

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS**  
**BOARD ACTION SUMMARY**

DEPT: Treasurer / Tax Collector

BOARD AGENDA:6.B.3  
AGENDA DATE: July 31, 2018

**SUBJECT:**

Approval to Introduce, Waive the First Reading, and Set for Adoption on August 21, 2018 an Ordinance Amending Title 6 of the Stanislaus County Code Relating to Business Licenses and Regulations

**BOARD ACTION AS FOLLOWS:**

**RESOLUTION NO. 2018-0383**

On motion of Supervisor Monteith , Seconded by Supervisor Olsen  
and approved by the following vote,

Ayes: Supervisors: Olsen, Chiesa, Withrow, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

**MOTION:** INTRODUCED AND WAIVED THE FIRST READING OF ORDINANCE C.S. 1216

ATTEST:

  
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No. ORD-56-C-6

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Treasurer / Tax Collector

BOARD AGENDA:6.B.3  
AGENDA DATE: July 31, 2018

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

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**SUBJECT:**

Approval to Introduce, Waive the First Reading, and Set for Adoption on August 21, 2018 an Ordinance Amending Title 6 of the Stanislaus County Code Relating to Business Licenses and Regulations

**STAFF RECOMMENDATION:**

1. Introduce, waive the first reading, and order placement on the August 21, 2018 agenda adoption an ordinance amending Title 6 of the Stanislaus County Code relating to Business Licenses and Regulations.

**DISCUSSION:**

Stanislaus County proposes to amend three sections of Title 6 of the Stanislaus County Code related to Business Licenses and Regulations.

**Business License Renewal and Review**

Section 6.04.070 of Title 6 applies to the renewal of business licenses for businesses located in the unincorporated area of Stanislaus County. This code section currently states licenses expire on December 31<sup>st</sup>, of a third-license year, and can be renewed by submitting a renewal application to the Treasurer-Tax Collector. The renewal application shall be submitted no later than January 31<sup>st</sup> (or the following business day if January 31<sup>st</sup> falls on a Saturday or Sunday) of the following calendar year.

When evaluating a change to the business license renewal date, staff considered several options. The month of December is very busy for the Treasurer-Tax Collector's Office as the first installment of property tax payments is due November 10th with penalties and interest accruing after December 10th. Due to the volume of activity experienced by the Treasurer-Tax Collector's office in collecting the first installment of property taxes, one consideration was to change the due date to a time with less business activity, such as June 30<sup>th</sup> or July 31<sup>st</sup>. After documenting the annual flow of work performed by the division in the Treasurer-Tax Collector's Office, it was determined that a rolling monthly renewal period would be the most equitable to the taxpayers and ease the current work load for Treasurer-Tax Collector staff.

The Treasurer-Tax Collector's Office is requesting approval to change the business license expiration date from December 31st to a monthly renewal period that is based on the date of license application. The due date for business license renewals for any new licenses issued will be renewed based on the application date.

New business license requests undergo an initial review and approval by the Planning and Community Development Department to confirm the business is a permitted land use within the applicable zoning district. This ordinance amendment proposes to clarify that the renewal process does not require review by the Planning and Community Development Department. Historically, the Planning and Community Development Department has found no benefit for such a review when the business continues to operate as initially described on the business license application. Once the initial land use verification has been conducted, the business is permitted to continue to operate, regardless of any zoning change, provided it continues to operate in the same manner as initially approved. In situations where a business has been identified to be operating out of compliance, the Planning and Community Development Department coordinates with the Treasurer-Tax Collector to review the renewal application.

### **Proration of Fees**

Section 6.04.060 of Title 6 has been revised to allow a one-time proration of fees from December 31, 2018 through December 31, 2020. Business license holders will pay the three-year fee as well as a prorated share of additional fees that aligns the fee to the new renewal due date which is based on the month of application. The calculated prorated share is \$2.19 for each additional month. Prorated fees will be used to correctly align the transition of the fees with the adjusted license renewal application date.

### **Language Clarification**

The proposed amendments to Section 6.04.80 of Title 6 consist of minor language clean-up including a change in employment title from County Zoning to Zoning Enforcement Officer that has occurred within the County's structure and clarification that the Zoning Enforcement Officer and Building Inspectors are separate and independent.

### **POLICY ISSUE:**

The Board of Supervisors may make and enforce within the County's limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws. (Cal. Const., Art. XI, Section 7) The adoption of this amendment to the business license ordinance is a proper exercise of the County's police power.

### **FISCAL IMPACT:**

Staff analyzed the impact of revenue collected from the renewal of business licenses due to the change in due date being proposed. It is anticipated that no revenue loss will occur due to the proposed change to the renewal license due date. However, as the renewal period is a 36-month period, in FY 2020-2021 there may be approximately \$20,000 in revenue deferred to FY 2021-2022.

### **BOARD OF SUPERVISORS' PRIORITY:**

The recommended actions are consistent with the Board's priority of *Delivering Efficient Public Services and Community Infrastructure* by changing the Business License renewal collection fees date to improve efficiency.

### **STAFFING IMPACT:**

Current Planning and Community Development and Treasurer-Tax Collector staff are responsible for processing business licenses. It is anticipated that current staff will perform the job duties associated with the proposed changes.

**CONTACT PERSON:**

Lauren Klein, CPA, Interim Treasurer-Tax Collector

Angela Freitas,

Planning and Community Development Director

Telephone: (209) 525-4463

Telephone: (209) 525-6330

**ATTACHMENT(S):**

1. Proposed Ordinance

**ATTACHMENT 1**

**PROPOSED ORDINANCE**

**ORDINANCE NO. C.S. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 6 OF THE STANISLAUS COUNTY CODE  
RELATING TO BUSINESS LICENSES AND REGULATIONS**

The Board of Supervisors of the County of Stanislaus, State of California, does ordain as follows:

**Section 1.** Section 6.04.060 of the Stanislaus County Code is amended to read as follows:

“6.04.060 Fee.

The fee for each license to operate shall be set by resolution of the board of supervisors. The full amount of the license shall be paid in advance upon the submission of the license application to the treasurer-tax collector. License fees will not be prorated, except to adjust the three-year license renewal application date from December 31<sup>st</sup> of each year to a monthly renewal application date during the transition period of December 31, 2018 through December 31, 2020.”

**Section 2.** Section 6.04.070 of the Stanislaus County Code is amended to read as follows:

“6.04.070 Renewal.

The expiration of the license is the last day of the month of the initial application date, of a third-license year. Each person to whom a license has been issued under this chapter shall, for the purpose of renewing their license, submit a renewal application to the treasurer-tax collector on forms provided therefor. The renewal application shall be subject to the same issuance process as found in Section 6.04.050, except approval of the renewal application is not required by the department of planning and community development. The renewal application shall be submitted no later than the last day of the month of the month of expiration. If the last day of the month is a Saturday or a Sunday, the renewal application is due the next business day. The license renewal fee must be paid by this due date to the treasurer-tax collector. If the payment is not timely a delinquent penalty of ten dollars (\$10) should accompany the renewal application and license renewal fee. The license renewal fee and delinquent penalty are set by resolution of the Board of Supervisors.”

**Section 3.** Section 6.04.080 of the Stanislaus County Code is amended to read as follows:

“6.04.080 Posting.

Any person conducting a business licensed under this chapter shall post the license to operate in a conspicuous place in the place of business, shall keep it posted until its date

of expiration, and shall then remove it. No licensee shall conduct, or permit to be conducted the business for which the license has been issued while the license is not so posted. Every person having a license issued under the provisions of this chapter shall produce and exhibit it whenever requested to do so by any peace officer or by any officer authorized to issue, inspect, or collect licenses, or by any county zoning enforcement officer or by any county building inspector.”

**Section 4.** This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this \_\_\_\_\_, day of \_\_\_\_\_, 2018, by the following called vote:


AYES: Supervisors:  
NOES: Supervisors:  
ABSENT: Supervisors:

\_\_\_\_\_  
Chairman of the Board of Supervisors of  
the County of Stanislaus, State of  
California

ATTEST:  
Elizabeth A. King  
Clerk of the Board of Supervisors of the  
County of Stanislaus, State of California

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
John P. Doering  
County Counsel

By   
Deirdre McGrath  
Deputy County Counsel