

CITY OF MOUNTAIN VIEW  
RESOLUTION NO. 18908  
SERIES 2024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW: (1) CALLING A GENERAL MUNICIPAL ELECTION AND ORDERING CONSOLIDATION WITH THE STATEWIDE GENERAL ELECTION FOR THE PURPOSE OF SUBMITTING TO THE VOTERS ONE BALLOT MEASURE; (2) AUTHORIZING MEMBERS OF THE COUNCIL TO AUTHOR AN ARGUMENT FOR THE BALLOT MEASURE; (3) DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; AND (4) AUTHORIZING THE CITY CLERK TO CONTRACT WITH THE COUNTY OF SANTA CLARA FOR SERVICES TO BE PERFORMED IN CONNECTION WITH THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, AND RELATED ACTIONS

WHEREAS, the City of Mountain View needs a guaranteed source of local funding for our vital city services, and wishes to ensure tax dollars stay local for the benefit of Mountain View residents and are not taken by Sacramento; and

WHEREAS, the City of Mountain View is committed to funding the services residents have expressed are top priorities, including maintaining rapid 911 medical and disaster response, improving public safety, emergency response and crime prevention, fixing potholes, repairing streets and sidewalks, improving pedestrian and bicycle safety, and addressing homelessness; and

WHEREAS, the City Council of the City of Mountain View hereby calls a General Municipal Election to be held on Tuesday, November 5, 2024, for the purpose of submitting to the voters one ballot measure; and

WHEREAS, the City Council of the City of Mountain View adopted a resolution on June 11, 2024, calling a General Municipal Election to be held on Tuesday, November 5, 2024, for the purpose of electing four (4) members of the City Council, and that resolution includes the request to the Board of Supervisors of the County of Santa Clara to order the General Municipal Election to be consolidated completely with the General Statewide election, pursuant to and in the manner described in California Elections Code §§ 10403 and 10418; and

WHEREAS, the City Clerk of the City of Mountain View has recommended that the City contract with the County of Santa Clara to have the Registrar of Voters perform certain services in connection with the General Municipal Election on Tuesday, November 5, 2024; and

WHEREAS, the City Council of the City of Mountain View desires that the City contract with the County to have the Registrar of Voters perform certain services for said General Municipal Election as authorized by California Elections Code § 10002; now, therefore, be it

RESOLVED by the City Council of the City of Mountain View as follows:

Section 1. Call of Election. Pursuant to Mountain View City Charter § 1300, a General Municipal Election is hereby called and ordered to be held in the City on Tuesday, November 5, 2024, at which election there shall be a ballot measure that, if passed, would amend Article V (Real Property Conveyance Tax) of Chapter 29 (Taxation) of the Mountain View City Code.

Section 2. Proposed Measure. The ballot measure shall read as follows:

<p><b>Shall the measure to provide additional funding for services that protect local property values, including 911 emergency medical/disaster response; street, sidewalk and pothole repairs, affordable housing support, and other general government services, by raising the City of Mountain View's existing voter-approved property transfer tax, imposed on residential/commercial property sales above \$6,000,000 only, up to \$15.00 per \$1,000, generating about \$9,500,000 in locally controlled funding annually until ended by voters, with independent audits, be adopted?</b></p>	YES	
	NO	

Section 3. Submission of Amended Ordinance. The City Council of the City of Mountain View submits to the voters at the November 5, 2024 election proposed amendments to Article V (Real Property Conveyance Tax) of Chapter 29 (Taxation) of the Mountain View City Code as shown in **Exhibit A** attached hereto and incorporated herein (section headings are shown in **bold font** additions are shown by underline font and deletions are shown by ~~strikethrough~~ font; sections that do not contain underline or strikethrough font have not been modified or amended).

Section 4. Vote Centers Open. Vote centers for said election shall be open at 7:00 a.m. on the day of said election and shall remain open continuously from said time until 8:00 p.m. of the same day, when said vote centers shall be closed, except as provided in California Elections Code §§ 4005 and 14401.

Section 5. Publication. The City Clerk of the City of Mountain View is hereby ordered and directed to cause the notice of said election to be published in accordance with the provisions of the California Elections Code. The notice of the General Municipal Election provided for herein shall be published in a newspaper of general circulation within the City of Mountain View.

Section 6. Consolidation with Statewide Election. Pursuant to the requirements of California Elections Code § 10403, the Board of Supervisors of the County of Santa Clara is hereby requested to order the General Municipal Election to be held on Tuesday, November 5, 2024, and to completely consolidate the election with any other Statewide elections, which may be called for the same date. The consolidated election will be held and conducted in the manner

prescribed by California Elections Code § 10418. The Board of Supervisors of the County of Santa Clara is further requested to order the County Registrar of Voters to: (1) prepare the City's election materials and take all other necessary actions for the holding of the consolidated election; and (2) provide Vote by Mail (VBM) ballot to voters for said election for use of the qualified electors of the City of Mountain View who are entitled thereto, in the manner provided by law.

Section 7. Canvassing. The Board of Supervisors of the County of Santa Clara is hereby further authorized and requested to canvass or cause to be canvassed, as provided by law, returns of said General Municipal Election and to certify such canvass of the votes cast for the City Council of the City of Mountain View.

Section 8. Agreement with the County. The City Clerk is hereby authorized to enter into an agreement with the County of Santa Clara for the performance of certain election services for the City by the County Registrar of Voters pertaining to the conduct of said General Municipal Election to be held on Tuesday, November 5, 2024, and for the reimbursement of the County in full for the services performed pursuant to California Elections Code § 10002 and 10520.

Section 9. Services to be Performed. The County Registrar of Voters shall perform the following services for the City:

1. Consolidating precincts and arranging for vote centers and election officers.
2. Prepare and print election materials including official and sample ballots, envelopes and voter information guides.
3. Addressing and mailing sample ballots.
4. Handling applications for and mailing vote-by-mail ballots.
5. Bagging and labeling of precinct supplies.
6. Supervising computerized return of ballots cast.
7. Providing general assistance for the conduct of said election; and
8. Canvassing the election returns and certifying the results to the City Clerk.

Section 10. Authorization. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted invoice.

Section 11. Passage Requirement. Pursuant to California Government Code Section 53723, this general tax measure requires a majority vote threshold for passage.

Section 12. Text of Proposed Measure. The full text of this ballot measure shall not be printed in the County Voter Information Guide. The sample ballot shall include the title of the measure. The full text of the measure is available by calling the City Clerk's Office at 650-903-6304 and requesting a copy be mailed at no cost, is available on the City of Mountain View's website, and is available for review at the City Clerk's Office, located at 500 Castro Street, Third Floor, Mountain View.

Section 13. Arguments. The City Council authorizes the following member(s) of its body to file a written argument in favor of the proposed measure in accordance with Article 4, Chapter 3 of the California Elections Code:

Vice Mayor Lisa Matichak

Councilmember Lucas Ramirez

Section 14. Impartial Analysis. The City Council hereby directs the City Attorney to prepare an impartial analysis of the measure pursuant to California Elections Code Section 9280.

Section 15. Certification. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The foregoing resolution was regularly introduced and adopted at a Regular Meeting of the City Council of the City of Mountain View, duly held on the 25<sup>th</sup> day of June 2024, by the following vote:

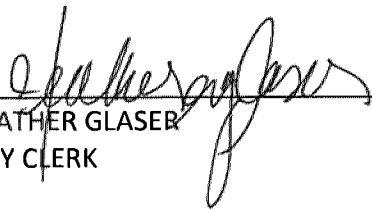
AYES: Councilmembers Abe-Koga, Hicks, Kamei, Ramirez, Ramos, Vice Mayor Matichak, and Mayor Showalter

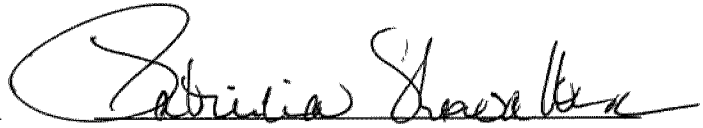
NOES: None

ABSENT: None

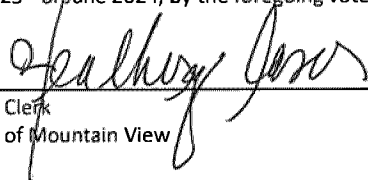
ATTEST:

APPROVED:

  
HEATHER GLASER  
CITY CLERK

  
PATRICIA SHOWALTER  
MAYOR

Pursuant to Mountain View Charter § 709(b), I do hereby certify that the foregoing is an original or a correct copy of the Resolution passed and adopted by the City Council of the City of Mountain View at a Regular Meeting held on the 25<sup>th</sup> of June 2024, by the foregoing vote.

  
City Clerk  
City of Mountain View

## ARTICLE V. - REAL PROPERTY CONVEYANCE TAX

### SEC. 29.62. - Title and purpose.

This article may be cited as the Mountain View real property conveyance tax ordinance.

The tax imposed under this article is imposed solely for the sole purpose of raising revenue.  
This article is not enacted for regulatory purposes.

### SEC. 29.63. - Imposition of tax.

~~A tax is hereby imposed on each transfer, by deed, instrument or writing, by which any lands, tenements, or other real property sold located in the City of Mountain View, are or is granted, assigned, transferred or otherwise conveyed to, or vested in, a purchaser or purchasers thereof, or any other person or persons at or by the direction of said purchaser or purchasers, when the value of the consideration exceeds one hundred dollars (\$100.00), said tax to be at the rate of one dollar and sixty five cents (\$1.65) for each five hundred dollars (\$500.00) or fractional part of five hundred dollars (\$500.00) of the value of the consideration.~~

A. A tax is hereby imposed on each transfer, by deed, instrument or writing, by which any land(s), tenement(s), or other real property sold within the City of Mountain View, is (or are) granted, assigned, transferred or otherwise conveyed to, or vested in, a purchaser or purchasers thereof, or any other person or persons at or by the direction of said purchaser or purchasers, which shall be levied based on the value of the consideration at the following rates:

1. When the total value of the consideration exceeds one hundred dollars (\$100) but is less than or equal to six million dollars (\$6,000,000), the tax rate imposed shall be one dollar and sixty-five cents (\$1.65) for each five hundred dollars (\$500) or fractional part thereof.
2. When the total value of the consideration exceeds six million dollars (\$6,000,000), the tax rate imposed shall be fifteen dollars (\$15) for each one thousand dollars (\$1000) or fractional part thereof.

### SEC. 29.64. - Persons required to pay tax.

Any persons who make a transfer which is subject to the tax imposed under Sec. 29.63 hereof, and any persons to whom such a transfer is made, shall be jointly and severally liable for payment of the tax imposed under said Sec. 29.63.

### SEC. 29.65. - Real property and realty defined.

As used in this article, the terms "real property" and "realty" shall ~~be deemed to~~ mean real property as defined by and under the laws of the State of California.

**SEC. 29.66. - Security for debt.**

Any tax imposed pursuant to this article shall not apply to any transfer made solely to secure a debt; provided, however, that nothing herein contained shall be deemed to exclude the amount of any such indebtedness from being included in the "value of the consideration," pursuant to the second paragraph of Sec. 29.63, in connection with transfers which are not made solely to secure a debt.

**SEC. 29.67. - Instruments in lieu of foreclosure.**

Any tax imposed pursuant to this article shall not apply with respect to any transfer to a beneficiary or mortgagee which is taken in lieu of a foreclosure.

**SEC. 29.68. - Instrument to United States; etc.**

Any transfer to which the United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, is a party shall be exempt from any tax imposed pursuant to this article when the exempt agency is acquiring title.

**SEC. 29.69. - Plans of reorganization or adjustment.**

Any tax imposed pursuant to this article shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment:

- a. Confirmed under the Federal Bankruptcy Act, as amended;
- b. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of Section 205 of Title II of the United States Code, as amended;
- c. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title II of the United States Code, as amended; or
- d. Whereby a mere change in identity, form or place of organization is effected.

Subdivisions a. to d., inclusive, of this section shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five (5) years from the date of such confirmation, approval or change.

**SEC. 29.70. - Securities and Exchange Commission orders.**

Any tax imposed pursuant to this article shall not apply to the making or delivery of conveyances to make effective any order of the Securities and Exchange Commission, as defined in subdivision (a) of Section 1083 of the Internal Revenue Code of 1954; but only if:

- a. The order of the Securities and Exchange Commission in obedience to which such

conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;

- b. Such order specifies the property which is ordered to be conveyed;
- c. Such conveyance is made in obedience to such order.

**SEC. 29.71. - Partnerships.**

- a. In the case of any realty held by a partnership, no levy shall be imposed pursuant to this article by reason of any transfer of an interest in a partnership or otherwise, if:
  - 1. Such partnership (or another partnership) is considered a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954; and
  - 2. Such continuing partnership continues to hold the realty concerned.
- b. If there is a termination of any partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, for purposes of this article, such partnership shall be treated as having executed an instrument whereby there was transferred, for fair market value, all realty held by such partnership at the time of such termination.
- c. Not more than one (1) tax shall be imposed pursuant to this article by reason of a termination described in subdivision b., and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination.

**SEC. 29.72. - Administration of tax.**

The director of finance of the City of Mountain View (hereinafter in this article referred to as "director") shall collect the tax imposed under this article and shall otherwise administer this article. He may make such rules and regulations, not inconsistent with the article, as he may deem reasonably necessary or desirable to administer this article. In the administration of this article, the director shall interpret its provisions consistently with those documentary stamp tax regulations adopted by the Internal Revenue Service of the United States Treasury Department which relate to the tax on conveyances and identified as Sections 47.4361-1, 47.4361-2 and 47.4362-1 of Part 47 of Title 26 of the Code of Federal Regulations , as the same existed on November 8, 1967, except that for the purposes of this article:

- a. The term "realty" as used in said regulations, shall be deemed to mean "real property" as such term is defined by and under the laws of the State of California;
- b. Those provisions of said regulations providing for deduction of the value of any lien or encumbrance existing before the sale and not removed thereby shall not apply;
- c. Those provisions of said regulations relating to the rate of the tax shall not apply;
- d. Those provisions of said regulations which conflict with the provisions of this article



shall not apply.

**SEC. 29.73. - Due dates, delinquency, penalties, interest.**

The tax imposed under this article is due and payable at the time the deed, instrument or writing effecting a transfer subject to the tax is delivered, and is delinquent if unpaid at the time of recordation thereof. In the event that the tax is not paid prior to becoming delinquent, a delinquency penalty of ten (10) percent of the amount of tax due shall accrue. In the event a portion of the tax is unpaid prior to becoming delinquent, the penalty shall only accrue as to the portion remaining unpaid. An additional penalty of ten (10) percent shall accrue if the tax remains unpaid on the 90th day following the date of the original delinquency. Interest shall accrue at the rate of one-half of one percent a month, or fraction thereof, on the amount of tax, exclusive of penalties, from the date the tax becomes delinquent to the date of payment. Interest and penalty accrued shall become part of the tax.

**SEC. 29.74. - Records re value of the consideration.**

The tax imposed by this article shall be paid to the director by the persons referred to in Sec. 29.64. Whenever the director has reason to believe that the full amount of tax due is not shown on the declaration or has not been paid, he may, by notice served upon any person liable for the tax, require him to furnish a true copy of his records relevant to the value of the consideration or fair market value of the property transferred. Such notice may be served at any time within three (3) years after recordation of the deed, instrument or writing which transfers such property.

**SEC. 29.75. - Determination of deficiency.**

If on the basis of such information as he receives pursuant to the last paragraph of Sec. 29.74 and/or on the basis of such other relevant information that comes into his possession, he determines that the amount of tax paid is insufficient, he may recompute the tax due on the basis of such information.

One or more deficiency determinations may be made of the amount due with respect to any transfer. (Ord.

**SEC. 29.76. - Notice of determination.**

The director shall give notice to a person liable for payment of the tax imposed under this article of his determination made under Sec. 29.75. Such notice shall be given within three (3) years after the recordation of the deed, instrument or writing effecting the transfer on which the tax deficiency determination was made.

**SEC. 29.77. - Manner of giving notice.**

Any notice required to be given by the director under this article may be served personally or by mail; if by mail, service shall be made by depositing the notice in the United States mail, in a sealed envelope with postage paid, addressed to the person on whom it is to be served at his

address as it appears in the records of the city or as ascertained by the director. The service is complete at the time of the deposit of the notice in the United States mail, without extension of time for any reason.

**SEC. 29.78. - Petition for redetermination.**

Any person against whom a determination is made under this article or any person directly interested may petition for a redetermination within sixty (60) days after service upon the person of notice thereof. If a petition for redetermination is not filed within the sixty (60) day period, the determination becomes final at the expiration of the period.

**SEC. 29.79. - Consideration of petition; hearing.**

If a petition for redetermination is filed within the sixty (60) day period, the director shall reconsider the determination and, if the person has so requested in his petition, shall grant the person an oral hearing, and shall give him ten (10) days' notice of the time and place of hearing. The director may designate one (1) or more deputies for the purpose of conducting hearings and may continue a hearing from time to time as may be necessary.

**SEC. 29.80. - Conduct of hearing.**

The director may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the director at or before the hearing.

**SEC. 29.81. - Finality of determination.**

The order or decision of the director upon a petition for redetermination becomes final thirty (30) days after service upon the petitioner of notice thereof.

**SEC. 29.82. - Tax a debt.**

The amount of any tax, penalty, and interest imposed under the provisions of this article shall be deemed a debt to the city. Any person owing money to the city under the provisions of this article shall be liable to an action brought in the name of the city for the recovery of such amount.

**SEC. 29.83. - Refunds.**

Whenever the amount of any tax, penalty or interest has been overpaid, or paid more than once, or has been erroneously collected or received by the city under this article, it may be refunded as hereinafter provided in this section, provided a written claim therefor stating under penalty of perjury the specific grounds under which the claim is founded is filed with the director within three (3) years of the date of payment. The claims shall be on forms furnished by the director. The director may make such refund if he is satisfied that the claimant is entitled to the refund under the provisions of this section. No refund shall be paid under the provisions of this section

unless the claimant establishes his right by written records showing entitlement thereto.

**SEC. 29.84. - Use of tax revenues.**

All of the real property conveyance taxes collected pursuant to the provisions of this article shall be placed into a fund which is hereby created and established for such purposes and which shall be known as the "construction tax and real property conveyance tax fund." This fund shall be used and expended solely for the acquisition, improvement, maintenance, expansion, or implementation of the capital improvement program of the City of Mountain View, including but not limited to public park, playground, cultural, educational, recreational, police, fire, sewer, storm drain, water system and street improvements and facilities of the City of Mountain View, and for operational and maintenance costs related to said capital improvements, including costs of servicing bonds issued in connection with said improvements.

**SEC. 29.85. - Costs of collection and administration.**

Anything in Sec. 29.84 hereof to the contrary notwithstanding, the monies placed in the construction tax and real property conveyance tax fund created under said Sec. 29.84 may be expended for the purpose of paying the costs of collecting the tax imposed under this article and of otherwise administering this article.

**SEC. 29.86 – Council Amendments**

The City Council of the City of Mountain View is hereby authorized to amend Article V (Real Property Conveyance Tax) of Chapter 29 (Taxation) of the Mountain View City Code in any manner that does not increase the tax rates, or otherwise constitute a tax increase that requires voter approval pursuant to the California Constitution. Council amendments may include, but are not limited to, amendments that:

- a. Repeal or suspend the tax.
- b. Reduce tax rate and later restore the tax rate to a rate that does not exceed the tax rate approved by the voters.
- c. Interpret or clarify implementation or enforcement of the tax so long as the interpretation or clarification does not increase the tax rate.
- d. Create exemptions from the tax.

CITY OF MOUNTAIN VIEW  
RESOLUTION NO. 18915  
SERIES 2024

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”

WHEREAS, 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 to amend the City’s Real Property Conveyance Tax ordinance to increase the tax rate for real property transfers exceeding six million dollars (\$6,000,000); and

WHEREAS, Exhibit A to Resolution No. 18908, which shows in underline and strikethrough font how the City’s Real Property Conveyance Tax ordinance will be amended if the ballot measure passes, is missing a paragraph that must be inserted to avoid ambiguity and uncertainty in the proposed amendments; and

WHEREAS, specifically, Section 29.63 shown in Exhibit A to Resolution No. 18908 is missing the paragraph that defines the term “value of the consideration”; and

WHEREAS, the paragraph defining the term “value of the consideration” exists in the current version of Mountain View Code Section 29.63 and was never intended to be deleted or amended, and therefore, should have been included in Section 29.63 of Exhibit A to Resolution No. 18908; and

WHEREAS, city staff recommends that City Council adopt this resolution to replace Exhibit A to Resolution No. 18908 with the corrected Exhibit A attached hereto, which contains the missing paragraph, to avoid any confusion over the proposed amendments; now, therefore, be it

RESOLVED: that the City Council of the City of Mountain View hereby amends City of Mountain View Resolution No. 18908 for the sole purpose of replacing Exhibit A to Resolution No. 18908 with the corrected Exhibit A attached hereto; and be it

FURTHER RESOLVED: that, except for the replacement of Exhibit A to Resolution No. 18908 effectuated by this resolution, Resolution No. 18908 shall remain unchanged and in full force and effect; and be it

FURTHER RESOLVED: that this resolution shall become effective immediately upon adoption.

The foregoing resolution was regularly introduced and adopted at a Special Meeting of the City Council of the City of Mountain View, duly held on the 29th day of July 2024, by the following vote:

AYES: Councilmembers Hicks, Kamei, Ramirez, Ramos, Vice Mayor Matichak, and Mayor Showalter

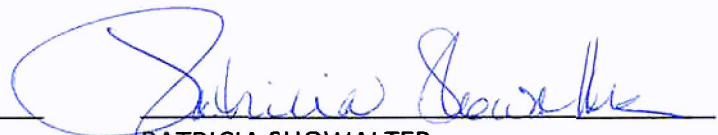
NOES: None

ABSENT: Councilmember Abe-Koga

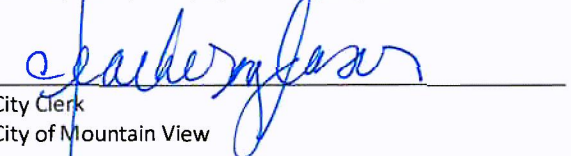
ATTEST:

APPROVED:

  
HEATHER GLASER  
CITY CLERK

  
PATRICIA SHOWALTER  
MAYOR

Pursuant to Mountain View Charter § 709(b), I do hereby certify that the foregoing is an original or a correct copy of the Resolution passed and adopted by the City Council of the City of Mountain View at a Special Meeting held on the 29<sup>th</sup> day of July 2024, by the foregoing vote.

  
City Clerk  
City of Mountain View

**\*\*\*Start Here\*\*\***

## **ARTICLE V. - REAL PROPERTY CONVEYANCE TAX**

### **SEC. 29.62. - Title and purpose.**

This article may be cited as the Mountain View real property conveyance tax ordinance.

The tax imposed under this article is imposed solely for the sole purpose of raising revenue. This article is not enacted for regulatory purposes.

### **SEC. 29.63. - Imposition of tax.**

~~A tax is hereby imposed on each transfer, by deed, instrument or writing, by which any lands, tenements, or other real property sold located in the City of Mountain View, are or is granted, assigned, transferred or otherwise conveyed to, or vested in, a purchaser or purchasers thereof, or any other person or persons at or by the direction of said purchaser or purchasers, when the value of the consideration exceeds one hundred dollars (\$100.00), said tax to be at the rate of one dollar and sixty five cents (\$1.65) for each five hundred dollars (\$500.00) or fractional part of five hundred dollars (\$500.00) of the value of the consideration.~~

A. A tax is hereby imposed on each transfer, by deed, instrument or writing, by which any land(s), tenement(s), or other real property sold within the City of Mountain View, is (or are) granted, assigned, transferred or otherwise conveyed to, or vested in, a purchaser or purchasers thereof, or any other person or persons at or by the direction of said purchaser or purchasers, which shall be levied based on the value of the consideration at the following rates:

1. When the total value of the consideration exceeds one hundred dollars (\$100) but is less than or equal to six million dollars (\$6,000,000), the tax rate imposed shall be one dollar and sixty-five cents (\$1.65) for each five hundred dollars (\$500) or fractional part thereof.
2. When the total value of the consideration exceeds six million dollars (\$6,000,000), the tax rate imposed shall be fifteen dollars (\$15) for each one thousand dollars (\$1000) or fractional part thereof.

B. As used herein, "value of the consideration" means the total consideration, valued in money of the United States, paid or delivered or contracted to be paid or delivered in return for the transfer of real property, including the amount of any indebtedness, existing immediately prior to the transfer which is secured by a lien, deed of trust or other encumbrance on the property conveyed and which continues to be secured by such lien, deed of trust or encumbrance after said transfer, and also including the amount of any indebtedness which is secured by a lien, deed of trust or encumbrance given or placed upon the property in connection with the transfer to secure the payment of the purchase price or any part thereof which remains unpaid at the time of the transfer. "Value of the consideration" also includes the amount of any special assessment levied or imposed upon the property by a public body,

district or agency, where said special assessment is a lien or encumbrance on the property and the purchaser or transferee agrees to pay such special assessment or takes the property subject to the lien of such special assessment. The value of any lien or encumbrance of a type other than those which are hereinabove specifically included, existing immediately prior to the transfer and remaining after said transfer, shall not be included in determining the value of the consideration. If the value of the consideration cannot be definitely determined, or is left open to be fixed by future contingencies, "value of the consideration" shall be deemed to mean the fair market value of the property at the time of transfer after deducting the amount of any lien or encumbrance, if any, of a type which would be excluded in determining the value of the consideration pursuant to the above provisions of this section.

**SEC. 29.64. - Persons required to pay tax.**

Any persons who make a transfer which is subject to the tax imposed under Sec. 29.63 hereof, and any persons to whom such a transfer is made, shall be jointly and severally liable for payment of the tax imposed under said Sec. 29.63.

**SEC. 29.65. - Real property and realty defined.**

As used in this article, the terms "real property" and "realty" shall ~~be deemed to~~ mean real property as defined by and under the laws of the State of California.

**SEC. 29.66. - Security for debt.**

Any tax imposed pursuant to this article shall not apply to any transfer made solely to secure a debt; provided, however, that nothing herein contained shall be deemed to exclude the amount of any such indebtedness from being included in the "value of the consideration," pursuant to the second paragraph of Sec. 29.63, in connection with transfers which are not made solely to secure a debt.

**SEC. 29.67. - Instruments in lieu of foreclosure.**

Any tax imposed pursuant to this article shall not apply with respect to any transfer to a beneficiary or mortgagee which is taken in lieu of a foreclosure.

**SEC. 29.68. - Instrument to United States; etc.**

Any transfer to which the United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, is a party shall be exempt from any tax imposed pursuant to this article when the exempt agency is acquiring title.

**SEC. 29.69. - Plans of reorganization or adjustment.**

Any tax imposed pursuant to this article shall not apply to the making, delivering, or filing of conveyances to make effective any plan of reorganization or adjustment:

- a. Confirmed under the Federal Bankruptcy Act, as amended;
- b. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of Section 205 of Title II of the United States Code, as amended;
- c. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title II of the United States Code, as amended; or
- d. Whereby a mere change in identity, form or place of organization is effected.

Subdivisions a. to d., inclusive, of this section shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five (5) years from the date of such confirmation, approval or change.

#### **SEC. 29.70. - Securities and Exchange Commission orders.**

Any tax imposed pursuant to this article shall not apply to the making or delivery of conveyances to make effective any order of the Securities and Exchange Commission, as defined in subdivision (a) of Section 1083 of the Internal Revenue Code of 1954; but only if:

- a. The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;
- b. Such order specifies the property which is ordered to be conveyed;
- c. Such conveyance is made in obedience to such order.

#### **SEC. 29.71. - Partnerships.**

- a. In the case of any realty held by a partnership, no levy shall be imposed pursuant to this article by reason of any transfer of an interest in a partnership or otherwise, if:
  1. Such partnership (or another partnership) is considered a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954; and
  2. Such continuing partnership continues to hold the realty concerned.
- b. If there is a termination of any partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, for purposes of this article, such partnership shall be treated as having executed an instrument whereby there was transferred, for fair market value, all realty held by such partnership at the time of such termination.
- c. Not more than one (1) tax shall be imposed pursuant to this article by reason of a termination described in subdivision b., and any transfer pursuant thereto, with



respect to the realty held by such partnership at the time of such termination.

**SEC. 29.72. - Administration of tax.**

The director of finance of the City of Mountain View (hereinafter in this article referred to as "director") shall collect the tax imposed under this article and shall otherwise administer this article. He may make such rules and regulations, not inconsistent with the article, as he may deem reasonably necessary or desirable to administer this article. In the administration of this article, the director shall interpret its provisions consistently with those documentary stamp tax regulations adopted by the Internal Revenue Service of the United States Treasury Department which relate to the tax on conveyances and identified as Sections 47.4361-1, 47.4361-2 and 47.4362-1 of Part 47 of Title 26 of the Code of Federal Regulations, as the same existed on November 8, 1967, except that for the purposes of this article:

- a. The term "realty" as used in said regulations, shall be deemed to mean "real property" as such term is defined by and under the laws of the State of California;
- b. Those provisions of said regulations providing for deduction of the value of any lien or encumbrance existing before the sale and not removed thereby shall not apply;
- c. Those provisions of said regulations relating to the rate of the tax shall not apply;
- d. Those provisions of said regulations which conflict with the provisions of this article shall not apply.

**SEC. 29.73. - Due dates, delinquency, penalties, interest.**

The tax imposed under this article is due and payable at the time the deed, instrument or writing effecting a transfer subject to the tax is delivered, and is delinquent if unpaid at the time of recordation thereof. In the event that the tax is not paid prior to becoming delinquent, a delinquency penalty of ten (10) percent of the amount of tax due shall accrue. In the event a portion of the tax is unpaid prior to becoming delinquent, the penalty shall only accrue as to the portion remaining unpaid. An additional penalty of ten (10) percent shall accrue if the tax remains unpaid on the 90th day following the date of the original delinquency. Interest shall accrue at the rate of one-half of one percent a month, or fraction thereof, on the amount of tax, exclusive of penalties, from the date the tax becomes delinquent to the date of payment. Interest and penalty accrued shall become part of the tax.

**SEC. 29.74. - Records re value of the consideration.**

The tax imposed by this article shall be paid to the director by the persons referred to in Sec. 29.64. Whenever the director has reason to believe that the full amount of tax due is not shown on the declaration or has not been paid, he may, by notice served upon any person liable for the tax, require him to furnish a true copy of his records relevant to the value of the consideration or fair market value of the property transferred. Such notice may be served at any time within three (3) years after recordation of the deed, instrument or writing which transfers such property.

**SEC. 29.75. - Determination of deficiency.**

If on the basis of such information as he receives pursuant to the last paragraph of Sec. 29.74 and/or on the basis of such other relevant information that comes into his possession, he determines that the amount of tax paid is insufficient, he may recompute the tax due on the basis of such information.

One or more deficiency determinations may be made of the amount due with respect to any transfer.

**SEC. 29.76. - Notice of determination.**

The director shall give notice to a person liable for payment of the tax imposed under this article of his determination made under Sec. 29.75. Such notice shall be given within three (3) years after the recordation of the deed, instrument or writing effecting the transfer on which the tax deficiency determination was made.

**SEC. 29.77. - Manner of giving notice.**

Any notice required to be given by the director under this article may be served personally or by mail; if by mail, service shall be made by depositing the notice in the United States mail, in a sealed envelope with postage paid, addressed to the person on whom it is to be served at his address as it appears in the records of the city or as ascertained by the director. The service is complete at the time of the deposit of the notice in the United States mail, without extension of time for any reason.

**SEC. 29.78. - Petition for redetermination.**

Any person against whom a determination is made under this article or any person directly interested may petition for a redetermination within sixty (60) days after service upon the person of notice thereof. If a petition for redetermination is not filed within the sixty (60) day period, the determination becomes final at the expiration of the period.

**SEC. 29.79. - Consideration of petition; hearing.**

If a petition for redetermination is filed within the sixty (60) day period, the director shall reconsider the determination and, if the person has so requested in his petition, shall grant the person an oral hearing, and shall give him ten (10) days' notice of the time and place of hearing. The director may designate one (1) or more deputies for the purpose of conducting hearings and may continue a hearing from time to time as may be necessary.

**SEC. 29.80. - Conduct of hearing.**

The director may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the director at or before the hearing.

**SEC. 29.81. - Finality of determination.**

The order or decision of the director upon a petition for redetermination becomes final thirty (30) days after service upon the petitioner of notice thereof.

**SEC. 29.82. - Tax a debt.**

The amount of any tax, penalty, and interest imposed under the provisions of this article shall be deemed a debt to the city. Any person owing money to the city under the provisions of this article shall be liable to an action brought in the name of the city for the recovery of such amount.

**SEC. 29.83. - Refunds.**

Whenever the amount of any tax, penalty or interest has been overpaid, or paid more than once, or has been erroneously collected or received by the city under this article, it may be refunded as hereinafter provided in this section, provided a written claim therefor stating under penalty of perjury the specific grounds under which the claim is founded is filed with the director within three (3) years of the date of payment. The claims shall be on forms furnished by the director. The director may make such refund if he is satisfied that the claimant is entitled to the refund under the provisions of this section. No refund shall be paid under the provisions of this section unless the claimant establishes his right by written records showing entitlement thereto.

**SEC. 29.84. - Use of tax revenues.**

All of the real property conveyance taxes collected pursuant to the provisions of this article shall be placed into a fund which is hereby created and established for such purposes and which shall be known as the "construction tax and real property conveyance tax fund." This fund shall be used and expended solely for the acquisition, improvement, maintenance, expansion, or implementation of the capital improvement program of the City of Mountain View, including but not limited to public park, playground, cultural, educational, recreational, police, fire, sewer, storm drain, water system and street improvements and facilities of the City of Mountain View, and for operational and maintenance costs related to said capital improvements, including costs of servicing bonds issued in connection with said improvements.

**SEC. 29.85. - Costs of collection and administration.**

Anything in Sec. 29.84 hereof to the contrary notwithstanding, the monies placed in the construction tax and real property conveyance tax fund created under said Sec. 29.84 may be expended for the purpose of paying the costs of collecting the tax imposed under this article and of otherwise administering this article.

**SEC. 29.86 – Council Amendments**

The City Council of the City of Mountain View is hereby authorized to amend Article V (Real

Property Conveyance Tax) of Chapter 29 (Taxation) of the Mountain View City Code in any manner that does not increase the tax rates, or otherwise constitute a tax increase that requires voter approval pursuant to the California Constitution. Council amendments may include, but are not limited to, amendments that:

- a. Repeal or suspend the tax.
- b. Reduce tax rate and later restore the tax rate to a rate that does not exceed the tax rate approved by the voters.
- c. Interpret or clarify implementation or enforcement of the tax so long as the interpretation or clarification does not increase the tax rate.
- d. Create exemptions from the tax.

**\*\*\*End Here\*\*\***