual Property. Except for Consultant's pre-existing proprietary information and/or processes, the City shall have and retain all right, title and interest, including copyright, patent, trade secret or other proprietary rights in all plans, specifications, studies, drawings, estimates, materials, data, computer programs or software and source code, enhancements, documents and any other works of authorship fixed in any tangible medium or expression, including but not limited to physical drawings or other data magnetically or otherwise recorded on computer media ("Intellectual Property") prepared or developed by or on behalf of Consultant under this Agreement. Consultant further grants to City a non-exclusive and perpetual license to copy, use, modify or sub-license any and all Intellectual Property otherwise

owned by Consultant which is the basis or foundation for any derivative, collective, insurrectional or supplemental work created under this Agreement.

#### Section 10 MISCELLANEOUS PROVISIONS.

- 10.1 <u>Venue.</u> In the event that either party brings any action against the other under this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Contra Costa or in the United States District Court for the Northern District of California.
- 10.2 <u>Severability.</u> If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.
- **10.3** <u>No Implied Waiver of Breach</u>. The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.
- **10.4** <u>Successors and Assigns.</u> The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.
- 10.5 <u>Use of Recycled Products.</u> Consultant shall prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.
- **10.6** <u>Conflict of Interest.</u> Consultant may serve other clients, but none whose activities within the corporate limits of City or whose business, regardless of location, would place Consultant in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 *et seq.* Notwithstanding the foregoing, Consultant may perform similar services for other government sector clients during the term of this Agreement and City acknowledges that Consultant's representation of such clients in not a conflict of interest.

Consultant shall not employ any official of City in the work performed pursuant to this Agreement. No officer or employee of City shall have any financial interest in this Agreement that would violate California Government Code Sections 1090 *et seq.* 

Consultant hereby warrants that it is not now, nor has it been in the previous twelve (12) months, an employee, agent, appointee, or official of the City. If Consultant was an employee, agent, appointee, or official of City in the previous twelve months, Consultant warrants that it did not participate in any manner in the forming of this Agreement. Consultant understands that, if this Agreement is made in violation of Government Code §1090 *et.seq.*, the entire Agreement is void and Consultant will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Consultant will be required to reimburse the City for any sums paid to the Consultant. Consultant understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of Government Code § 1090 and, if applicable, will be disqualified from holding public office in the State of California.

- 10.7 <u>Inconsistent Terms.</u> If the terms or provisions of this Agreement conflict with or are inconsistent with any term or provision of any attachment or Exhibit attached hereto, then the terms and provisions of this Agreement shall prevail.
- **10.8** Solicitation. Consultant agrees not to solicit business at any meeting, focus group, or interview related

to this Agreement, either orally or through any written materials.

- **10.9** <u>Contract Administration</u>. This Agreement shall be administered by Dawn Merchant, Finance Director ("Contract Administrator"). All correspondence shall be directed to or through the Contract Administrator or his or her designee.
- 10.10 Notices. Any written notice to Consultant shall be sent to:

Any written notice to City shall be sent to:

City Manager City of Antioch P. O. Box 5007 Antioch, CA 94531-5007

10.11 <u>Integration</u>. This Agreement, including the scope of work attached hereto and incorporated herein as <u>Exhibit A</u>, and all other attachments, represents the entire and integrated agreement between City and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral.

#### CONSULTANT:

MUNISERVICES, LLC

CITY	OF ANTIOCH	

Steven Duran, City Manager

.

Attest:

CITY:

Arne Simonsen,	City Clerk of	of City of Antioch
----------------	---------------	--------------------

Ву:	
Name:	 
Title:	

By:

Name:\_\_\_\_\_

Title:\_\_\_\_\_

Approved as to Form:

Lynn Tracy Nerland, City Attorney

[Two signatures are required for a corporation or one signature with the corporate bylaws indicating that one person can sign on behalf of the corporation].

Technical Proposal for Business License Discovery/Recovery Services



# Specific Approach and Methodology – Scope of Work

# Local Tax Compliance Discovery and Audit

The objective is to assist the City in identifying businesses that are conducting business in City and are not registered with the City. MuniServices Local Tax Compliance ("LTC") Services include identifying any person engaged in or carrying on any profession, trade, calling, occupation or business within the City that are not registered with the City to ensure that the business is properly registered and has made all appropriate payments to the City.

The LTC service to be contracted for will not replace or duplicate the current tax discovery and collections efforts undertaken by the City's employees. Our LTC Services are intended to complement the current efforts by brining to the City more sophisticated technology, data and door-to-door investigations that may not presently be available to the City.

#### **Program Objectives and Methods**

Our LTC service is designed to assist the City in locating tax revenue that the City may not be receiving from its local tax registry MuniServices provides detection, documentation and correction of errors and omissions causing deficiencies thereby producing new revenue that would not otherwise have been realized by the City. Moreover, our team of 12 full-time, local tax compliance employees works in full and collaborative partnership with City revenue staff to supplement the operations and procedures currently in place.

The LTC service also aims to reduce future errors by informing the businesses that are identified as having errors or omissions about the proper methods of compliance informing business owners of the requirements of the ordinance helps to prevent future mistakes by businesses making future enforcement efforts by the City less burdensome for the City.

#### Local Tax Discovery Services

Local Tax Discovery Services are designed to provide a full service solution to City's business license enforcement procedures. It does not replace current functions, but provides a focused and full-time solution to the identification of entities subject to taxation by the City, which are not properly registered, or otherwise not reporting taxes to the City. In performing the Discovery Services, MuniServices will:

- 1. Establish a comprehensive inventory of the entities subject to taxation by the City and the database elements needed to facilitate a comprehensive comparative analysis with the City's records of those entities that are properly registered;
- 2. Compare MuniServices' database of business records with the City's records to identify potential non-reporting and non-registered entities subject to taxation;
- 3. For each unregistered or non-reporting entities identified and confirmed, assist the entities, as necessary, to complete the City's applicable registration form(s) and determine the amount of tax due for current and prior periods (plus applicable interest and penalties, where appropriate);



- 4. Invoice entities (including supporting documentation) on behalf of the City for the amount of identified deficiencies, with payment to be remitted to MuniServices;
- 5. Ensure that all submitted registration forms are completed correctly and in their entirety;
- 6. Forward all completed registration forms and associated payments to the City in batches at the frequency directed by the City. Applications will be forwarded with copies of the payments and payments deposited into an account designated by the City;
- 7. Collect the amount of identified deficiencies, together with supporting documentation, and remit payment received to the City in weekly batches. (MuniServices will follow the City's business rules in collecting partial payments or the tax in full at the City's direction.);
- 8. Establish a call center open during normal business hours to assist entities with questions concerning application of the City's taxes, and reporting and remittance requirements;
- 9. Educate entities regarding the City's reporting requirements to prevent recurring deficiencies in future years;
- 10. Contact personnel in sales, operations and/or tax accounting at each target business to determine whether a business license fee is due, when necessary and appropriate. This is accomplished with the highest regard to discretion and professional conduct. MuniServices' LTC audits are predicated on a non-controversial, constructive public relations approach that emphasizes the importance of each business to the City and the mutual benefits of correcting non-reporting errors;
- 11. Provide reports addressing each taxpayer not reporting, including the business name, address, and telephone number to the City; and
- 12. Monitor and analyze the business license registration files of the City each quarter in order to determine non-reporting businesses.

#### **Deficiency Audit Services**

Local Tax Deficiency Audit Services are designed to identify entities subject to taxation by the City that are not properly reporting the full amount of tax to which they are subject to under the City's ordinances. These Audit Services identify entities that are potentially underreporting, or not reporting all applicable taxes, and MuniServices reviews the entity's records to ensure compliance with the City's taxes. In performing the Audit Services, MuniServices will:

- 1. Establish a comprehensive inventory of the registered entities subject to taxation by the City and the database elements needed to facilitate an analysis of records of those entity's current and prior year's tax remittance;
- 2. Compare MuniServices' records with the City's records to identify potential underreporting entities subject to taxation;

# Technical Proposal for Business License Discovery/Recovery Services



- 3. Meet with designated City staff to review and discuss potential audit candidates and mutually agree which entities will be subject to review. Only entities mutually agreed by MuniServices and the City to be reviewed shall be subject to MuniServices' audit services.
- 4. For potential under-reporting entities identified, MuniServices will obtain authorization from the City to conduct a review of the entities' records and determine the amount of tax due for current and prior periods (plus applicable interest and penalties, where appropriate).
- 5. Submit audit summaries (also referred to as "Deficiency Notice") to the City to permit the City to determine the amount of a deficiency owed, if any.
- 6. Invoice entity for the amount of identified deficiencies, together with supporting documentation, and remit payment received to the City;
- If the City elects to have MuniServices conduct payment deposit services, applications will be forwarded with copies of the payments and payments deposited into an account designated by the City; and
- 8. Educate entity regarding the City's reporting requirements to prevent recurring deficiencies in future years.

#### **Additional Performance Metrics**

- 1. Meet with the City's designated staff to review service objectives, scope, work plan schedule, public relations and logistical matters. MuniServices will also establish an appropriate liaison with the City's coordinator and logical checkpoints for reviewing progress;
- 2. Review applicable provisions of the City's municipal code and ordinances adopted by the City;
- Represent the City for purposes of examining records pertaining to the Business Tax to identify and confirm any errors/omissions that are resulting in deficient payment to the City;
- 4. As necessary, meet with designated City officials to review MuniServices' findings and recommendations; and
- 5. Provide additional assistance, as necessary, to support the City in recovering and preventing tax deficiencies.





\*180214-4434006\*

800 987-0999 (p) 559 275-0289 (f)

04/06/2016

#### RAI PAVAN CHANDA RANCHO ESTATES CT WALNUT CREEK, CA 94598-4677

Reference #:

Property Address:

MUNISERVICES

Meadowbrook Rd

ANT151662547

Dear RAI PAVAN CHANDA:

MuniServices has been retained by the City of Antioch to conduct a business license compliance review. The primary purpose of this evaluation is to identify all businesses that may be operating in the City without a business license.

You have received this notice because our records indicate that you may be conducting business in the City of Antioch without a business license and have not paid a business tax.

The City of Antioch Municipal Code (Section 3-1.103) states that it shall be unlawful for any person to commence, conduct or purport to commence or conduct, either directly or indirectly, any business activity in the city without having an unrevoked license under this chapter to do so, valid and in effect at the time, and without paying the required taxes and fees therefore and complying with any and all regulations of such business provided in this chapter, unless such person is exempt under this chapter.

If you believe you are not liable to pay these taxes, we still require a reply from you to remove you from future mailings. In order to resolve your account, please assist us by completing one of the following items:

If you are conducting business in the City of Antioch and <u>do not have</u> a current business license, please complete and return the enclosed application in the envelope provided within **30 days** of the date of this letter. An invoice detailing the taxes owed will be mailed to you upon receipt of your application information.

If you already <u>have</u> a valid business license, please provide a copy of your business license and return it within **30 days** of the date of this letter in the enclosed envelope, or fax a copy of your license to (559) 275-0289.

If you believe you are <u>not required</u> to procure a City of Antioch business license, please provide a written statement describing your circumstances and explaining your position. Upon review you will be cleared from our system or contacted for additional information.

Thank you for your cooperation. If you need assistance completing the application, require information, or believe that this notice does not apply to you, please contact one of our Tax Specialists Monday through Friday between 8:00 a.m. and 5:00 p.m. Pacific Time at 800-987-0999.

Please refer to your account reference number ANT151662547 when calling. Please mail your application directly to the City of Antioch, C/O Business License Processing P.O. Box 27947, Fresno, CA 93729-7947 within 30 days of the date of this letter. Information obtained during this compliance review will be held in strict confidence.

Sincerely,

Compliance Division MuniServices, LLC



# **City of Antioch** Declaration of Information

Please complete this form in its entirety as it applies to your business activity in the City of Antioch. If you need any assistance completing this application, please contact a MuniServices Representative, Monday through Friday, 8:00am to 5:00pm Pacific Time.

# Section I

# Demographic Information

Start Date of Business Activity in the City of Antioch:

Description of Business:

Is Your Business Home Based? YES/NO

# Section II

# **Business License Information**

Please complete the following information table for the applicable tax years. Once this section is complete, please sign the certification and fill out the applicable application(s) and return them to MuniServices in the envelope provided.

Note: Completed application and acceptance of payment does not constitute an authorization to operate without the required City approvals.

Period	Gross Receipts <sup>1</sup>	Number of Rental Units <sup>2</sup>
January to December 2018 Estimate		
January 1, 2017 – December 31, 2017		
January 1, 2016 – December 31, 2016		
January 1, 2015 – December 31, 2015		
January 1, 2014 – December 31, 2014		

<sup>1</sup> Professional Class Code – as defined in Antioch Municipal Code Sec 3.1.218, the owner of such business shall pay a business license tax based on gross receipts as provided in Sec 3.1.201 provided that the maximum annual tax payable under this section shall be \$312.50 annually. <sup>2</sup> This column applies to the rental of residential property, which became effective through Measure O as of January 1, 2015.

Section III

Certifications

I certify under the penalty of perjury that the information above is accurate and correct to the best of my knowledge and belief.

Signature of person authorized to sign for firm

Date

Phone Number

Title

FEIN or Social Security Number

Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies:

- The Division of the State Architect at www.dqs.ca.qov/dsa/Home.aspx
- The Department of Rehabilitation at www.rehab.cahwnet.gov The California Commission on Disability Access at www.ccda.ca.gov

# **CITY OF ANTIOCH BUSINESS LICENSE APPLICATION**



#### **REFERENCE#** ANT151662547

BUSINESS#:

CLASS CODE:

INSTRUCTIONS:

LLSFD - Landlord - Residential Single Familydwelling LLMFD - Landlord - Residential Multi Familydwelling THIS APPLICATION IS CONSIDERED INCOMPLETE WITHOUT SIGNATURE AND DATE

1. OWNER'S NAME		2. OWNER	2. OW NERS MAILING ADDRESS			
3. TELEPHONE #		4. FAX NUMBER	5. EMAIL AI	DRESS		
6. OWNER'S PHYS	SICAL ADDRESS IF DIFF	ERENT FROM#1 (NO PO BOX)	7. CONTAC	T NAME & ADDRESS	(I.E. PROPERTY MANAGEMENT COMPANY)	
с. В						
8. OWNER'S PHO	NE#		9. CONTAC	T PHONE#	1	
10. OWNER'S EMA	LADDRESS		11. CONTAC	T'S EMAIL ADDRESS		
12a. PROPERTY AI	DRESS (PLEASE USE	ADDITIONAL SHEET IF NECESSA	(RY) (12b. # OF UN	ПS	12c. AMOUNT	
		년 2월 12월 19일 (1998) 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 -				
13. STATE MANDA	TED FEE (PLEASE SEE F	EVERSE SIDE)	14.APPLICA	TION FEE		
15. TOTAL AMOUN	IT DUE (combine boxes 1	2c, 13, & 14)				
OFFICE USE ONLY			OFFICE USE	ONLY		
DATE:		RECEIPT#:	PLANNING:		BLDG DEPT:	
The undersi	aned, beina authorized	to make this Application, hereb	ZONING: v declares to the best	of his know ledge an	d belief that this is a true, correct, and com	olete
information ma	de pursuant to the Antio	ch Municipal Code. The unders	signed also agrees to	abide by all conside	rations and restrictions imposed under the	Antioch
милюраї Со	de. This businessficen	se does not autnonze nolder to	engage in any busin	ess or protession for	which other certificates or permits are requ	uired.
		Boxes 1, 2, 3 and 6 are non-	-confidential informat	ion and may be mad	e public.	
Sign						
Here						
	SIGNATURE (REQUI	RED)		DATE (REQUIR	ED)	
City of Antioch • Finance Department • C/O Business License Processing Center P.O. Box 27947 •						
City Of		Fresno, CA 93729-7947	· (800) 987-0999	Fax (559) 275-	0289	
	websit	e: www.ci.antioch.ca.u	ıs email:Bus	inesstax@Mu	niservices.com	
4.8.2016						

Attachment

\*180214-4434006\*

PO Box 27947 Fresno, CA 93729-7947

800 987-0999 (p) 559 275-0289 (f)

#### 05/12/2016

# SECOND NOTICE

MUNISERVICES

#### RAI PAVAN CHANDA RANCHO ESTATES CT WALNUT CREEK, CA 94598-4677

Reference #: ANT151662547

Property Address: MEADOWBROOK RD

Dear RAI PAVAN CHANDA:

MuniServices has been retained by the City of Antioch to conduct a business license compliance review. The primary purpose of this evaluation is to identify all businesses that may be operating in the City without a business license.

You have received this notice because our records indicate that you may be conducting business in the City of Antioch without a business license and have not paid a business tax.

The City of Antioch Municipal Code (Section 3-1.103) states that it shall be unlawful for any person to commence, conduct or purport to commence or conduct, either directly or indirectly, any business activity in the city without having an unrevoked license under this chapter to do so, valid an din effect at the time, and without paying the required taxes and fees therefore and complying with any and all regulations of such business provided in this chapter, unless such person is exempt under this chapter.

If you believe you are not liable to pay these taxes, we still require a reply from you to remove you from future mailings. In order to resolve your account, please assist us by completing one of the following items:

If you are conducting business in the City of Antioch and <u>do not have</u> a current business license, please complete and return the enclosed application in the envelope provided within **30 days** of the date of this letter. An invoice detailing the taxes owed will be mailed to you upon receipt of your application information.

If you already <u>have</u> a valid business license, please provide a copy of your business license and return it within **30 days** of the date of this letter in the enclosed envelope, or fax a copy of your license to (559) 275-0289.

If you believe you are <u>not required</u> to procure a City of Antioch business license, please provide a written statement describing your circumstances and explaining your position. Upon review you will be cleared from our system or contacted for additional information.

Thank you for your cooperation. If you need assistance completing the application, require information, or believe that this notice does not apply to you, please contact one of our Tax Specialists Monday through Friday between 8:00 a.m. and 5:00 p.m. Pacific Time at 800-987-0999.

Please refer to your account reference number ANT151662547 when calling. Please mail your application directly to the City of Antioch, C/O Business License Processing P.O. Box 27947, Fresno, CA 93729-7947 within 30 days of the date of this letter. Information obtained during this compliance review will be held in strict confidence.

Sincerely,

Compliance Division MuniServices, LLC



# City of Antioch Declaration of Information

Please complete this form in its entirety as it applies to your business activity in the City of Antioch. If you need any assistance completing this application, please contact a MuniServices Representative, Monday through Friday, 8:00am to 5:00pm Pacific Time.

# Section I

# Demographic Information

Start Date of Business Activity in the City of Antioch:

Description of Business:

Is Your Business Home Based? YES/NO

# Section II Business License Information

Please complete the following information table for the applicable tax years. Once this section is complete, please sign the certification and fill out the applicable application(s) and return them to MuniServices in the envelope provided.

Period	Gross Receipts <sup>1</sup>	Number of Rental Units <sup>2</sup>
January to December 2018 Estimate		
January 1, 2017 – December 31, 2017		
January 1, 2016 – December 31, 2016	5	
January 1, 2015 – December 31, 2015		
January 1, 2014 – December 31, 2014		

<sup>1</sup> Professional Class Code – as defined in Antioch Municipal Code Sec 3.1.218, the owner of such business shall pay a business license tax based on gross receipts as provided in Sec 3.1.201 provided that the maximum annual tax payable under this section shall be \$3.12.50 annually.

<sup>2</sup> This column applies to the rental of residential property, which became effective through Measure O as of January 1, 2015.

# Section III

# Certifications

I certify under the penalty of perjury that the information above is accurate and correct to the best of my knowledge and belief.

Signature of person authorized to sign for firm

Date

Phone Number

Title

FEIN or Social Security Number

Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies:

- The Division of the State Architect at www.dqs.ca.gov/dsa/Home.aspx
- The Department of Rehabilitation at <u>www.rehab.cahwnet.gov</u>
   The California Commission on Disability Access at www.ccda.ca.gov

#### REFERENCE# ANT151662547

BUSINESS#:

#### **CITY OF ANTIOCH** BUSINESS LICENSE APPLICATION

INSTRUCTIONS:

ANTI

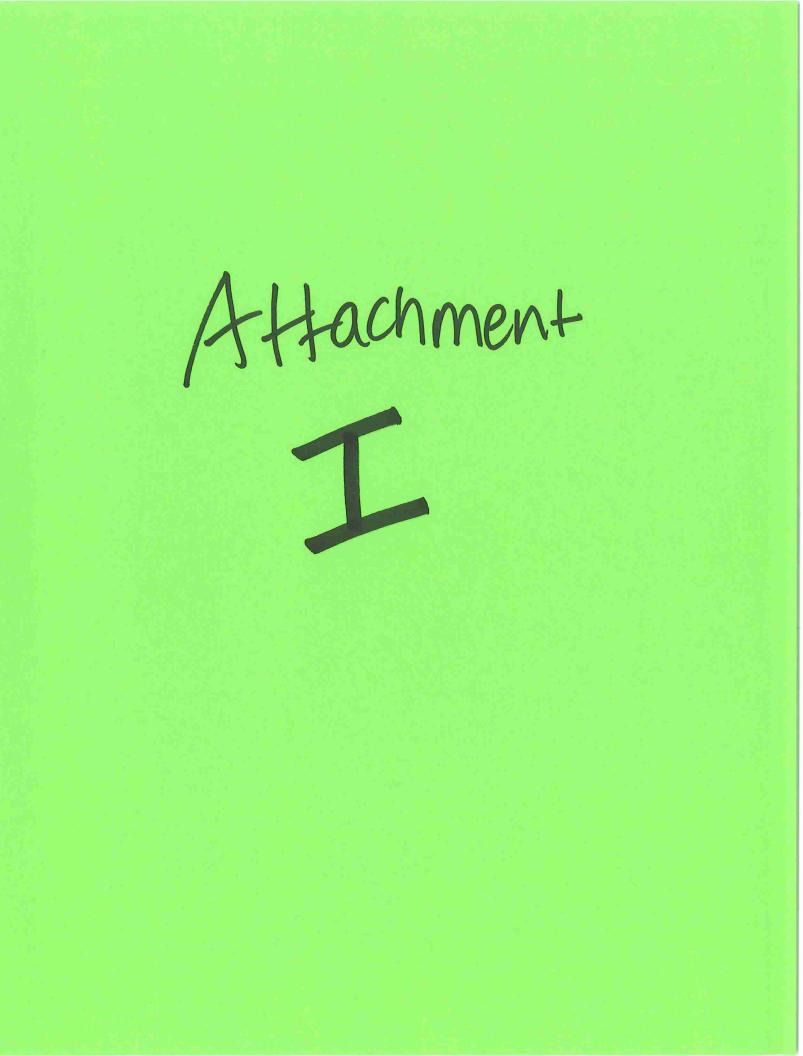
IFORT

CLASSCODE:

LLSFD - Landlord - Residential Single F LLMFD - Landlord - Residential Multi Fa THIS APPLICATION IS CON SIDERED	milydwelling	E AND DATE		
1. OWNER'S NAME		2. OWNER'S MAILING ADDR	RESS	
3. TELEPHONE #	4. FAX NUMBER	5. EMAIL ADDRESS		
6. OWNER'S PHYSICAL ADDRESS IF DIFFERENT FROM #1 (NO PO BOX)		7. CONTACT NAME & ADDRESS (I.E. PROPERTY MANAGEMENT COMPANY)		
8. OWNER'S PHONE #		9. CONTACT PHONE #		
10. OWNER'S EMAIL ADDRESS		11. CONTACTS EMAIL ADD	RESS	
12a. PROPERTYADDRESS (PLEASE USE	ADDITIONAL SHEET IF NECESSARY)	12b.# OF UNITS	12c.AMOUNT	
			7	
13. STATE MANDATED FEE (PLEASE SEE	REVERSE SIDE)	14. APPLICATION FEE		
15. TOTAL AMOUNT DUE (com bine boxes	12c, 13, & 14)			
OFFICE USE ONLY		OFFICE USE ONLY		
DATE:	RECEIPT#:	PLANNING:	BLDG DEPT:	
information made pursuant to the Anti	och Municipal Code. The undersigned	also agrees to abide by all co e in any business or professi	lge and belief that this is a true, correct, and complete Insiderations and restrictions imposed under the Antioch on for which other certificates or permits are required. e made public.	
Sign Here		·		
SIGNATURE (REQU	IRE D)	DATE (RE	QUIRED)	

City of Antioch · Finance Department · C/O Business License Processing Center P.O. Box 27947 · Fresno, CA 93729-7947 · (800) 987-0999 Fax (559) 275-0289 website: www.ci.antioch.ca.us email: Businesstax@Muniservices.com

4/8/2016



\*180214-4434006\*

PO Box 27947 Fresno, CA 93729-7947

800 987-0999 (p) 559 275-0289 (f)

#### 06/07/2016

#### FINAL NOTICE

NUNISERVICES

#### RAI PAVAN CHANDA RANCHO ESTATES CT WALNUT CREEK, CA 94598-4677

Reference #: ANT151662547

Property Address: MEADOWBROOK RD

Dear RAI PAVAN CHANDA:

MuniServices has been retained by the City of Antioch to conduct a business license compliance review. The primary purpose of this evaluation is to identify all businesses that may be operating in the City without a business license.

You have received this notice because our records indicate that you may be conducting business in the City of Antioch without a business license and have not paid a business tax.

The City of Antioch Municipal Code (Section 3-1.103) states that it shall be unlawful for any person to commence, conduct or purport to commence or conduct, either directly or indirectly, any business activity in the city without having an unrevoked license under this chapter to do so, valid an din effect at the time, and without paying the required taxes and fees therefore and complying with any and all regulations of such business provided in this chapter, unless such person is exempt under this chapter.

If you believe you are not liable to pay these taxes, we still require a reply from you to remove you from future mailings. In order to resolve your account, please assist us by completing one of the following items:

If you are conducting business in the City of Antioch and <u>do not have</u> a current business license, please complete and return the enclosed application in the envelope provided within **30 days** of the date of this letter. An invoice detailing the taxes owed will be mailed to you upon receipt of your application information.

If you already <u>have</u> a valid business license, please provide a copy of your business license and return it within **30 days** of the date of this letter in the enclosed envelope, or fax a copy of your license to (559) 275-0289.

If you believe you are <u>not required</u> to procure a City of Antioch business license, please provide a written statement describing your circumstances and explaining your position. Upon review you will be cleared from our system or contacted for additional information.

Thank you for your cooperation. If you need assistance completing the application, require information, or believe that this notice does not apply to you, please contact one of our Tax Specialists Monday through Friday between 8:00 a.m. and 5:00 p.m. Pacific Time at 800-987-0999.

Please refer to your account reference number ANT151662547 when calling. Please mail your application directly to the City of Antioch, C/O Business License Processing P.O. Box 27947, Fresno, CA 93729-7947 within 30 days of the date of this letter. Information obtained during this compliance review will be held in strict confidence.

Sincerely,

Compliance Division MuniServices, LLC

## Attachment



RAI PAVAN CHANDA RANCHO ESTATES CT WALNUT CREEK, CA 94598-4677 Date: 09/14/17

Reference Number: ANT151662547

Property Address: MEADOWBROOK RD

Several attempts have been made to contact you by MuniServices, LLC regarding the requirement of a business license for your residential rental property(s) located at 3617 MEADOWBROOK RD per Measure O, effective December 9, 2014.

The condition listed below is a violation of the Antioch Municipal Code. As a courtesy to you, the City is providing you with this opportunity to voluntarily abate this violation. In order to do so it will be necessary for you to take the following action:

#### Violation:

YOU ARE RENTING YOUR RESIDENTIAL PROPERTY(S) LOCATED AT 3617 MEADOWBROOK RD WITHOUT A VALID CITY OF ANTIOCH BUSINESS LICENSE.

AMC Section §3-1.103 BUSINESS LICENSE REQUIRED - It shall be unlawful for any person to be engaged in business in the city without having an un-revoked license from the city, valid and in effect at the time, and without complying with any and all regulations of such business provided in this chapter, unless such person is exempt under the provisions of this chapter.

Required Correction: Within 15 calendar days from the date of this notice, you must Contact MuniServices, LLC by phone at 1-800-987-0999 or in person at 200 H Street, Antioch, CA and obtain a business license for the above property or file an appeal with the office of the City Clerk.

I hope you take this one-time opportunity to voluntarily abate the above violation(s) and public nuisance without the need for the City to issue Administrative Citations, which carry fines that range from \$100 to \$1,000 for every day the violation(s) are permitted to remain and/or take other action to compel your compliance.

We will be following up at the end of the above compliance deadline to confirm your required compliance. Thank you in advance for your cooperation in abating these violation(s). If you have any questions, you may contact MuniServices, LLC at 1-800-987-0999.

Sincerely,

The City of Antioch



#### City of Antioch Declaration of Information

Please complete this form in its entirety as it applies to your business activity in the City of Antioch. If you need any assistance completing this application, please contact a MuniServices Representative, Monday through Friday, 8:00am to 5:00pm Pacific Tine.

#### Section

#### Demographic Information

Start Date of Business Activity in the City of Antioch:

Description of Business:

Is Your Business Home Based? YES / NO

#### Section II

#### Business License Information

Please complete the following information table for the applicable tax years. Once this section is complete, please sign the certification and fill out the applicable application(s) and return them to MuniServices in the envelope provided.

Note: Completed application and acceptance of payment does not constitute an authorization to operate without the required City approvals.

Period	G ross Receipts <sup>1</sup>	Number of Rental Units <sup>2</sup>
January to December 2017 Estimate		
January 1, 2016 – December 31, 2016		
January 1, 2015 – December 31, 2015		
January 1, 2014 – December 31, 2014		
January 1, 2013 – December 31, 2013		
January 1, 2012 – December 31, 2012		

<sup>1</sup> Professional Class Code – as defined in Antioch Municipal Code Sec 3.1.218, the owner of such business shall pay a business license tax based on gross receipts as provided in Sec 3.1.201 provided that the maximum annual tax payable under this section shall be \$312.50 annually. <sup>2</sup> This column applies to the rental of residential property, which became effective through Measure O as of January 1, 2015.

Section III

Certifications

Date

I certify under the penalty of perjury that the information above is accurate and correct to the best of my knowledge and belief.

Signature of person authorized to sign for firm

Phone Number

Title

FEIN or Social Security Number

Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies:

- The Division of the State Architect at <u>www.dqs.ca.qov/dsa/Home.aspx</u> The Department of Rehabilitation at www.rehab.cahwnet.gov

The California Commission on Disability Access at www.ccda.ca.gov

#### **CITY OF ANTIOCH BUSINESS LICENSE APPLICATION**



#### REFERENCE# ANT151662547

BUSINESS#

CLASSCODE:

INSTRUCTIONS:

LLSFD - Landlord - Residential Single Family dwelling LLM FD - Landlord - Residential Multi Family dwelling

THIS APPLICATION IS CONSIDERED INCOMPLETE WITHOUT SIGNATURE AND DATE

1. OWNER'S NAM	ME		2. OWNER'S MAILING ADDRESS	
3. TELEPHONE #		4. FAX NUMBER	5. EMAIL ADDRESS	
6. OWNER'S PHY	SICAL ADDRESS IF DIFF	ERENT FROM #1 (NO PO BOX)	7. CONTACT NAME & ADDRESS	(I.E. PROPERTY MANAGEMENT COMPANY)
8. OWNER'S PHO	NF #	,	9. CONTACT PHONE #	
o. officiation			5. CONTACT PHONE #	
10. OWNER'S EMA	IL ADDRESS		11. CONTACT'S EMAIL ADDRESS	
12a. PROPERTYA	DDRESS (PLEASE USE	ADDITIONAL SHEET IF NECESSARY)	12b.#OF UNITS	12c. AMOUNT
	6		y .	
13. STATE MANDA	TED FEE (PLEASE SEE F	REVERSE SIDE)	14. APPLICATION FEE	
	IT DUE (combine boxes 1	9- 49 9 441		
IS. TOTAL AMOUN	T DDE (combine baxes i	/20, 13, 6( 14)		
OFFICE USE ONLY			OFFICE USE ONLY	
DATE:		RECEIPT#:	PLANNING:	BLDG DEPT:
				220002.11
The undersi	aned being authorized	to make this Application, berehv decks	ZONING:	d belief that this is a true, correct, and complete
information ma	de pursuant to the Antic	ch Municipal Code. The undersigned	also agrees to abide by all consider	ations and restrictions imposed under the Antioch
Municipal Co	ode. This business licen	se does not authorize holder to engag	e in any business or profession for	which other certificates or permits are required.
		Boxes 1, 2, 3 and 6 are non-confid	ential information and may be made	e nublic
Sign		· · · · · · · · · · · · · · · · · · ·	ennar meennanen ene mag ee mae	, poorte
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City of	Antioch · Finance	Department · C/O Business Fresno, CA 93729-7947 · (80	License Processing Center I	P.O. Box 27947 ·
			email: Businesstax@Mun	
	100000		GITTAIL DUSITICSSIAN(WIVIU)	130171003.00111

4.8/2016



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## CITY OF ANTIOCH BUSINESS LICENSE INVOICE



Invoice Number: 3086 Issued: 12/07/2017 Due Date: 12/18/2017

#### RAI PAVAN AND CHANDA RANCHO ESTATES CT WALNUT CREEK, CA 94598-4677

#### RE: Account number: 3018068

Location: MEADOWBROOK RD

Charges:

CHARGE	YEAR	DESCRIPTION	AMOUNT
LLSFD	2015	Landlord Single Family Dwelling	\$250.00
LLSFD	2016	Landlord Single Family Dwelling	\$250.00
LLSFD	2017	Landlord Single Family Dwelling	\$250.00
APP	2017	Application Fee	\$30.00
SB1186	2015	State Mandated Fee	\$1.00
SB1186	2016	State Mandated Fee	\$1.00
SB1186	2017	State Mandated Fee	\$1.00
		Charges for this invoice	\$783.00

# TO AVOID THE ISSUANCE OF CITATIONS, YOU MUST ABATE THE ABOVE VIOLATIONS ON OR BEFORE 12/18/2017

Issuing Officer: CA

CITY OF ANTIOCH FINANCE DEPARTMENT P. O. BOX 5007 ANTIOCH, CA 94531-5007 925-779-7059

#### RAI PAVAN AND CHANDA

Account Number	3018068
Invoice Number	3,086
Due Date	12/18/2017
Due Amount Due	\$ 783.00

Amount Enclosed

#### ARCELQUEST

☑ 1 Property Address: COME MEADOWBROOK RD ANTIOCH CA 94509-5900

#### Ownership

County:	CONTRA COSTA, CA		
Assessor:	GUS KRAMER, ASSESSOR		
Parcel # (APN):	072-132-010-9		
Parcel Status:			
Owner Name:	RAI PAVAN & CHANDA		
Mailing Address:	RANCHO ESTATES CT WALNUT CREEK CA 94598-4677		
Legal Description:T04921 L0154 B			

#### Assessment

Total Value:	\$96,581	Use Code:	11	Use Type:	RESID. SINGLE FAMILY
Land Value:	\$25,768	Tax Rate Area:	001-135	Zoning:	
Impr Value:	\$70,813	Year Assd:	2017	Census Tract:	3071.01/3
Other Value:		Property Tax:		Price/SqFt:	\$41.21
% Improved:	73%	Delinquent Yr:			
Exempt Amt:		HO Exempt:	Ν		

#### Sale History

Document Date:	Sale 1 <b>12/30/1977</b>	Sale 2	Sale 3	Transfer <b>12/30/1977</b>
Document Number:	8651-376			8651-376
Document Type:				
Transfer Amount:	\$49,000			
Seller (Grantor):				

#### **Property Characteristics**

Bedrooms:	3	Fireplace:	ž.	Units:
Baths (Full):	2	A/C:		Stories:
Baths (Half):		Heating:		Quality:
Total Rooms:	8	Pool:		Building Class:
Bldg/Liv Area:	1,189	Park Type:	GARAGE	Condition:
Lot Acres:	0.194	Spaces:		Site Influence:
Lot SqFt:	8,470	Garage SqFt:	491	Timber Preserve:
Year Built:	1977			Ag Preserve:
Effective Year:	1978			





CITY OF ANTIOCH ATTN: A/R DEPT P.O. BOX 5007 ANTIOCH, CA 94531-5007



Invoice Number: Invoice Date: Customer ID: AR151405 ·12/21/2017 C218560

Bill To: RAI, PAVAN AND CHANDA RANCHO ESTATES CT WALNUT CREEK, CA 94598 Issuing Department FINANCE DEPT (925) 779-7055

REFERENCE	DESCRIPTION	QUANTITY	UNIT PRICE	EXTENSION
100125041130	RESIDENTIAL LANDLORD BUS LIC	3.00	250.00	750.00
	FOR MEADOWBROOK RD			
100125041150	APPLICATION FEE	1.00	30.00	30.00
	FOR MEADOWBROOK RD			
10000025003	STATE FEE	3.00	1.00	3.00
	FOR MEADOWBROOK RD			

Total Due: 783.00 0105508003 3000001 E050000000000000 PM CREDIT CARD 300.00CF 12:13 BUSINESS LICENSE 2/02/2018 001 ivn 4191 rai pavan chand XXXX-XX {X-XXXX-1503 NAME: DISCO/ER CREDII 0.00 063.00 1,083.00 063.00 Pe -Business Lipense CI License P S \_IC \$4. 000001031141 A0000001523010 TER 1: 1 01091141 FC1 TER 품 .. 002070 0008000000 YPE: PURCHASE SB1186 BUS IRAN: 89.2000 Business -L Owner AMOUNT USD\$ DETAILS ENDERED APPLIED: ENTRY MODE CHANGE: CVM: SIGN ## .. ≢ 083 8 REC#: OPER: **FRAN** AUTH REF# ACCT EMV D AID: VR: ddy AD ARC

Invoices Are Due And Payable Upon Receipt.

For questions, please call the phone number above for the issuing department.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Please make checks payable to: CITY OF ANTIOCH Customer ID: C218560 Invoice Number: AR151405 Invoice Date: 12/21/2017

PAYMENT AMOUNT:







## CITY OF ANTIOCH ADMINISTRATIVE CITATION

Invoice Number: 3488 Issued: 12/22/2017 Due Date: 01/02/2018

Starting Balance

#### RAI PAVAN AND CHANDA RANCHO ESTATES CT WALNUT CREEK, CA 94598-4677

#### RE: Account number: 3018068

Location: MEADOWBROOK RD

Charges:

CHARGE	YEAR	DESCRIPTION	AMOUNT
Admin Cit	2017	Business License Required 3-1.103	\$100.00
	,	Charges for this invoice	\$100.00

Amount Due

\$883.00

\$783.00

# TO AVOID THE ISSUANCE OF CITATIONS, YOU MUST ABATE THE ABOVE VIOLATIONS ON OR BEFORE 01/02/2018

Issuing Officer: LS

CITY OF ANTIOCH FINANCE DEPARTMENT P. O. BOX 5007 ANTIOCH, CA 94531-5007 925-779-7059

#### RAI PAVAN AND CHANDA

Account Number	3018068
Invoice Number	3,488
Due Date	1/2/2018
Due Amount Due	\$ 883.00

Amount Enclosed







## CITY OF ANTIOCH ADMINISTRATIVE CITATION

Invoice Number: 4191 Issued: 01/29/2018 Due Date: 2/8/2018

RAI PAVAN AND CHANDA RANCHO ESTATES CT WALNUT CREEK, CA 94598-4677

#### RE: Account number: 3018068

Starting Balance

\$883.00

Location: MEADOWBROOK RD

Charges:

CHARGE	YEAR	DESCRIPTION	AMOUNT
Admin Cit	2018	Business License Required 3-1.103	\$200.00
		Charges for this invoice	\$200.00

Amount Due

\$1,083.00

# TO AVOID THE ISSUANCE OF CITATIONS, YOU MUST ABATE THE ABOVE VIOLATIONS ON OR BEFORE 02/08/2018

Issuing Officer: LS

CITY OF ANTIOCH FINANCE DEPARTMENT P. O. BOX 5007 ANTIOCH, CA 94531-5007 925-779-7059

#### RAI PAVAN AND CHANDA

3018068

4,191

2/8/2018

\$ 1,083.00

Account Number Invoice Number Due Date Due Amount Due

Amount Enclosed





**JF ANTIOCH** ، ۲N: A/R DEPT P.O. BOX 5007 ANTIOCH, CA 94531-5007



Invoice Number: AR152168 Invoice Date: Customer ID:

01/30/2018 C218560

#### Bill To: RAI, PAVAN AND CHANDA RANCHO ESTATES CT WALNUT CREEK, CA 94598

**Issuing Department** FINANCE DEPT (925) 779-7055

REFERENC		CRIPTION						QUANTITY	UNIT PI	RICE	EX	TENSION
1001250460	)20 ADN	IIN CITE 34						1.00		00.00		100.00
	APN	072-132-0	/BROOK RE 10-9	)								1
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		01091141 FC1 TEF			\$O\$r	DETAILS; A0000001523010	0105508003 3000001E0300000000000000000000000000	l: 89.2000 BUSINE ivn 4191 rai paven Business dirense Pe	SB1186 BUS LL Owner Bu Business L		i 	23
	25-779- 325-779- **** R		***	SII SII	IN	AOC	800000	ivn 8 Usi	SB11 LL 0 Busi	TENDERED: APPLIED:	CHANGE:	
	0117 C 925-77 ****	REC# OPER REF#	ACCT AUTH TRAN	TYPE: PURCHASE APP NAME: DISCO/ER CFEDIT ENTRY MODE: CHI> CVM: SIGN	AMDUNT USD\$		IAD: TSI: TVR:		шц	AP	문	
					_	c					1	

Invoices Are Due And Payable Upon Receipt. For questions, please call the phone number above for the issuing department.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Please make checks payable to: **CITY OF ANTIOCH** 

Customer ID: C218560 Invoice Number: AR152168 Invoice Date: 01/30/2018

PAYMENT AMOUNT: \_\_\_\_\_

Attachment

P

#### CITY OF ANTIOCH 925-779-7055

REC#: 01091141 2/02/2018 12:13 PM OPER: FC1 TER4: 001 REF#: ٩.

12.5

ACCT #: XXXX-XX (X-XXXX-1903 AUTH #: 002070 TRAN #: 000001031141

TYPE: PURCHASE APP NAME: DISCO/ER CREDIT ENTRY MODE: CHI <sup>3</sup> CVM: SIGN

AMOUNT USD\$ 1,083.00

EMV DETAILS: AID: A0000001523010 ARC: 00 IAD: 0105608003000001E03000000000000000 TSI: E800 TVR: 0000008000 TRAN: 89.2000 BUSINESS LICENSE ivn 4191 rai pavan chand Business Libense Pe 30.00CR

 SB1186 BUS \_IC \$4.0
 3.00CR //

 LL Owner Bus Lic
 750.00CR //

 Business License CI
 300.00CR //

 TENDERED:
 1,063.0C //

 APPLIED:
 1,083.0C //

 CHANGE:
 0,0C

........

#### Cash Receipt Transaction Report 3018068 RAI PAVAN AND CHANDA

Date2/13/2018Time12:59:46PM

Transaction Typ	be - Cash Receipt Sequence	32	Merge Date	2/9/2018		Merge	User	CARGENAL
Issue License	Yes		Entered	2/9/2018	3:51:48	Entered	dby	CARGENAL
Charge Code		С	harge Notes			Units	Tax Ye	ar Amount
AR	Acccounts Receivable	А	dmin Cit			1	2018	\$200.00
AR	Acccounts Receivable	S	B1186			1	2017	\$1.00
AR	Acccounts Receivable	L	LSFD			1	2017	\$250.00
AR	AR Acccounts Receivable		dmin Cit			1	2017	\$100.00
AR	Acccounts Receivable		APP			1	2017	\$30.00
AR	Acccounts Receivable		SB1186			1	2016	\$1.00
AR	Acccounts Receivable	L	LLSFD			1	2016	\$250.00
AR	Acccounts Receivable	S	31186			1	2015	5 \$1.00
AR	Acccounts Receivable	L	LSFD			1	2015	\$\$\$\$\$\$\$\$\$\$\$\$\$
					Charg	e Total		\$1,083.00
Payment Type	Payment Number	F	ayment Notes					Amount
Check	01091141	n	a <sup>·</sup>					\$1,083.00
				•	Total Re	ceived		\$1,083.00

Business Address MEADOWBROOK RD ANTIOCH, CA 94509-5900 Mailing Address RANCHO ESTATES CT WALNUT CREEK, CA 94598-4677

C:\PSI\Quickserve\Reports\reports\hisrcpt44.rpt

Modification Date-2/13/2018







#### RECEIVED

## City of Antioch Citation Appeal Application

FEB 07 2018

CITY OF ANTIOCH CITY CLERK

CITY OF ANTIOCH						
ATTN: CITY CLERK						
P.O. BOX 5007						
ANTIOCH, CA 94531-5007						
(925) 779-7009	· · · · · · · · · · · · · · · · · · ·					
Date of Citation: 1/29/2018	Citation #: 4191					
Name: PAVAN & CHANDA RAT						
Property Address: MF ADOWN3	ROOK ROAD					
ANTIOCH CA	94509					
Mailing Address:						
RAWESTO ESTATES (T. WALNOT CRE	EK (A94598					
Home Phone: 678.773.6429	Work Phone:					
(10) +12, (2,10-()						
REASON FO	DR APPEAL					
Dear Neighbors,						
1. As a young man, I bought my house in 1977. For the I	act 41 years I have paid all my taxes and proudly helped					
1. As a young man, I bought my house in 1977. For the r	asi 41 years, i nuve puid an inf tance and p					
and support the City grow to its present size and pros 2. It is 2018 now. I am now 74 years old, retired and live	on my social security and rental income.					
2. It is 2018 now, I am now 74 years old, retried and inv	n my property, for I was renting it. Mistakenly, I believed					
the new taxes were included in my property taxes an	d these were information notices.					
1 I have a set of the country in Nov/Dec 2017 As proof.	copies of my entry and exit visa are attached.					
F O way not want I saw the attached notice in pink that s	aid I had been fined \$ 500 and I owed \$ 1000.					
<ol> <li>6. I came to City Hall and the clerk explained it was a ne</li> </ol>	w tax with fines and had to be paid separately. I paid the					
dtoop (an attached)						
line in the second second payment of taxes ar	the city, this mistake of mine be not					
7. I request, based on my age, long payment of taxes and communent to the only approved this tax the intent was penalized with fines in a most heartless manner. It is my belief when the voters approved this tax the intent was						
// l = f flash // ap with loccly						
8 I have paid the first \$ 100 fine, and I am told it is not	appealable, but the second \$ 200 is. Hence, I request you					
waive the next \$ 200 fine and also return my \$ 50 ap	peal fee.					
Thank you very much.						
Signature	Date 2/7/2018					

#### CITY OF ANTIOCH 925-779-7055

REC#: 01092936 2/07/2018 12:06 PM OPER: SC2 TERM: 002 REF#:

ACCT #: XXXX-XXXX-XXXX-1903 AUTH #: 007600 TRAN #: 000001092936

TYPE: PURCHASE APP NAME: DISCOVER CREDIT ENTRY MODE: CHIP CVM: SIGN

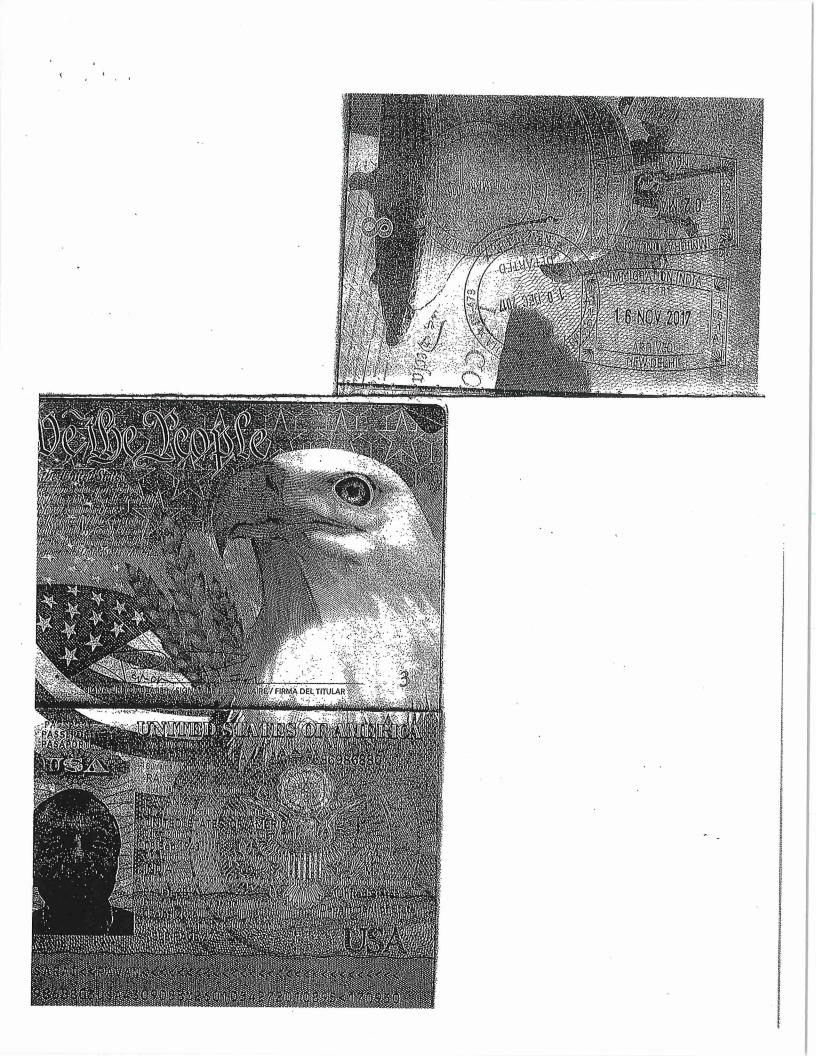
AMOUNT USD\$

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EMV DETAILS: AID: A0000001523010 ARC: 00 IAD: 01056080038000001E0300000000000000 TSI: E800 TVR: 000008000

50,00

TRAN: 900.0000 TRUE MISC RECEIPTS CIT#4191 PAVAN & CHANDA RAI								
Miscellaneous	Reven	50.00CR						
TENDERED: APPLIED:	50.00 50,00-	CREDIT CARD						
· CHANGE:	0.00							





## **CITY OF ANTIOCH ADMINISTRATIVE CITATION**

Invoice Number: 4191 Issued: 01/29/2018 Due Date: 2/8/2018

**Starting Balance** 

#### **RAI PAVAN AND CHANDA** RANCHO ESTATES CT WALNUT CREEK, CA 94598-4677

#### RE: Account number: 3018068

Location: MEADOWBROOK RD

#### Charges:

CHARGE	YEAR	DESCRIPTION	AMOUNT
Admin Cit	2018	Business License Required 3-1.103	\$200.00
	×	Charges for this Invoice	\$200.00

Charges for this Invoice

**Amount Due** 

\$1,083.00

\$883.00

#### TO AVOID THE ISSUANCE OF CITATIONS, YOU MUST ABATE THE ABOVE VIOLATIONS ON OR BEFORE 02/08/2018

Issuing Officer: LS

CITY OF ANTIOCH FINANCE DEPARTMENT P. O. BOX 5007 ANTIOCH, CA 94531-5007 925-779-7059

RAI PAVAN AND CH	IANDA
Account Number	3018068
Invoice Number	4,191
Due Date	2/8/2018
Due Amount Due	\$ 1,083.00

Amount Enclosed

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CITY OF ANTIOCH

CSR'S PAY SHEE	Т
NAME: Rai Pavan and Chanda	DATE: <u>2-6-18</u>
TRAN ACCOUNT CODE DESCRIPTION	AMOUNT
118 100-1250-41130 BUSINESS LICENSES	4 ton
120 100-1250-41140 BUSINESS LIC PENALTY	
122 100-1250-41150 BUSINESS LICENSE APP	PFEE
123 100-0000-25003 SB1186 \$1.00 STATE FEE	
900 100-1250-41130 LL OWNER, MEAS O PER	UNIT BE TAX
900 100-1250-46020 BL CITATION	ph \$200.00
124 100-1250-41160 CONTRACTORS BUS LIC	
132 100-1250-46010 OTHER SERVICE CHGS/C	COPIES
134 100-1250-46400 ADMINISTRATION FEE	
136 100-1250-47010 MISCELLANEOUS REVEN	IUE
NEW BUSINESS LIST MONTH(S)	\$5.00 PER MOS
ONE TIME ACTIVE/CURRE	
EMAIL:	
, PAPER OR CD & MAILING ADDRESS:	
137 100-1250-47010 RETURNED CHECK CHAR	GE
130 100-1250-41205 TRANSIENT OCCUP TAX (	70%)
232 215-4320-41205 TRANSIENT OCCUP TAX (	30%)
602 611-1230-47010 WATER RECOVERY/CHAR	GE OFFS
604 611-2310-46830 PROCESSING SVC CHARG	GE
604 611-2310-46830 DISCONNECTION SVC CHA	ARGE
604 611-2310-46830 SAME DAY FEE	
610 611-2310-47010 OTHER WATER CHARGES	
171 100-5140-46020 CODE ENFORCEMENT CIT	ATIONS
176 214-3320-42020 ANIMAL CITATIONS	
177 100-3160-46025 POLICE DEPT CITATIONS	
900 100-3110-46315 ALARM PERMIT FEE (NO AF	R INVOICE)
900 100 1140 47010 OTHER Applel	Ell, \$50.00
TOTAL	+ 2 cm c2
PREPARED BY AMA	
NOT VALID UNLESS VALIDATED	A51) ()

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Charges							
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<u>R</u> eceipt							Clear
			sjohnsen				



February 15, 2018

Pavan and Chanda Rai Rancho Estates Court Walnut Creek, CA 94598

#### RE: Board of Administrative Appeals Hearing <u>Property Address:</u> <u>Meadowbrook Road, Antioch</u> Citation Date: 01/29/18 Citation No.: 4191

Dear Pavan and Chanda Rai,

This is a follow up to your written appeal filed on February 7, 2018, regarding the abovereferenced Administrative Citation received for Business Licensing.

Please be advised your appeal is scheduled for <u>*Thursday, March 1, 2018, at 3:00 p.m.</u>* in the Council Chambers, 200 H Street, Antioch, CA (across the breezeway from City Hall).</u>

All people who wish to speak at the hearing, including you, will be required to take an Oath. This case will be heard and a decision rendered by the Board of Administrative Appeals. A General Information sheet is enclosed to answer any questions you may have regarding the appeals.

The Agenda and Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date listed above. To view the Agenda information, simply click on the following link and then double click 'Board of Administrative Appeals': <u>http://www.ci.antioch.ca.us/CityGov/agendas/</u>. Other locations to view the Agenda are the City Council Chambers front window, City Clerk's Office, Antioch Branch Library, Senior Center on 2<sup>nd</sup> Street, and the Antioch Community Center on Lone Tree Way.

Thank you.

Sincerely,

CHRISTINA GARCIA, CMC Deputy City Clerk

cc: Business License

Enclosures

Office of the City Clerk 200 H Street P. O. Box 5007 Antioch CA 94531-5007 Phone: (925) 779-7009/ Fax: (925) 779-7007



#### PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA ) COUNTY OF CONTRA COSTA) ss

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is Office of the City Clerk for the City of Antioch, 200 "H" Street, P.O. Box 5007, Antioch, California 94531-5007. On February 15, 2018, I served the within Notice, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Antioch, California addressed as follows:

Pavan and Chanda Rai Rancho Estates Court Walnut Creek, CA 94598

I, Christina Garcia, certify (or declare), under penalty of perjury, that the foregoing is true and correct. Executed on February 15, 2018, at Antioch, California.

Christine Danie

Office of the City Clerk 200 H Street P. O. Box 5007 Antioch CA 94531-5007 Phone: (925) 779-7009/ Fax: (925) 779-7007



#### CITY OF ANTIOCH ADMINISTRATIVE BOARD OF APPEALS

#### General Information for Persons Appealing Citations

The Administrative Board of Appeals is comprised of five Antioch residents, who are appointed by the Mayor and have volunteered their time to hear your appeal. The Board Members do not receive monetary compensation for their time and they are not employees of the City. They do not make or control the law. They are hearing officers who will review your appeal because you have requested the City do so. As the person making the appeal (the appellant) please keep in mind the below:

#### Schedule of Hearing:

- When an appeal is requested, it is typically scheduled for the first Thursday of every month.
- You will receive written notice of the date and time of the appeal hearing from the City Clerk's office 10 days after you file your appeal.
- The Agenda and Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date. To view the Agenda information, click on the following link and then double click 'Board of Administrative Appeals': <u>http://www.ci.antioch.ca.us/CityGov/agendas/</u>. Other locations to view the Agenda are the City Council Chambers front window, City Clerk's Office, Antioch Branch Library, Senior Center on 2<sup>nd</sup> Street, and the Antioch Community Center on Lone Tree Way.

#### When You Don't Show For Your Hearing:

If you do not appear at the hearing time and date you have been notified of, and unless you have provided the City Clerk forty-eight (48) hour notice before the hearing that you are requesting a postponement, your appeal will be heard without you being there.

#### How You Will Act At Your Appeal Hearing:

- You and anyone else who is attending the appeal at your request will maintain a respectful attitude at all times,
- If you or anyone else does not maintain a respectful attitude, you may be asked to leave the hearing by the Board Chairperson.
- Your appeal is not an opportunity to debate or argue with City staff or Board members. Any questions should be directed to the Board Chairperson.
- When you speak, you should talk about the reasons why you feel the citation was wrongfully issued.

#### How The Appeal Hearing Will Go:

- The Board will read your item of appeal from its Agenda.
- The Board will then ask City staff to present an oral report with regard to your citation. The Board may ask questions of City staff after the oral report. This oral report will be for **five (5)** minutes.
- After staff has provided its report, and the Board is finished with its questions of staff, you will then be called to the podium to speak. Please come up and speak at the podium, not from the audience.
- You will have **five (5) minutes** to present the reasons why you are appealing the citation.
- Any other additional persons who may oppose or support your appeal can fill out speaker cards and speak for **three (3) minutes**.
- The Board may then ask City staff for a rebuttal to the statements you or others made in support or opposition of your appeal. This rebuttal is only for **three (3) minutes**.
- Then the hearing is completed and the Board will then issue its ruling on your appeal.

#### Your Burden:

- It is your appeal and therefore you bear the burden to prove that the citation was wrongfully issued.
- To win your appeal, you must have a majority of the Board uphold your appeal (3 of 5, or 2 of 3).
- If the Board determines there was in fact good reason to issue the citation, your appeal will be denied and the citation amount that you deposited to have your appeal will not be refunded.

#### How The Board Will Rule:

#### The Board can only rule one of two ways:

- To uphold your appeal and dismiss the citation.
- To deny your appeal and uphold the citation.

#### Written Findings and Order:

- The Board will render their findings and recommendations after the hearing is concluded or as soon as possible.
- You will be mailed the written decision of hearing within ten (10) days of the hearing.
- The decision of the Board is the final ruling on your appeal from the City.

# CALIFORNUM

#### RECEIVED

### City of Antioch Citation Appeal Application

FEB 07 2018

## CITY OF ANTIOCH

CITY OF ANTIOCH	
ATTN: CITY CLERK	
P.O. BOX 5007	
ANTIOCH, CA 94531-5007	
(925) 779-7009	
Date of Citation: $1/29/2018$	Citation #: $4191$
1 1 0	
Name: PAVAN & CHANDA RAI	
Property Address: MEADOWN	BROOK ROAD
1	94509
Mailing Address:	
RAWCHO ESTATES (T. WALNUT CRE	EK (A94593
Home Phone: 678,773.6428	Work Phone:
REASON FO	DR APPEAL

Dear Neighbors,

- As a young man, I bought my house in 1977. For the last 41 years, I have paid all my taxes and proudly helped and support the City grow to its present size and prosperity.
- 2. It is 2018 now. I am now 74 years old, retired and live on my social security and rental income.
- For some time now, I got notifications of new taxes on my property, for I was renting it. Mistakenly, I believed the new taxes were included in my property taxes and these were information notices.
- 4. I went out of the country in Nov/Dec 2017. As proof, copies of my entry and exit visa are attached.
- 5. On my return, I saw the attached notice in pink that said I had been fined \$ 300 and I owed \$ 1083.
- I came to City Hall and the clerk explained it was a new tax with fines and had to be paid separately. I paid the \$1083 (copy attached).
- I request, based on my age, long payment of taxes and commitment to the city, this mistake of mine be not penalized with fines in a most heartless manner. It is my belief when the voters approved this tax the intent was never to "take a pound of flesh" so ruthlessly.
- I have paid the first \$ 100 fine, and I am told it is not appealable, but the second \$ 200 is. Hence, I request you waive the next \$ 200 fine and also return my \$ 50 appeal fee.

ate 2/7/2018



## CITY OF ANTIOCH ADMINISTRATIVE CITATION

Invoice Number: 4191 Issued: 01/29/2018 Due Date: 2/8/2018

#### RAI PAVAN AND CHANDA RANCHO ESTATES CT WALNUT CREEK, CA 94598-4677

#### RE: Account number: 3018068

Location: MEADOWBROOK RD

Charges:

CHARGE	YEAR	DESCRIPTION	AMOUNT
Admin Cit	2018	Business License Required 3-1.103	\$200.00
		Charges for this invoice	\$200.00

Amount Due

\$1.083.00

\$883.00

# TO AVOID THE ISSUANCE OF CITATIONS, YOU MUST ABATE THE ABOVE VIOLATIONS ON OR BEFORE 02/08/2018

Issuing Officer: LS

CITY OF ANTIOCH FINANCE DEPARTMENT P. O. BOX 5007 ANTIOCH, CA 94531-5007 925-779-7059

#### RAI PAVAN AND CHANDA

Account Number Invoice Number Due Date

3018068 4,191 2/8/2018

\$ 1,083.00

Due Amount Due

Amount Enclosed

12561

Starting Balance

	CITY OF ANTIOCH 925-779-7055	
÷	REC#: 01092936 2/07/2018 12:0 OPER: SC2 TERM: 002 REF#:	6 PM
	ACCT #: XXXX-XXXX-XXXX-1903 AUTH #: 007600 TRAN #: 000001092936	
2/02/2018 12:13 PM R4: 001	TYPE: PURCHASE APP NAME: DISCOVER CREDIT ENTRY MODE: CHIP CVM: SIGN	
X X-XXX-1903	AMOUNT USD\$ 50.00	
	EMV DETAILS: AID: A0000001523010 ARC: 00 IAD: 01056080038000001E03000000000 TSI: E800 TVR: 0000008000	0000000
1,083.00	TRAN: 900.0000 TRUE MISC RECEIPTS CIT#4191 PAVAN & CHANDA RAI Miscellaneous Reven 50.0	
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CITY OF ANTIO 925-779-7055 • •

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REC#: 01091141 OPER: FC1 TE REF#:

ACCT #: XXXX-X AUTH #: 002070 TRAN #: 000001

TYPE: PURCHASE APP NAME: DISC ENTRY MODE: CH CVM: SIGN

AMOUNT USD\$

EMV DETAILS: AID: A00000015 ARC: 00 IAD: 010560800 TSI: E800 TVR: 00000800 TRAN: 89.2000 jvn 4191

Bus iness SB1186 BUS LL Owner ( Bus iness TENDERED: APPLIED:

CHANGE :