



BILL NO. B-40

ORDINANCE NO. 2009-40

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SUBSECTION (e) OF SECTION 7-611 OF THE
FRESNO MUNICIPAL CODE, RELATING TO
REDETERMINATIONS AND APPEALS OF TAX LIABILITY

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Subdivision (e) of Section 7-611 of the Fresno Municipal Code is amended to read:

SECTION 7-611 REDETERMINATIONS AND APPEALS.

~~(e) No petition for determination or appeal therefrom shall be effective for any purpose unless at or before the filing thereof, the amount found due in the original determination is paid or a bond or other security satisfactory to the Tax Administrator is filed with him guaranteeing payment of any amount finally determined to be due.~~

[(e) No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the city or an officer thereof, to prevent or enjoin the collection of taxes sought to be collected pursuant to this chapter, and payment of all tax, interest and penalties shall be required as a condition precedent to seeking judicial review, redetermination or appeal of any tax liability.]

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

Adopted 12/17/09
Approved 12/23/09
Effective 01/23/10

Ord. Amend FMC 7-611(e) Re Redeterminations

1

2009-40



STATE OF CALIFORNIA
COUNTY OF FRESNO
CITY OF FRESNO

)
) ss.
)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 17th day of December, 2009.

AYES : Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling
NOES : None
ABSENT : None
ABSTAIN : None

Mayor Approval: December 23, 2009
Mayor Approval/No Return: N/A, 2009
Mayor Veto: N/A, 2009
Council Override Vote: N/A, 2009

REBECCA E. KLISCH
City Clerk

BY: Rebecca E. Klisch
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: Shannon L. Chaffin
Deputy City Attorney



December 18, 2009

Council Adoption: 12/17/09
Mayor Approval:
Mayor Veto:
Override Request:

RECEIVED

TO: MAYOR ASHLEY SWEARENGIN
FROM: REBECCA E. KLISCH, CMC
City Clerk

2009 DEC 23 PM 4:16
CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 12/17/09, Council adopted the attached Ordinance No. 2009-40 entitled **Amending Subsection (e) of Section 7-611 of FMC relating to redetermination & appeals of tax liability**, Item No. 1EE, by the following vote:

Ayes : Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling
Noes : None
Absent : None
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before January 4, 2010. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED:

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Ashley Swearingin
Ashley Swearingin, Mayor

Date: 12/23/09

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :