

MEET

RESOLUTION NUMBER R- 305330

DATE OF FINAL PASSAGE OCT 27 2009

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO RESCINDING COUNCIL RESOLUTION
R-299382 AS IT RELATES TO THE ENACTMENT OF
RENTAL UNIT BUSINESS TAX PROCESSING FEES
AND BUSINESS TAX PROCESSING FEES

WHEREAS, on June 28, 2004, the City Council passed Resolution R-299382 [R-299382] which enacted a rental unit business tax processing fee [RUBT] and a business tax processing fee; and

WHEREAS, on August 18, 2009, the Fourth District Court of Appeal in *Weisblat v. City of San Diego*, 176 Cal. App. 4th 1022 (2009), voided the portion of R-299382 that imposes a processing fee on landlords who pay the RUBT; and

WHEREAS, in response to the *Weisblat* ruling, the City suspended collection of the RUBT processing fee and the business tax processing fee, both of which were adopted at the same time, through the same resolution, and for the same stated purpose; and


WHEREAS, in closed session on Monday, September 21, 2009, the City Council directed the Office of the City Attorney to prepare a resolution rescinding Resolution R-299382 as it relates to rental unit business tax processing fees and business tax processing fees; and

WHEREAS, all other provisions of Resolution R-299382 remain in full force and effect; and

WHEREAS, the Office of the City Treasurer is authorized to bring forward to the City Council for consideration in open session options for addressing and achieving cost recovery processing on rental and business tax accounts future fees; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that Resolution R-299382 as it relates to rental unit business tax processing fees and business tax processing fees is hereby repealed effective OCT 27 2009, 2009.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Mara W. Elliott
Deputy City Attorney

MWE:jab
09/24/2009
10/19/2009 REV.
Or.Dept: Treasurer
R-2010-228

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ~~OCT 19 2009~~.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10-27-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor