

ORDINANCE NO. 576

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, CALIFORNIA, AMENDING TITLE 5, SECTION 5.04.160 OF THE HAWAIIAN GARDENS MUNICIPAL CODE RELATING TO DELINQUENT BUSINESS LICENSE FEES

WHEREAS, pursuant to its constitutional "police powers," the City of Hawaiian Gardens ("City") imposes business license fees on business operating with the jurisdictional boundaries of the City, in accordance with Chapters 5.04 and 5.06 of the Hawaiian Gardens Municipal Code ("Code");

WHEREAS, of the Section 5.04.160 of the Code provides for the imposition of a "Delinquent fee – Penalty" ("Delinquent Fee") on those businesses failing to pay their annual business license fee(s) to the City when due, with the amount of the Delinquent Fee equal to fifteen percent (15%) of the business license fee due, compounded monthly until the business license fee and the Delinquent Fee are paid in full; and

WHEREAS, the City Council for the City desires to encourage businesses to timely pay their business license fees, and to that end desires to reduce the amount of the Delinquent Fee to that which reimburses the City for the administrative time, cost, and burden of processing and enforcing late payment of business license fees, while simultaneously "capping" the amount of the Delinquent Fee to a reasonable sum; and

WHEREAS, the Delinquent Fee has previously been approved by the City Council, and this Ordinance proposes to reduce the amount thereof, and thus no public hearing is required prior to the adoption of this Ordinance, and all other legal prerequisites have occurred.

NOW, THEREFORE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES ORDAIN AS FOLLOWS:

Section 1. Section 5.04.160, "Delinquent Fee – Penalty," of Chapter 5.04 of Title 5 to the Hawaiian Gardens Municipal Code, "is hereby amended as follows:

5.04.160 Delinquent Fee—Penalty

Unless specified otherwise in the business license law, or in any special permit or license, all licenses shall be subject to renewal upon the first day of January each calendar year. The license and the fee for the license shall be then immediately due and owing. Every person failing to pay the license fee on the due date shall become subject to a penalty of ~~fifteen~~ ten percent (10%) of the amount of such license fee for each month thereafter. The penalty shall be compounded each month until the fee has been paid in full, provided that the delinquent fee shall not exceed one half (1/2) of the license fee originally due for each calendar year that said license fee and any delinquent fee(s) incurred remain unpaid.

SECTION 2. This Ordinance is exempt from the California Environmental Quality Act ("CEQA"), in that this Ordinance does not constitute a "project" under CEQA and is exempt pursuant to CEQA Guidelines section 15378(b)(4), and further there is no likelihood of this Ordinance resulting in a significant negative impact on the environment, and is further exempt from CEQA pursuant to CEQA Guidelines section 15060(c)(2).

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held out to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof, be declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law, or in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and, within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of City Clerk.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Hawaiian Gardens this 10th day of April 2018.


REYNALDO RODRIGUEZ, MAYOR

ATTEST:


SUZANNE UNDERWOOD, CITY CLERK

APPROVED AS TO FORM:



CHRISTOPHER CARDINALE,
ASSISTANT CITY ATTORNEY

**CITY OF HAWAIIAN GARDENS
CITY CLERK'S OFFICE
CERTIFICATION**

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF HAWAIIAN GARDENS)

I, Suzanne Underwood, City Clerk of the City of Hawaiian Gardens, do hereby certify that **Ordinance No. 576**, was duly and regularly introduced and placed upon its first reading at a Regular meeting of the City Council on the **27TH day of MARCH 2018**, and that thereafter, said Ordinance was duly adopted and passed at a Regular meeting of the City Council on this **10TH day of APRIL 2018** by the following votes as the same appears on file and of record in the Office of the City Clerk.

AYES: RODRIGUEZ, BRUCE, TRIMBLE, RIOS
NOES: NONE
ABSENT: MARAVILLA
ABSTAIN: NONE


SUZANNE UNDERWOOD
CITY CLERK/RECORDS MANAGER

PROOF OF PUBLICATION

(2015.5 C.C.P.)

**Los Cerritos Community Newspaper Group
13017 Artesia Blvd., Suite C-102
Cerritos CA 90703
(562) 407-3873**

County Clerk's Filing Stamp

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the principal clerk of the printer of the Los Cerritos Community News, a newspaper of general circulation, printed and published one time each week in the County of Los Angeles, and which newspaper has

been adjudged a newspaper the Superior Court of the County of California, under the date Case Number V5005861 the annexed is a printed copy (same nonpareil), has been published in the issue of said newspaper thereon on the following date

3/30/18

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED AT CERRITOS, CALIFORNIA

This 30th day of MARCH

Signature

Brian

Proof of Publication of

SUMMARY OF ORDINANCE NO. 576 OF THE CITY OF HAWAIIAN GARDENS, CALIFORNIA AMENDING TITLE 5, SECTION 5.04.160 OF THE HAWAIIAN GARDENS MUNICIPAL CODE RELATING TO DELINQUENT BUSINESS LICENSE FEES

Pursuant to Government Code Section 36933 (c), the following constitutes a summary of Ordinance No. 576, introduced by the Hawaiian Gardens City Council on March 27, 2018, and proposed to be adopted on April 10, 2018, at its meeting held in the City Council Chambers, 21815 Pioneer Boulevard, Hawaiian Garden, CA 90716.

The purpose of Ordinance No. 576 as introduced is to reduce the amount charged for Delinquent Business License Fees.

If the Ordinance is approved by the City Council as introduced, the following amendments to the Hawaiian Gardens Municipal Code would be made:

- Amendment to Section 5.04.160, reducing the penalty for delinquent payment of business license fees from fifteen percent (15%) of the license fee compounded monthly, to ten percent (10%) of the original license fee per year, provided that the delinquent fee shall not exceed half (1/2) of the license fee originally due for each calendar year that said license fee remain unpaid.

A copy of the full text of the Ordinance as introduced is posted and available for review in the City Clerk's Office at 21815 Pioneer Boulevard, Hawaiian Garden, CA 90716. If this Ordinance is approved by the City Council, it will become in full force and effect thirty (30) days after City Council approval, and thereafter the Ordinance will be published and posted as required by law.

For additional information, contact the City at (562) 420-2641.

Suzanne Underwood
City Clerk

Published at Los Cerritos Community News 3/30/18

Los Cerritos Community News
13047 Artesia Blvd. Suite C-102, Cerritos, CA 90703
562-407-3873
LCCN FORM 82180 PROOF

PROOF OF PUBLICATION

(2015.5 C.C.P.)

**Los Cerritos Community Newspaper Group
13017 Artesia Blvd., Suite C-102
Cerritos CA 90703
(562) 407-3873**

County Clerk's Filing Stamp

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of 18 years and not a party to or interested in the matter.

I am the principal clerk of the printer of Los Cerritos Community News, a newspaper published in the County of Los Angeles, and which has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, under the date of September 15, 1988, Case Number V5005861 that the newspaper annexed is a printed copy (set in type and nonpareil), has been published in the entire issue of said newspaper and not otherwise thereof on the following dates, to wit:

4/13/18

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED AT CERRITOS, CALIFORNIA

THIS 13th DAY OF APRIL 2018

Signature


Brian Hews

Los Cerritos Community Newspaper Group
13047 Artesia Blvd, Suite C-102, Cerritos, CA 90703
562-407-3873
LCCN FORM 82180

SUMMARY OF ORDINANCE NO. 576 OF THE CITY OF HAWAIIAN GARDENS, CALIFORNIA AMENDING TITLE 5, SECTION 5.04.160 OF THE HAWAIIAN GARDENS MUNICIPAL CODE RELATING TO DELINQUENT BUSINESS LICENSE FEES

Pursuant to Government Code Section 36933 (c), the following constitutes a summary of Ordinance No. 576 introduced by the Hawaiian Gardens City Council on March 27, 2018, and adopted on April 10, 2018, at its meeting held in the City Council Chambers, 21815 Pioneer Boulevard, Hawaiian Gardens, CA 90716.

The purpose of Ordinance No. 576 is to reduce the amount charged for Delinquent Business License Fees.

The City Council has determined that the following amendments to the Hawaiian Gardens Municipal Code are necessary and appropriate:

- Amendment to Section 5.04.160, reducing the penalty for delinquent payment of business license fees from fifteen percent (15%) of the license fee compounded monthly, to ten percent (10%) of the original license fee per year, provided that the delinquent fee shall not exceed half (1/2) of the license fee originally due for each calendar year that said license fee remain unpaid.

A certified copy of the full text of Ordinance is posted and available for review in the City Clerk's Office at 21815 Pioneer Boulevard, Hawaiian Gardens, CA 90716. This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law. This ordinance was introduced by the City Council of the City of Hawaiian Gardens on March 27, 2018 and adopted on April 10, 2018, by the following roll call vote:

AYES:	Rodriguez, Bruce, Rios, Trimble
NOES:	None
ABSENT:	Maravilla
ABSTAIN:	None

/s/ Suzanne Underwood
City Clerk

**CITY OF HAWAIIAN GARDENS
CITY CLERK'S OFFICE
CERTIFICATION**

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF HAWAIIAN GARDENS)

I, Suzanne Underwood, City Clerk of the City of Hawaiian Gardens, do hereby certify that Ordinance No. 576, was duly and regularly introduced and placed upon its first reading at a Regular meeting of the City Council on the 27TH day of MARCH 2018, and that thereafter, said Ordinance was duly adopted and passed at a Regular meeting of the City Council on this 10TH day of APRIL 2018 by the following votes as the same appears on file and of record in the Office of the City Clerk:

AYES:	RODRIGUEZ, BRUCE, TRIMBLE, RIOS
NOES:	NONE
ABSENT:	MARAVILLA
ABSTAIN:	NONE

/s/ Suzanne Underwood
SUZANNE UNDERWOOD
CITY CLERK/RECORDS MANAGER

Published at Los Cerritos Community Newspaper 4/13/18



**CITY OF HAWAIIAN GARDENS
CITY COUNCIL
STAFF REPORT**

Agenda Item No.: B-1

City Manager: [Signature]

CITY OF HAWAIIAN GARDENS

- ACTION:
- Approved
 - Denied
 - Amended
 - Receive & File
 - Other

Maramilla

Absent

VOTE: 4-0 1st Reading

DATE: 3/27/2018

DATE: March 27, 2018

TO: Honorable Mayor and City Councilmembers

THROUGH: Ernie Hernandez, City Manager

FROM: Linda Hollinsworth, Finance Director/Treasurer

SUBJECT: APPROVE INTRODUCTION AND FIRST READING OF ORDINANCE 576 - AMENDING SECTION 5.04.160 OF THE HAWAIIAN GARDENS MUNICIPAL CODE RELATING TO BUSINESS LICENSE DELINQUENCY FEES

SUMMARY

Section 5.04.160 of the Hawaiian Gardens Municipal Code ("Code") provides for the imposition of a "Delinquent Fee – Penalty" ("Delinquent Fee") on those businesses failing to pay their annual business license fee(s) to the City when due. The current amount of the Delinquent Fee is fifteen percent (15%) of the business license fee due, compounded monthly until the business license fee and the Delinquent Fee are paid in full.

The City wishes to encourage businesses to timely pay their business license fees, and to that end is recommending reduction of the Delinquent Fee to an amount which reimburses the City for the administrative time, cost, and burden of processing late payments, while simultaneously "capping" the amount of the Delinquent Fee to a reasonable sum. The revised penalty would be ten percent (10%) of the license fee (not compounded) to a maximum of one half the original license fees.

The reduced Delinquent Fee was reviewed at a Special Council meeting on February 26, 2018, and the City Council provided a preliminary approval of the adjustment. This Ordinance proposes to reduce the amount of fees charged by the City, and thus no public hearing is required prior to the adoption of this Ordinance.

FISCAL IMPACT

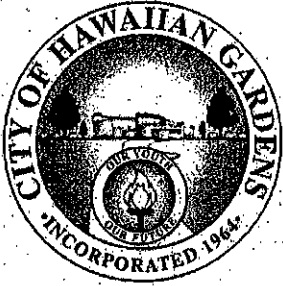
Late fees are not planned revenue. The goal is to have all licenses paid in a timely manner with the charges for late fees set at a level to cover additional administrative costs to do the collections.

RECOMMENDATION

Introduce and approve first reading of Ordinance 576

ATTACHMENTS

Ordinance 576



**CITY OF HAWAIIAN GARDENS
CITY COUNCIL
STAFF REPORT**

Agenda Item No.: C-1

City Manager: [Signature]

CITY OF HAWAIIAN GARDENS

ACTION: X

- Approved
- Denied
- Amended
- Receive & File
- Other

2nd Reading
Rosevelta Wilson

VOTE: 4-0-1

DATE: 4/10/2018

DATE: April 10, 2018
TO: Honorable Mayor and City Councilmembers
THROUGH: Ernie Hernandez, City Manager
FROM: Linda Hollinsworth, Finance Director/Treasurer

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE 576 - AMENDING SECTION 5.04.160 OF THE HAWAIIAN GARDENS MUNICIPAL CODE RELATING TO BUSINESS LICENSE DELINQUENCY FEES

SUMMARY

Ordinance 576 was introduced for first reading at the City Council meeting held on March 27, 2018. This Ordinance proposes to reduce the amount of delinquency fees charged by the City related to business licenses, and thus no public hearing was required. The City Council will now consider second reading and adoption of the Ordinance.

DISCUSSION

Section 5.04.160 of the Hawaiian Gardens Municipal Code ("Code") provides for the imposition of a "Delinquent Fee - Penalty" ("Delinquent Fee") on those businesses failing to pay their annual business license fee(s) to the City when due. The current amount of the Delinquent Fee is fifteen percent (15%) of the business license fee due, compounded monthly until the business license fee and the Delinquent Fee are paid in full.

The City wishes to encourage businesses to timely pay their business license fees, and to that end is recommending reduction of the Delinquent Fee to an amount which reimburses the City for the administrative time, cost, and burden of processing late payments, while simultaneously "capping" the amount of the Delinquent Fee to a reasonable sum. The revised penalty would be ten percent (10%) of the license fee (not compounded) to a maximum of one half the original license fees.

FISCAL IMPACT

Late fees are not planned revenue. The goal is to have all licenses paid in a timely manner with the charges for late fees set at a level to cover additional administrative costs to do the collections.

RECOMMENDATION

Waive full reading and adopt Ordinance No. 576.

ATTACHMENTS

Ordinance 576