

CITY ATTORNEY IMPARTIAL ANALYSIS

Measure ___ is an ordinance authorizing the City of Brisbane (City) to levy a ½ cent transactions and use tax. This type of tax, commonly referred to as a “local sales tax,” is collected along with other state and local sales and use taxes, and is administered by the California Department of Tax and Fee Administration. The City reports that this tax is consistent with a tax imposed in neighboring cities, including South San Francisco and San Bruno. The City also states that the pandemic reduced the City’s revenues significantly and the funds generated from this tax will help offset those losses.

Proceeds of the tax would be paid to the City’s general fund and would be controlled by the City Council of the City of Brisbane (not the State) and would be available for any lawful governmental purpose. Examples of permissible uses, as identified by the City Council in the ballot measure, are to fund city services/facilities such as neighborhood police patrols, fire prevention services, urban wildfire protection, crime suppression and investigation, pothole and street repair, parks and other facilities, and to support other city services.

Currently, the combined state and local sales tax rate effective on sales occurring in Brisbane is 9.375%. If this measure is approved, the combined tax rate would be 9.875%. It is anticipated that this tax will initially generate approximately \$2,000,000 in revenues annually. This tax would remain in effect until terminated by the voters.

This measure would require an annual audit of tax revenues by a certified public accountant.

On July 7, 2022 the City Council unanimously approved the ordinance imposing this new tax subject to voter approval on the November 8, 2022 ballot. The tax will be operative if it is approved by a majority of the voters casting ballots on it at the November 8, 2022 election. If this measure is approved, the tax is expected to be collected beginning April 1, 2023.

This measure was placed on the ballot by the City Council.

A **YES** vote approves the measure and authorizes the proposed tax.

A **NO** vote rejects the measure and the proposed tax.

Respectfully submitted,

A black rectangular redaction box covering the signature of Thomas R. McMorrow.

Thomas R. McMorrow
City Attorney