



Agenda Item #: \_\_\_\_\_

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Ward and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager

**FROM:** Bruce Moe, Finance Director  
Steve S. Charelian, Revenue Services Specialist

**DATE:** February 21, 2006

**SUBJECT:** Consideration of Resolution Adjusting the FY 2006-2007 Business License Tax by the Consumer Price Index.

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**RECOMMENDATION:**

The Finance Subcommittee and staff recommend that the City Council: a) conduct a public hearing, and b) adopt Resolution Number 6018 increasing the business license tax rate by 5.8% to adjust for the Consumer Price Index (CPI).

**FISCAL IMPLICATION:**

Staff estimates that revenue will increase by approximately \$127,600 as a result of the adjustment.

**DISCUSSION:**

Business license taxes are adjusted annually. Section 6.01.320 of the Municipal Code provides for the annual increase of business license tax rates by the Consumer Price Index (CPI) as measured each September. The September CPI was 5.8%. The business license tax year is from March to February and fees are prorated quarterly. If the Council adopts the proposed resolution, the new business license tax rates will be effective on March 1, 2006.

On January 31, 2006, the Finance Subcommittee approved the proposed increase in the 2006-2007 Business License Tax. Aside from the increase, there are no other significant changes to this year's business tax resolution. For comparison purposes, staff has prepared an analysis of the difference in rates for the current year and proposed rates (Attachment 2).

**ATTACHMENTS:**

1. Resolution Number 6018
2. 2006 Business License Tax Analysis
3. Proposed 2006-2007 Business Tax Resolution

RESOLUTION NO. 6018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, INCREASING THE BUSINESS LICENSE TAX BY CPI AND RESCINDING RESOLUTION NO 5961 AND ALL RESOLUTIONS OR ORDERS IN CONCERT THEREWITH

WHEREAS, the Business License Tax has been adjusted annually (since 1980) to reflect the increase or decrease in the Consumer Price Index (CPI), and the increase of 5.8 percent this year is calculated by comparing the September 2004 to September 2005 CPI in accordance with the Municipal Code.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY DECLARE, FIND, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The business license tax rates as set forth in Attachment 1, attached hereto and incorporated herein by this reference, are hereby established as the business license tax rates for the City of Manhattan Beach.

SECTION 2. Pursuant to the authority of Manhattan Beach Municipal Code section 6.01.320 the Business License Tax rate as set forth in Attachment 1 is adjusted to reflect the increase of 5.8 percent in the CPI, as calculated by comparing September 2004 to September 2005.

SECTION 3. This resolution shall take effect March 1, 2006.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution; shall cause the same to be entered among the original resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted.

SECTION 5. The City Clerk shall cause a summary of this Resolution to be published as provided by law. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Resolution and shall post in the office of the City Clerk a certified copy of the full text of this Resolution along with the names of those City Councilmembers voting for and against the Resolution.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of February, 2006.

Ayes:  
Noes:  
Absent:  
Abstain:

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Mayor, City of Manhattan Beach, California

ATTEST:


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City Clerk

		2005-2006		2006-2007		% Change		\$ Change	
<b>Gross Receipts</b>		<b>\$100,000.00</b>		<b>\$100,000.00</b>					
	Basis for Calculation	\$176.84 for the first \$51,800.00 + \$1.63 per \$1,000 in excess thereof (Not to exceed \$6,847.00)		\$187.08 for the first \$54,800.00 + \$1.72 per \$1,000 in excess thereof (Not to exceed \$7,244.00)					
1	Base Tax	\$	176.84	Base Tax	\$	187.08	<b>5.8%</b>	\$	10.24
2	Gross		<b>\$78.57</b>	Gross		<b>\$77.74</b>			<b>(\$0.82)</b>
3	Total Tax		\$255.41	Total		\$264.82	<b>3.7%</b>		<b>\$9.42</b>

		2005-2006		2006-2007		% Change		\$ Change	
<b>Gross Receipts</b>		<b>\$350,000.00</b>		<b>\$350,000.00</b>					
	Basis for Calculation	\$176.84 for the first \$51,800.00 + \$1.63 per \$1,000 in excess thereof (Not to exceed \$6,847.00)		\$187.08 for the first \$54,800.00 + \$1.72 per \$1,000 in excess thereof (Not to exceed \$7,244.00)					
1	Base Tax	\$	176.84	Base Tax	\$	187.08	<b>5.8%</b>	\$	10.24
2	Gross		<b>\$486.07</b>	Gross		<b>\$507.74</b>			\$21.68
3	Total Tax		\$662.91	Total		\$694.82	<b>4.8%</b>		<b>\$31.92</b>

		2005-2006		2006-2007		% Change		\$ Change	
<b>Gross Receipts</b>		<b>\$4,200,000.00</b>		<b>\$4,200,000.00</b>					
	Basis for Calculation	\$176.84 for the first \$51,800.00 + \$1.63 per \$1,000 in excess thereof (Not to exceed <b>\$6,847.00</b> )		\$187.08 for the first \$54,800.00 + \$1.72 per \$1,000 in excess thereof (Not to exceed <b>\$7,244.00</b> )					
1	Base Tax	\$	176.84	Base Tax	\$	187.08	<b>5.8%</b>	\$	10.24
2	Gross		\$6,761.57	Gross		\$7,129.74			\$368.18
3	Total Tax		<b>\$6,847.00</b>	Total		<b>\$7,244.00</b>	<b>5.8%</b>		<b>\$397.00</b>

The seal of the City of Manhattan Beach, California, is a circular emblem. It features a central five-pointed star with a sunburst at its base. The words "CITY OF MANHATTAN BEACH" are written in an arc across the top, and "CALIFORNIA" is written in an arc across the bottom. The word "SEA" is positioned below the star. The entire seal is rendered in a light gray, semi-transparent style.

**2006-2007  
PROPOSED  
Business Tax Resolution**

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**City of Manhattan Beach**  
**Proposed – BUSINESS LICENSE TAX RESOLUTION 2006-2007**  
**(Provided for in MBMC Section 6.01.290)**

MAJOR BUSINESS CLASSIFICATION	CATEGORY	GENERAL INFORMATION	CURRENT TAX RATES	PROPOSED TAX RATES
<b>Administrative and Sales Office</b>	1) Administrative and Sales Office  2) Branch Establishments	1) For administrative and sales offices or similar businesses	\$176.84 per annum plus \$24.60 per employee in excess of 2 not to exceed \$6,847.00	\$187.08 per annum plus \$26.02 per employee in excess of 2 not to exceed \$7,244.00
<b>Commercial Property</b>	Commercial Property	Every person who owns commercial real property within the city and who rents or leases such property or any portion thereof shall pay a business license tax	Pay the greater of \$176.84 per annum for the first \$51,800.00 of gross receipts and \$1.63 per \$1,000.00 in excess thereof not to exceed \$6,847.00 or \$.267 per square foot for building area in excess of 5,000 square feet less 1/3 sales tax credited to the City of Manhattan Beach not to exceed \$141,300.00	Pay the greater of \$187.08 per annum for the first \$54,800.00 of gross receipts and \$1.72 per \$1,000.00 in excess thereof not to exceed \$7,440.00 or \$.282 per square foot for building area in excess of 5,000 square feet less 1/3 sales tax credited to the City of Manhattan Beach not to exceed \$149,495.00
<b>Contractors</b>	1) Contractors  2) Owner Builders	General building trades (including general, electrical, plumbing, etc. A or B, C10, C36, C44, C45, C53 as licensed by the State). Every person engaged in the business or acting as a contractor shall pay the tax	\$286.56 per annum	\$303.16 per annum
<b>Home Occupation</b>	Home Occupation	No license shall be issued under this subsection until the applicant has applied for and received a home occupation permit as required by Section 10.42.070	\$88.36 per annum for the first \$31,600.00 of gross receipts and \$1.63 per \$1,000.00 in excess thereof not to exceed \$6,847.00	\$93.48 per annum for the first \$33,400.00 of gross receipts and \$1.72 per \$1,000.00 in excess thereof not to exceed \$7,244.00

**City of Manhattan Beach**  
**Proposed – BUSINESS LICENSE TAX RESOLUTION 2006-2007**  
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MAJOR BUSINESS CLASSIFICATION	CATEGORY	GENERAL INFORMATION	CURRENT TAX RATES	PROPOSED TAX RATES
<b>Hotels/Motels</b>	Hotels /Motels	In addition to business license tax fees, a transient occupancy tax shall be paid	\$16.40 per annum per unit	\$17.35 per annum per unit
<b>Manufacturing</b>	Manufacturing	Every person engaged in the business of manufacturing or conducting any business considered to be of manufacturing in nature	\$176.84 per annum for the first \$51,800.00 of gross receipts and \$1.63 per \$1,000.00 in excess thereof not to exceed \$6,847.00	\$187.08 per annum for the first \$54,800.00 of gross receipts and \$1.72 per \$1,000.00 in excess thereof not to exceed \$7,244.00
<b>Out-of-Town</b>	Out-of-Town	Any business in the city without a fixed location	\$88.36 per annum for the first \$31,600.00 of gross receipts (Manhattan Beach only) and \$1.63 per \$1,000.00 in excess thereof not to exceed \$6,847.00	\$93.48 per annum for the first \$33,400.00 of gross receipts (Manhattan Beach only) and \$1.72 per \$1,000.00 in excess thereof not to exceed \$7,244.00

<b>Professionals</b>	Professional services	All persons engaged in any business, profession or occupation considered to be of a professional nature unless expressly provided for elsewhere in this section. Professional services shall include but are not limited to accountant, architect, attorney, chiropractor, consultant, dentist, doctor, engineer, escrow services, financial institutions (to determine parking fee), hospital, insurance agent (exempt-waiver needed), insurance broker, mortuary, psychologist, public relation, real estate, veterinarian.	\$176.84 per annum for the first \$51,800.00 of gross receipts and \$1.63 per \$1,000.00 in excess thereof not to exceed \$6,847.00	\$187.08 per annum for the first \$54,800.00 of gross receipts and \$1.72 per \$1,000.00 in excess thereof not to exceed \$7,244.00
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**City of Manhattan Beach  
Proposed – BUSINESS LICENSE TAX RESOLUTION 2006-2007  
(Provided for in MBMC Section 6.01.290)**

MAJOR BUSINESS CLASSIFICATION	CATEGORY	GENERAL INFORMATION	CURRENT TAX RATES	PROPOSED TAX RATES
<b>Public Utilities</b>	1) Public Utilities  2) Refuse Collection	1) Not subject to franchise fee.  Subject to franchise fee.  2) Purpose of refuse collection.	1) Not subject to franchise fee – shall pay \$176.84 per annum for the first \$51,800.00 of gross receipts and \$1.63 per \$1,000.00 in excess thereof not to exceed \$6,847.00  Subject to franchise fee – shall pay \$176.84 per annum.  2) \$237.40 per annum per vehicle	1) Not subject to franchise fee – shall pay \$187.08 per annum for the first \$54,800.00 of gross receipts and \$1.72 per \$1,000.00 in excess thereof not to exceed \$7,244.00  Subject to franchise fee – shall pay \$187.08 per annum.  2) \$251.16 per annum per vehicle



<b>Recreation and Entertainment</b>	1) Arcades	1,2) Arcades indoors where photographs, gramophones, talking machines, biographs, projectoscopes, weighing machines, muscle testers, lung testers, fortune telling machines, palm reading machines, game machines or machines or devices of like character	1) \$615.28 per year plus \$158.04 per machine. Initial tax of \$615.28 is an application fee.	1) \$650.96 per year plus \$167.20 per machine. Initial tax of \$650.96 is an application fee.
	2) Billiard/Pool Room		2) \$.172 per square foot per year plus \$132.60 per table and \$30.52 per table for each table in excess of four.	2) \$.182 per square foot per year plus \$140.28 per table and \$32.28 per table for each table in excess of four.
	3) Fortune Telling	3) Subject to special permit of City Council. Initial application fee \$102.00	3,4,5) \$176.84 per annum for the first \$51,800.00 of gross receipts and \$1.63 per \$1,000.00 in excess thereof not to exceed \$6,847.00	3,4,5) \$187.08 per annum for the first \$54,800.00 of gross receipts and \$1.72 per \$1,000.00 in excess thereof not to exceed \$7,244.00
	4) Game Machines	4) For locations where game machines are an accessory to the operation of the business.		
	5) Juke Boxes	Annual tax \$161.00 (2 machines or less).		

**City of Manhattan Beach  
Proposed – BUSINESS LICENSE TAX RESOLUTION 2006-2007  
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<b>MAJOR BUSINESS CLASSIFICATION</b>	<b>CATEGORY</b>	<b>GENERAL INFORMATION</b>	<b>CURRENT TAX RATES</b>	<b>PROPOSED TAX RATES</b>
<b>Retail</b>	1) Beer bars and cocktail lounges		1) \$.293 per square foot per year	1) \$.310 per square foot per year
	2) Lunch wagon and ice cream trucks	2) County health permit required. Not to be parked longer than 10 minutes per location as per Section 14.36.130. Subject to approval of Police Department.	2) \$236.94 per annum per vehicle	2) \$250.68 per annum per vehicle
	3) Mail or phone order		3) \$92.78 per year	3) \$98.16 per year
	4) Restaurants		4) \$176.84 per annum for the first \$51,800.00 of gross	4) \$187.08 per annum for the first \$54,800.00 of gross

	<p>5) Retail sales and service 6) Vending machines</p>	<p>6) Applicant shall furnish location of all machines owned, operated or serviced within the city. Applicant shall place his name and address on each machine. An official city sticker shall be affixed in a conspicuous place to each machine.</p>	<p>receipts and \$1.63 per \$1,000.00 in excess thereof not to exceed \$6,847.00</p> <p>\$.293 per square foot for cocktail/lounge area only</p> <p>5,6) \$176.84 per annum for the first \$51,800.00 of gross receipts and \$1.63 per \$1,000.00 in excess thereof not to exceed \$6,847.00</p>	<p>receipts and \$1.72 per \$1,000.00 in excess thereof not to exceed \$7,244.00</p> <p>\$.310 per square foot for cocktail/lounge area only</p> <p>5,6) \$187.08 per annum for the first \$54,800.00 of gross receipts and \$1.72 per \$1,000.00 in excess thereof not to exceed \$7,244.00</p>
<b>Rental of Residential Property</b>	<p>1) Condominiums  2) Dwelling units</p>	<p>1) Business license required per city conditional use permit – no tax payment is required for license.  2) Three or more units per lot.</p>	<p>1) No tax.  2) \$16.40 per annum per unit. A credit of \$16.40 allowed for an owner-occupied unit.</p>	<p>1) No tax.  2) \$17.35 per annum per unit. A credit of \$17.35 allowed for an owner-occupied unit.</p>

**City of Manhattan Beach**  
**Proposed – BUSINESS LICENSE TAX RESOLUTION 2006-2007**  
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<b>MAJOR BUSINESS CLASSIFICATION</b>	<b>CATEGORY</b>	<b>GENERAL INFORMATION</b>	<b>CURRENT TAX RATES</b>	<b>PROPOSED TAX RATES</b>
<b>Research and Development</b>	Research and Development	Every person, firm or corporation with five or more employees engaged in the business of research and development for scientific purposes	Pay the greater of \$176.84 per annum plus \$24.52 per employee not to exceed \$6,847.00 or \$.418 per square foot per year for building area in excess of 5,000 square feet less 1/3 sales tax credited to the City of Manhattan Beach (whichever is greater) not to exceed \$141,300.00	Pay the greater of \$187.08 per annum plus \$26.02 per employee not to exceed \$7,244.00 or \$.442 per square foot per year for building area in excess of 5,000 square feet less 1/3 sales tax credited to the City of Manhattan Beach (whichever is greater) not to exceed \$149,495.00

<b>Services</b>	1) Bath and massage	1) Non-refundable application fee – \$64.00. Change of location fee –\$17.00. A separate application must be submitted by a business for individual employees. Health clubs providing bath and massage service are subject to Section 4.36.160, however, gross receipts generated by bath or massage may be included with other receipts.  5) When not in connection with a fixed place of business within the city	1,4,6) \$176.84 per annum for the first \$51,800.00 of gross receipts and \$1.63 per \$1,000.00 in excess thereof not to exceed \$6,847.00	1,4,6) \$187.08 per annum for the first \$54,800.00 of gross receipts and \$1.72 per \$1,000.00 in excess thereof not to exceed \$7,244.00
	2) Gardeners		2) \$111.40 per annum per vehicle	2) \$117.84 per annum per vehicle
	3) Handbills		3) \$132.04 per person per annum or \$32.32 per day per person.	3) \$139.68 per person per annum or \$34.20 per day per person.
	4) Private patrol			
	5) Various installations and services (out of town)		5) \$88.36 per annum for the first \$31,600.00 of gross receipts (Manhattan Beach only) and \$1.63 per \$1,000.00 in excess thereof not to exceed \$6,847.00	5) \$93.48 per annum for the first \$33,400.00 of gross receipts (Manhattan Beach only) and \$1.72 per \$1,000.00 in excess thereof not to exceed \$7,244.00
	6) Window cleaning			

**City of Manhattan Beach  
Proposed – BUSINESS LICENSE TAX RESOLUTION 2006-2007  
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<b>MAJOR BUSINESS CLASSIFICATION</b>	<b>CATEGORY</b>	<b>GENERAL INFORMATION</b>	<b>CURRENT TAX RATES</b>	<b>PROPOSED TAX RATES</b>
<b>Subcontractors</b>	1) Subcontractors 2) Minor construction	Every person engaged in the business or acting as a subcontractor (C2, C4, C6, C8, C9, C11, C12, C15, C16, C17, C20, C21, C23, C26, C27, C29, C32, C33, C34, C35, C38, C39,C42, C43, C50, C51, C54, C55, C57, C60, C61, and other classifications established by the State Contractors Board)	\$143.28 per annum	\$151.56 per annum

<b>Wholesale</b>	Wholesale	Every person engaged in the business of selling goods, wares or merchandise for the purpose of resale	\$176.84 per annum for the first \$51,800.00 of gross receipts and 1.63 per \$1,000.00 in excess thereof not to exceed \$6,847.00	\$187.08 per annum for the first \$54,800.00 of gross receipts and 1.72 per \$1,000.00 in excess thereof not to exceed \$7,244.00
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**City of Manhattan Beach  
Proposed – BUSINESS LICENSE TAX RESOLUTION 2006 – 2007  
(Provided for in MBMC Section 6.01.290)**

**SPECIAL BUSINESS CATEGORIES**

<b>MAJOR BUSINESS CLASSIFICATION</b>	<b>CATEGORY</b>	<b>GENERAL INFORMATION</b>	<b>CURRENT TAX RATES</b>	<b>PROPOSED TAX RATES</b>
<b>Holiday Activities</b>	1) Xmas Tree Lots 2) Pumpkin Patches	Per season per location. \$113.00 refundable cleanup fee payable at time of application.	\$108.08	\$114.32

<p><b>Itinerant Vendors/Peddlers</b></p>	<p>1) Solicitors, Peddlers 2) Itinerant Vendors, Dealers or Merchants</p>	<p>1) Agents or solicitors selling or soliciting or taking orders for the sale or furnishing of any goods, wares, merchandise or service when not in connection with a fixed place of business licensed within the city  2) Vendors, dealers or merchants shall include all persons who commence or conduct business by haranguing persons within the city or who use the various customary devices for attracting crowds and therewith recommending their goods, wares or merchandise and offering for sale or exchange.</p>	<p>1) \$475.12 per annum for a 5-man crew and \$77.00 per person in excess or \$77.00 per day per person. Subject to special permit from the Police Dept. to be first obtained.  2) \$28.56 per day or \$304.72 per year. Subject to special permit from the Police Dept. to be first obtained.</p>	<p>1) \$502.68 per annum for a 5-man crew and \$81.44 per person in excess or \$81.44 per day per person. Subject to special permit from the Police Dept. to be first obtained.  2) \$30.20 per day or \$322.36 per year. Subject to special permit from the Police Dept. to be first obtained.</p>
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**City of Manhattan Beach**  
**Proposed – BUSINESS LICENSE TAX RESOLUTION 2006 – 2007**  
**(Provided for in MBMC Section 6.01.290)**

**SPECIAL BUSINESS CATEGORIES**

MAJOR BUSINESS CLASSIFICATION	CATEGORY	GENERAL INFORMATION	CURRENT TAX RATES	PROPOSED TAX RATES
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1. **Penalties and Interest.** Assessed on understated fees per Section No. 6.01.290. The penalty for any deficiency determined by audit shall be 10% of the amount due plus interest of 1.5% for each month or part thereof beyond the due date of May 1st.
- 2a. **Parking and Business Improvement Area.** Pursuant to Ordinance No. 1375 – Area “A” the following additional levy of business tax is established on all businesses except commercial rental or lease property conducting their activities in the Areas.

Area A – Downtown Area – 80% of the ordinary business license tax not to exceed \$600.00

- 2b. **Parking and Business Improvement Area.** Pursuant to Ordinance No. 2071 – Area “B”.

Area B – North End Area – 80% of the ordinary business license tax not to exceed \$500.00

3. **Admissions Tax.** This shall be imposed upon each person attending a live sporting, theatrical or any amusement type of exhibition taking place within a non-public enclosure, stadium or building. The operator of such event shall be responsible for the collection and payment to the city of such tax along with an accountant as may be prescribed by the Director of Finance. The payment to the city is due within 10 days after the event takes place.

Amount of Tax – shall be the greater of:

- a) 8% of the admission price
- b) \$.35 per person

Exemptions – no tax shall be imposed upon:

- a) Bona fide employees of the management
- b) City officials on official business
- c) Members of the press in the performance of their duties
- d) Contractors in performance of their job
- e) Concessionaires
- f) Complimentary tickets

**City of Manhattan Beach**  
**Proposed – BUSINESS LICENSE TAX RESOLUTION 2006– 2007**  
**(Provided for in MBMC Section 6.01.290)**

### **SPECIAL BUSINESS CATEGORIES**

4. **Consumer Price Index Adjustments.** Per Section No. 6.01.320, business license taxes provided for in above MBMC Section shall be adjusted annually commencing March 1, 1979, in accordance with the increase or decrease in the cost of living. All adjustments shall be based on the Bureau of Labor Statistics - Consumer Price Index for All Urban Consumers - All Items (1967 - 100) for the preceding September. When the Bureau of Labor Statistics changes the base year for reporting changes in the CPI, the annual change in CPI shall be based on the new base year.
  
5. **Providing Documentation to Support Gross Receipts.** All businesses paying a business license tax based on gross receipts are required to include and return documentation to support gross receipts with the renewal application. Documentation must be for the year on which the license tax is based. The documentation can be, but is not limited to, the following: Schedule C, income statement, profit and loss statement, financial statement, ledger sheet, declaration from taxpayer, notarized letter or State Board of Equalization return. If, in the opinion of the licensing authority, an alternate form of documentation is sufficient, then the alternate form can be supplied. If the tax return is incomplete or cannot be furnished with the business license tax renewal, an estimate shall be submitted and an adjustment will be made, if necessary, when the actual return has been completed and submitted to the licensing authority.
  
6. **Exemptions.** Per Section No. 6.01.190G, the City Manager shall have the authority to exempt businesses from paying business license tax and/or late penalties.
  
7. **Late Penalties.** Per Section No. 6.01.270, late penalties of 10% per month will apply to any businesses that pay the business license tax after April 30, 2006.