



COUNCIL REPORT

DATE: July 29, 2024

CATEGORY: New Business

DEPT.: City Attorney's Office

TITLE: **Amendment of Resolution Submitting a Revenue Measure to the Voters to Correct "Exhibit A" to the Resolution**

RECOMMENDATION

Adopt a Resolution of the City Council of the City of Mountain View Amending City of Mountain View Resolution No. 18908, which, Among Other Things, Submitted a Revenue Measure to the Voters at the November 2024 Election, to Replace "Exhibit A" to Resolution No. 18908 with a Corrected "Exhibit A," to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND

On June 25, 2024, the City Council of the City of Mountain View adopted Resolution No. 18908, which, among other things, called a general municipal election for the purpose of submitting a ballot measure to the voters at the November 2024 election to amend the City's Real Property Conveyance Tax Ordinance (Mountain View Code, Chapter 29, Article V) to increase the tax rate for real property transfers exceeding \$6 million. Exhibit A to Resolution No. 18908 is a copy of Chapter 29, Article V showing text changes that will be made to Article V if the ballot measure passes in underline and strikethrough font and showing all unchanged text in regular font.

Section 29.63 is one of several sections within Chapter 29, Article V of the Mountain View Code ("MV Code"). Section 29.63, as it currently appears in the MV Code, contains two (2) paragraphs. The first paragraph sets forth the tax rate, and the second paragraph defines the term "value of the consideration." If the ballot measure passes, the first paragraph will be amended to include the new tax rate for property transfers with a value exceeding \$6 million. Exhibit A to the resolution placing the revenue measure on the ballot correctly shows in strikethrough and underline font how the first paragraph will be amended if the ballot measure passes.

However, the second paragraph of Section 29.63, which defines the term "value of the consideration," is missing from Exhibit A to the resolution. The second paragraph was never intended to be deleted or modified by the ballot measure and should have been included in Section 29.63 of Exhibit A to Resolution No. 18908. To avoid any confusion over the proposed amendments to Chapter 29, Article V of the Mountain View Code, City staff recommends that

the City Council adopt a resolution to amend Resolution No. 18908 for the sole purpose of replacing Exhibit A with a corrected Exhibit A containing the missing paragraph.

City staff conducted an investigation to determine why Paragraph 2 of Section 29.63 was missing from Exhibit A. The investigation revealed that there appears to have been a technical error in the download and conversion of Chapter 29, Article V from the Municode website. Code sections cannot be modified until they are in Word version. Therefore, staff must rely on the download feature available on the Municode website. To avoid this problem in the future, staff will be reaching out to Municode to ensure the download feature on the site is working properly. Staff will also be on the lookout for this type of download error in the future so that it can be corrected prior to any legislation being brought to the City Council for adoption.

FISCAL IMPACT—None.

ALTERNATIVE

1. Do not adopt the proposed resolution amending Resolution No. 18908 to correct Exhibit A thereto.

PUBLIC NOTICING—Agenda posting.

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- Attachment: 1. Resolution of the City Council of the City of Mountain View Amending City of Mountain View Resolution No. 18908, which, Among Other Things, Submitted a Revenue Measure to the Voters at the November 2024 Election, to Replace "Exhibit A" to Resolution No. 18908 with a Corrected "Exhibit A"