CITY OF IRVINE
UTILITY USER’S TAX MANUAL

Chapter 1  General Information
            Utility User’s Tax Facts & Payment Schedule

Chapter 2  Tax Return
            Instructions for Completing the Utility User’s Tax Return
            Sample Utility User’s Tax Return Form

Chapter 3  Exemptions
            Exemptions and Maximum UUT Payable
            Sample Utility Information Form
            Sample Single Payment Option Form
            Frequently Asked Questions

Chapter 4  References
            City of Irvine Municipal Code
            City Council Ordinance
            Utility User’s Tax Return Form
            Utility Information Form
            Utility User’s Tax Single Payment Option Form
Utility User’s Tax Facts & Payment Schedule

Current Tax Rate: 1.5%

Utilities Taxed: Electric, Gas, Telephone

Exemptions: Residential Service User
Not-For-Profit and Nonprofit Business Insurance Company

Remittance Due Dates: Monthly, by the last day of the subsequent month

Delinquency Penalty and Interest: 1-30 days delinquent
penalty = 10% of tax due + 8% interest on the unpaid balance per annum

31 + days delinquent
penalty = additional 10% of tax due + 8% interest on the unpaid balance per month

Remittance Address: City of Irvine
P.O. Box 19575
Irvine, Ca 92623-9575
Instructions for Completing the Utility User’s Tax Return

A Utility User’s Tax Return must be completed on a monthly basis and forwarded to the City of Irvine along with the proper remittance. The return and remittance must be received by the last day of the subsequent month. If the return is filed after the proper due date, the appropriate penalties and interest must be remitted with the return.

The following is a line by line explanation of the information required to be included on the return.

<table>
<thead>
<tr>
<th>Line No.</th>
<th>Title</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Gross Collections or Charges</td>
<td>Total charges for service, telephone, gas, and electric.</td>
</tr>
<tr>
<td>2</td>
<td>Less Exempt Accounts</td>
<td>Sum of the charges to businesses that are exempt from utility user’s tax</td>
</tr>
<tr>
<td>3</td>
<td>Other Non-Taxed Collections or Charges</td>
<td>Sum of the charges for non-taxable services</td>
</tr>
<tr>
<td>4</td>
<td>Taxable Collections or Charges</td>
<td>Sum of line 1 less line 2 and 3</td>
</tr>
<tr>
<td>5</td>
<td>Tax Due</td>
<td>Line 4 multiplied by 1.5%</td>
</tr>
<tr>
<td>6</td>
<td>Adjustments</td>
<td>Adjustment to the tax due. All adjustments must have an explanation attached to the utility user’s tax return.</td>
</tr>
<tr>
<td>7</td>
<td>Penalty On Late Payment</td>
<td>Original delinquency (1-30 days): 10% of the original utility user’s tax (10% multiplied by Line 5) Continued delinquency (31 + days): and additional 10% of the original tax.</td>
</tr>
<tr>
<td>8</td>
<td>Interest On Late Payment</td>
<td>8% interest per month on unpaid balance, calculated with the following formula: (((Line 5*8%)/365)*days delinquent)</td>
</tr>
<tr>
<td>9</td>
<td>Total Tax, Penalty &amp; Interest</td>
<td>Total tax, penalty &amp; interest due: Sum of Line 5, 6, 7, and 8.</td>
</tr>
</tbody>
</table>
CITY OF IRVINE
UTILITY USER’S TAX RETURN

Fiscal Services Division
P.O. BOX 19575
Irvine, California 92623-9575

Authority: Section 2-9-7

Please check appropriate box:         Gas [ ] Electric [x] Telephone [ ]

Service Supplier: ____________________________

Reporting Period: Month/Year 1/2010  FEIN #: xx-xxxxxxxx

Remittance Based on: Collections ____  Billings _____

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Gross Collections or Charges</td>
<td>1,036,159.50</td>
</tr>
<tr>
<td>2</td>
<td>Less Exempt Accounts</td>
<td>1,256.00</td>
</tr>
<tr>
<td>3</td>
<td>Other Non-Taxed Collections or Charges</td>
<td>522.00</td>
</tr>
<tr>
<td>4</td>
<td>Taxable Collections or Charges</td>
<td>1,034,381.50</td>
</tr>
<tr>
<td>5</td>
<td>Tax Due (1.5% of Line 4)</td>
<td>15,515.72</td>
</tr>
<tr>
<td>6</td>
<td>Adjustments (Plus/Minus –Attach Explanation)</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Penalty On Late Payment</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Interest On Late Payment</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Total Tax, Penalty, &amp; Interest</td>
<td>15,515.72</td>
</tr>
</tbody>
</table>

I declare under penalty of making a false statement that to the best of my knowledge and belief, the statements herein and on attachments are true, correct, and complete.

Date: ____________________________  Title: ____________________________  
Signature: ____________________________  Print Name: ____________________________

For questions regarding Utility User’s Tax Returns call (949) 724-6027.

**Note:** Remittance is due on or before the last day of the following month. Remittance should be made payable to: City of Irvine.

**Notice of Delinquent Utility User Tax**

Date Received: ____________________________  Number of Days Late: ____________________________  
Penalty assessed per Section 2-9-07 at 10%  $ ____________________________
Exemptions and Maximum UUT Payable

The voters approved a 1.5% Utility Users Tax on all business use of gas, electric, and telephone.

Exemptions:

1. Not-for-profit and nonprofit business, providing an IRS letter of determination confirming exemption from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

2. Insurance companies providing appropriate documentation certifying the company is in the insurance business

Maximum UUT Amount Payable:

1. Businesses with a combined total maximum of telephone, electricity, and gas user taxes paid by any service user for one contiguous location shall not exceed $5,000 during any 12-month period, if the business pays the $5,000 in advance and complies with the following.

   A. Pay the maximum amount, $5,000, and the user will be excluded from the utility users tax for 12 consecutive months following the month that the utility user tax amount is removed from the utility bill.

   B. Pay the maximum amount, $5,000, 30 days prior to the beginning of the next fiscal year, July 1 to June 30.

   C. Submit the following completed forms:
      1. Single Payment Option Form
      2. Utility Information (preferably in electronic format)

   D. Once the utility user pays the maximum amount, the utility companies will be notified to discontinue charging utility user taxes for the next consecutive 12 months.
<table>
<thead>
<tr>
<th>SERVICE PROVIDER</th>
<th>SERVICE ACCOUNT NAME ON INVOICE</th>
<th>SERVICE ADDRESS</th>
<th>CUSTOMER ACCOUNT</th>
<th>SERVICE ACCOUNT</th>
<th>PHONE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>So. CA Edison</td>
<td>The Main Street Building, LLC</td>
<td>1234 Main St.</td>
<td>xxx-xxxx</td>
<td>xxx</td>
<td>(949) 123-4567</td>
</tr>
<tr>
<td>So. CA Gas Co.</td>
<td>The Main Street Building, LLC</td>
<td>1234 Main St.</td>
<td>xx-xxx</td>
<td>xx</td>
<td>(949) 987-6543</td>
</tr>
<tr>
<td>AT&amp;T</td>
<td>The Main Street Building, LLC</td>
<td>1234 Main St.</td>
<td>xx-x-xxxx</td>
<td>xx</td>
<td>(949) 456-7812</td>
</tr>
<tr>
<td>So. CA Edison</td>
<td>The Main Street Building, LLC</td>
<td>1235 Main St.</td>
<td>xxx-xxxx-x</td>
<td>xxx</td>
<td>(800) 123-9876</td>
</tr>
<tr>
<td>So. CA Gas Co.</td>
<td>The Main Street Building, LLC</td>
<td>1235 Main St.</td>
<td>xx-xx-xx</td>
<td>xx</td>
<td>(800) 456-1278</td>
</tr>
<tr>
<td>AT&amp;T</td>
<td>The Main Street Building, LLC</td>
<td>1235 Main St.</td>
<td>x-xx-xxx</td>
<td>xxxxxxx</td>
<td>(800) 987-6543</td>
</tr>
</tbody>
</table>

Note: Failure to provide such information annually would result in possible non-exemption status, and the City of Irvine will only be held liable for any tax overpayment under Irvine Municipal Code Sec. 2-9-716
BUSINESS INFORMATION

BUSINESS NAME

The Main Street Building, LLC

BUSINESS ADDRESS (Exempt locations)

1. 1234 Main Street, Irvine, California 92565
2. 1236 Main Street, Irvine, California 96585
3. 
4. 

DBA OR PARENT COMPANY (Business address)

1592 Culver Avenue, Irvine, California 96581

CONTACT INFORMATION

CONTACT PERSON NAME

Linda Smith

TITLE

Property Manager

PHONE

(949) 123-4567

E-MAIL

lsmith@xyz.com

UTILITY COSTS

Estimate your average annual utility costs by category below.

ELECTRICITY

$256,000.00

GAS

$125,000.00

PHONE

$12,000.00

NOTE: If you have multiple locations that are not contiguous sites of land, please copy this form, file a separate form for each individual location, and remit one payment for each location. If you have contiguous sites, you can attach a list of all addresses to this form and only remit one payment.
Frequently Asked Questions on UUT Exemptions

The $5,000 covers UUT for electric, gas and telephone taxes for twelve months per business location in Irvine, and your company’s annual utility cost must exceed $333,333 to make it beneficial to file the exemption.

1. How do I apply for the Irvine’s UUT exemption?
   You will need to fill out City’s Single Option Form and Utility Information Form, providing all appropriate attachments, and mail to City of Irvine for approval. City will issue an invoice of $5,000 after application has been accepted. Exemption will be effective approximately 30 days from receipt of payment. Please refer to municipal code Chapter 7 on the website.

2. How do I request for a refund for my overpaid UUT since I am an exempted account?
   Submit a written request for the refund. Substantiate refund request with copy of invoice. Please refer to municipal code Chapter 7.

3. How do I obtain a list of all UUT exempted business in the City of Irvine?
   Submit a request for this list to Records Office via website, phone or fax.

4. What is the UUT rate for Irvine?
   1.5%.

5. Will there be any proposed rate change in the near future?
   No proposed change in near future.

6. How do I get a copy of Irvine’s municipal code on UUT?
   Via the City website, phone, or fax.

7. How to obtain a copy of UUT code from the city’s website?
   Irvine’s website address:  www.cityofirvine.org

8. When is a Maximum Amount Payment beneficial and how does the Maximum Amount payment work?
   If each contiguous location of your company’s annual combined energy cost of telephone, electricity, and gas total over $333,333, then the Maximum Amount Payment is beneficial to your company. An eligible company will apply by filing Irvine’s Single Option Form and Utility Information Form, and will be invoiced for an annual amount of $5,000 for each contiguous location of business.

9. How to request UUT refund for an UUT Exemption program?
   Submit a written request for the refund amount plus supporting documentations or other form acceptable to the City. The statute of limitations is 3-year for refund.
REFERENCES

Utility User’s Tax References

City of Irvine Municipal Code Sections 2-9-701 to 2-9-720
City Council Ordinance No. 06-16
Utility User’s Tax Return Form
Utility Information Form
Utility User’s Tax Single Payment Option Form
CHAPTER 7. UTILITY USER'S TAX*

*Cross references: Utilities, tit. 6, div. 4.

Sec. 2-9-701. Purpose.
The taxes imposed by this chapter are established solely as revenue measures. This chapter is required for the purpose of fixing the rate of taxation for the utility user tax and for the purpose of providing a tax levy for the usual and current expenses of the City of Irvine.
(Code 1976, § II.L-1001; Ord. No. 87-15, § 1, 6-23-87; Ord. No. 91-23, 12-17-91)

Sec. 2-9-702. Definitions.
The following words, terms and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
*Business* shall mean any domestic or foreign corporation, firm, association, syndicate, joint stock company, partnership of any kind, joint venture, club, Massachusetts business or common law trust, society or individual that is carrying on professions, trades, occupations and each and every kind of calling carried on for profit or livelihood within the City.
*Delinquency* shall mean taxes payable by a service user which are not remitted to the Manager of Fiscal Services of the City on or before the due dates provided in this chapter.
*Maximum amount* shall mean a $5,000 annual payment, in lieu of taxes, paid in advance on the combined usage of gas, electricity and telephone utilities.
*Maximum amount term* shall mean the 12-month period commencing in the month the tax is removed from the service user's utility bills and extending for a term of 12 consecutive months.
*One location* shall mean one or more contiguous sites of land, not separated by public roads, facilities, or properties owned by others for which the service user receives one or more utility billings, and which sites are used for a single business activity with the same business name.
*Residential service user* shall mean a person using utility services in a home or place of residence.
*Service supplier* shall mean a utility company which provides electricity, gas, telephone, and communication services and receives taxes paid and remits the tax payment to the City as imposed by this chapter.
*Service user* shall mean a person or business required to pay a tax imposed by this chapter.
*Tax* shall mean those utility taxes imposed under this chapter 7.
*Telephone corporation, electrical corporation, and gas corporation* shall have the same meanings as defined in Public Utilities Code §§ 234, 218 and 222, respectively.
"Electrical corporation" shall be construed to include any municipality or franchised agency engaged in the selling or supplying of electrical power to a service user.
(Code 1976, § II.L.-1002; Ord. No. 87-15, § 1, 6-23-87; Ord. No. 91-23, 12-17-91)

Sec. 2-9-703. Exemptions.
A. Nothing in this chapter shall be construed as imposing a tax upon any person when imposition of such tax upon that person would be in violation of the Constitution of the United States or that of the State of California. The Manager of Fiscal Services shall prepare a list of the persons exempt from the provisions of this chapter by virtue of this section and furnish a copy thereof to each service supplier.
B. The tax imposed under this chapter shall not apply to any residential service user, not-for-profit and nonprofit business, or insurance company.
(Code 1976, § II.L.-1003; Ord. No. 87-15, § 1, 6-23-87; Ord. No. 89-6, § 1, 4-11-89; Ord. No. 91-23, 12-17-91)

Sec. 2-9-704. Telephone users tax.
A. There is hereby imposed a tax on the charges paid for any intrastate telephone services by every business in the City other than a telephone corporation using such services. The tax imposed by this section shall be at the rate of 1.50 percent of the charges made for such services to service users and shall be paid by the person paying for such services.
B. As used in this section the term "charges" shall not include charges for services paid for by inserting coins in coin-operated telephones except that where such coin-operated service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be included in the base for computing the amount of tax due; nor shall the term "charges" include charges for any type of service or equipment furnished by a service supplied subject to public utility regulation during any period in which the same or similar services or equipment are also available for sale or lease from persons other than a service supplier subject to public utility regulation; nor shall the words "telephone communication services" include land mobile service or maritime mobile service as defined in section 2.1 of title 47 of the Code of Federal Regulations, as said section existed on January 1, 1970. The term "telephone communication services" refers to that service which provides access to telephone system and the privilege of telephone quality communication with substantially all persons having telephone stations which are part of such telephone system. The telephone users tax is intended to, and does, apply to all charges billed to a telephone account having a situs in the City, inclusive of intrastate telecommunication services, and/or that terminates within the City.
C. The tax imposed by this section shall be collected from the service user by the service supplier. The amount of the tax collected in one month shall be remitted to the Manager of Fiscal Services on or before the last day of the following month. When the exact tax is not known, the service supplier may remit an estimated amount of tax to be collected measured by the tax bill in the previous month, or the estimate may be predicated on a formula based upon the payment pattern of the supplier's customers. Estimated tax amounts shall be remitted to the Manager of Fiscal Services on or before the last day of the following month.
D. Notwithstanding the provisions of subsection A, the tax imposed under this section shall not be imposed upon any person for using intrastate telephone communication services to the extent that the amounts paid for such services are exempt from or not subject to the tax imposed under Revenue and Taxation Code div. 2, pt. 20 (Revenue and Taxation Code § 41001 et seq.).

(Code 1976, § II.L-1004; Ord. No. 87-15, § 1, 6-23-87; Ord. No. 89-6, § 1, 4-11-89; Ord. No. 91-23, 12-17-91; Ord. No. 06-16, § 1, 9-26-06)

Sec. 2-9-705. Electricity users tax.
A. There is hereby imposed a tax upon every business in the City using electrical energy in the City. The tax imposed by this section shall be at the rate of 1.50 percent of the charges made for such energy to service users and shall be paid by the person paying for such energy. "Charges," as used in this section, shall include charges made for:
1. Metered energy; and
2. Minimum charges for service, including but not restricted to customer charges, service charges, demand charges, standby charges, annual and monthly charges, fuel, and cost adjustments.

B. As used in this section the term "using electrical energy" shall not be construed to mean the storage of such energy by a person in a battery owned or possessed by him or her for use in an automobile or other machinery or device apart from the premises upon which the energy was received; provided however, that the term shall include the receiving of such energy for the purpose of using it in the charging of batteries; nor shall the term include electricity used and consumed by an electric utility supplier in the conduct of its business as an electric public utility, nor shall the term include the mere receiving of such energy by an electric public utility or governmental agency at a point within the City for resale; or the use of such energy in the production or distribution of water by a public utility or a governmental agency.

C. The tax imposed by this section shall be collected from the service user by the service supplier. The amount of the tax collected in one month shall be remitted to the Manager of Fiscal Services on or before the last day of the following month. When the exact tax is not known, the service supplier may remit an estimated amount of tax to be collected measured by the tax bill in the previous month, or the estimate may be predicated on a formula based upon the payment pattern of the supplier's customers. Estimated tax amounts shall be remitted to the Manager of Fiscal Services on or before the last day of the following month.

(Code 1976, § II.L-1005; Ord. No. 87-15, § 1, 6-23-87; Ord. No. 91-23, 12-17-91)

Sec. 2-9-706. Reserved.

Sec. 2-9-707. Gas users tax.
A. There is hereby imposed a tax upon every business in the City other than a gas corporation or electrical corporation, using gas in the City which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of 1.50 percent of the charges made for such gas for service users and shall be paid by the person paying for such gas. "Charges," as used in this section, shall include:
1. Gas which is delivered through mains or pipes;
2. Minimum charges for such services, including but not restricted to customer charges, service charges, demand charges, standby charges, annual and monthly charges, fuel, and cost adjustments.

B. There shall be excluded from the base on which the tax imposed in this section is computed:
1. Charges made for gas which is to be resold and delivered through mains or pipes;
2. Charges made for gas sold for use in the generation of electrical energy or for the production or distribution of water by a public utility or governmental agency;
3. Charges made by a gas public utility for gas used and consumed in the conduct of the business of gas public utilities; and
4. Charges made for gas used in the propulsion of a motor vehicle, as that phrase is defined in the Vehicle Code of the State of California, utilizing natural gas.

C. The tax imposed by this section shall be collected from the service user by the service supplier. The amount of the tax collected in one month shall be remitted to the Manager of Fiscal Services on or before the last day of the following month. When the exact tax is not known, the service supplier may remit an estimated amount of tax to be collected measured by the tax bill in the previous month, or the estimate may be predicated on a formula based upon the payment pattern of the supplier's customers. Estimated tax amounts shall be remitted to the Manager of Fiscal Services on or before the last day of the following month.

(Code 1976, § II.L-1006; Ord. No. 87-15, § 1, 6-23-87; Ord. No. 91-23, 12-17-91)

Sec. 2-9-708. Maximum amount payable under this chapter.
The following maximum amount shall be payable under the provisions of this chapter.
A. The combined total maximum of telephone, electricity, and gas user taxes paid by any service user for one location under this chapter shall not exceed the sum of $5,000 during any 12-month period, if the service user pays the $5,000 and complies with the following subsections B and C of this section.

B. Service users can pay the maximum amount any time during the year and will be excluded from the utility users tax for 12 consecutive months following the month that the utility user tax amount is removed from the utility bill. On the tenth month of the maximum amount term, the City will contact the affected service users who paid the maximum amount and request payment of the maximum amount to be applied toward a new maximum amount term, which shall commence at the expiration of the then current maximum amount term. Nonpayment of the maximum amount at least one month prior to the lapsing of the maximum amount term will result in the reinstatement of the tax until the service suppliers are notified to remove the tax from the service users' utility bills. Except as provided in section 2-9-716, refunds of prior year amounts paid in excess of the maximum amount are not allowable.

C. The penalty assessment provided in section 2-9-709 of this chapter shall not be counted in computing the maximum tax as provided in subsection A of this section.

(Code 1976, § II.L-1007; Ord. No. 87-15, § 1, 6-23-87; Ord. No. 89-6, § 1, 4-11-89; Ord. No. 91-23, 12-17-91)

Sec. 2-9-709. Nonpayment of taxes, administrative remedy, interest and penalty.
A. **Assessment by Manager of Fiscal Services.** The Manager of Fiscal Services may make an assessment for taxes not remitted by a service user.

B. **Relief from collecting tax.** Whenever the Manager of Fiscal Services determines that either a service user has deliberately withheld any portion of the tax owed by him or her from the amounts remitted to a service supplier required to collect the tax, or that a service user has refused to pay any portion of tax to such service supplier or whenever the Manager of Fiscal Services deems it in the best interest of the City, he or she may relieve such service supplier of the obligation to collect taxes due under this chapter from certain named service users for specified billing periods.

C. **List of unpaid tax.** Every month, the service supplier shall provide the City itemized statements indicating the unpaid tax along with the names and addresses of the service users neglecting or refusing to pay the tax imposed under provisions of this chapter. Whenever the service user has failed to pay any portion of the tax for a period of two or more billing periods, the service supplier shall be relieved of the obligation to collect taxes due until such time as the Manager of Fiscal Services instructs the service supplier to resume collection of the tax.

D. **Original delinquency.** Any service supplier who fails to remit any portion of the tax imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the unpaid tax in addition to the amount of the tax due.

E. **Continued delinquency.** Any service supplier who fails to remit any delinquent remittance on or before a period of 30 days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent of the amount of the unpaid tax in addition to the amount of the tax due and the ten percent penalty first imposed pursuant to subsection D above.

F. **Notice to service user.** In the event that the delinquency procedure, as defined in sections D and E above does not result in the payment of the taxes due, then the Manager of Fiscal Services shall take the following actions: The Manager of Fiscal Services shall notify the service user that he or she has assumed responsibility to collect the taxes due for the stated periods and demand payment of such taxes. The notice shall be served on the service user by handing it to him or her personally or by deposit of the notice in the United States mail, postage prepaid thereon addressed to the service user at the address to which billing was made by the person required to collect the tax; or should the service user have changed his or her address, to his or her last-known address. If a service user fails to remit the tax to the Manager of Fiscal Services within 15 days from the date of the service of the notice upon him, which shall be the date of mailing if service is not accomplished in person, a penalty of 25 percent of the amount of the tax set forth in the notice shall be imposed, but not less than $25. The penalty shall become part of the tax herein required to be paid.

G. **Fraud.** If the Manager of Fiscal Services determines, based upon a preponderance of the evidence, that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of 25 percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections B and C of this section. Any penalty imposed by this subsection G may be appealed to the City Manager within ten working days pursuant to the provisions of section 2-9-715. Failure to file the appeal with the City Clerk within ten working days shall render the penalty decision final.
H. **Interest.** In addition to the penalties imposed, any service supplier who fails to remit any tax imposed by this chapter shall pay interest at the rate of 0.8 percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until such date as the tax is paid.

I. **Penalties merged with tax.** Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

(Code 1976, § II.L-1008; Ord. No. 87-15, § 1, 6-23-87; Ord. No. 89-6, § 1, 4-11-89; Ord. No. 91-23, 12-17-91)

Sec. 2-9-710. Actions to collect.

Any such tax received from a service user which has willfully been withheld from the Manager of Fiscal Services shall be deemed a debt owed to the City by the person required to collect and remit the tax. Any person holding such money contrary to the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of such amount. All cost incurred by the City, inclusive of legal fees and other direct cost, shall be included with the delinquent amount due to the City.

(Code 1976, § II.L-1009; Ord. No. 87-15, § 1, 6-23-87; Ord. No. 91-23, 12-17-91)

Sec. 2-9-711. Duty to collect; procedures.

The duty to collect and remit the taxes imposed by this chapter shall be performed as follows:

A. **Notwithstanding the provisions of sections 2-9-704C, 2-9-705C and 7-9-707C,** the tax shall be collected insofar as practicable at the same time as and along with the charges made in accordance with the regular billing practices of the service supplier. Where the amount paid by a service user to a service supplier is less than the full amount of the utility charge and tax which has accrued for the billing period, such amount and any subsequent payments by a service user shall be applied to the utility charge first until such charge has been fully satisfied. Any remaining balance shall be applied to taxes due. In those cases where a service user has notified the service supplier of his or her refusal to pay the tax imposed on said utility charges, section 2-9-709 will apply.

B. The duty to collect tax from a service user shall commence with the beginning of the first regular billing period applicable to the service user where all charges normally included in such regular billing are subject to the provisions of this chapter. Where a person receives more than one billing, one or more being from different periods than another, the duty to collect shall arise separately for each billing.

(Code 1976, § II.L-1010; Ord. No. 87-15, § 1, 6-23-87; Ord. No. 91-23, 12-17-91)

Sec. 2-9-712. Reserved.

Sec. 2-9-713. Additional powers and duties of Manager of Fiscal Services.

A. The Manager of Fiscal Services shall have the power and duty and is hereby directed to enforce each and all of the provisions of this chapter.

B. The Manager of Fiscal Services shall have the power to adopt rules and regulations not inconsistent with provisions of this chapter for the purpose of carrying out and enforcing the payment, collection and remittance of the taxes herein imposed. A copy of such rules and regulations shall be on file in the Manager of Fiscal Services' office.
C. The Manager of Fiscal Services may make administrative agreements to vary the strict requirements of this chapter so that collection of any tax imposed here may be made in conformance with the billing procedures of particular service supplier so long as said agreements result in collection of the tax in conformance with the general purpose and scope of this chapter. A copy of each such agreement shall be on file in the Manager of Fiscal Services' office.

D. The Manager of Fiscal Services shall determine the eligibility of any service user who asserts a right to have his or her tax computed using the maximum amount calculation. The Manager of Fiscal Services shall provide the service supplier with the name of any service user who the Manager of Fiscal Services determines is entitled to have his or her tax computed using the maximum amount calculation, together with the address and account number to which service is supplied to any such service user. The Manager of Fiscal Services shall notify the service supplier of the termination of any person's right to have his or her tax computed using the maximum amount calculation hereunder, or the change of any address to which service is supplied to any such service user.

(Code 1976, § II.L-1011; Ord. No. 87-15, § 1, 6-23-87; Ord. No. 91-23, 12-17-91)

Sec. 2-9-714. Records and Manager of Fiscal Services' review rights.
It shall be the duty of every service supplier required to collect and remit to the City any tax imposed by this chapter to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of a remittance to the Manager of Fiscal Services, which records the Manager of Fiscal Services shall have the right to inspect at all reasonable times.

(Code 1976, § II.L-1012; Ord. No. 87-15, § 1, 6-23-87; Ord. No. 91-23, 12-17-91)

Sec. 2-9-715. Appeal.
A. If the appellant is aggrieved by any decision of the Manager of Fiscal Services, with the administration of this chapter or with the failure to grant a refund or exemption as provided for under this chapter, he or she may appeal to the City Manager, or his or her duly authorized designee, by filing a notice of appeal with the City Clerk within ten working days of the decision which aggrieved the appellant. The City Clerk shall thereupon fix a time and place for a hearing of such appeal. The City Clerk shall give notice to such person of the time and place of hearing as herein provided.

B. If the service user or service supplier is aggrieved by any decision of the City Manager, or duly authorized designee, with respect to the administration of this chapter, he may appeal to the City Council by filing a notice of appeal with the City Clerk. The Council shall thereupon fix a time and place for hearing such appeal. The Council shall have the authority to determine all questions raised on such appeal. No such determination shall conflict with any substantive provision of this chapter.

(Code 1976, § II.L-1013; Ord. No. 87-15, § 1, 6-23-87; Ord. No. 91-23, 12-17-91)

Sec. 2-9-716. Refunds.
A. Whenever the amount of any tax has been overpaid or paid more than once or has been erroneously or illegally collected or received by the Manager of Fiscal Services
under this chapter, it may be refunded as provided in this section. A three-year statute of
limitations shall apply to refund for prior year erroneously or illegally collected taxes.
B. No refund shall be paid under the provisions of this section unless the claimant
establishes his or her right thereto by written request specifying the nature of the claim
and supporting documentation in the form of authentic service supplier invoices.
C. Notwithstanding other provisions of this section, whenever a service supplier,
pursuant to an order of the California Public Utilities Commission or a court of
competent jurisdiction, makes a refund to service users of charges for past utility
services, the taxes paid pursuant to this chapter on the amount of such refunded charges
shall also be refunded to service users, and the service supplier shall be entitled to claim a
credit for such refunded taxes against the amount of tax which is due upon the
next monthly returns. In the event this chapter is repealed, the amounts of any refundable
taxes will be borne by the City.
D. Refunds for prior year taxes paid in excess of the maximum amount provision are not
subject to the three-year refund provision as described in section 2-9-716A. Because the
prior utility users tax code provided for prior year refunds relating to the maximum
amount provision, the following special refunding procedure shall apply. Claims for
refunds of taxes paid in excess of the maximum amount for any fiscal year ending on or
before June 30, 1991, must be filed with the Manager of Fiscal Services prior to June 30,
1992; thereafter such claims will not be accepted, paid, nor honored by the City. Claims
for refunds of taxes paid in excess of the maximum amount for fiscal year beginning July
1, 1991, and ending June 30, 1992, must be submitted to the Manager of Fiscal Services
no later than August 31, 1992. Any claim presented to the City must contain a written
request specifying the nature of the claim and supporting documentation in the form of
service supplier invoices or other form acceptable to the Manager of Fiscal Services.
After June 30, 1992, and August 31, 1992, no refunds of taxes paid in excess of the
maximum amount will be permitted.
(Code 1976, § II.L-1014; Ord. No. 87-15, § 1, 6-23-87; Ord. No. 89-6, § 1, 4-11-89; Ord.
No. 91-23, 12-17-91)

Sec. 2-9-717. Tax in addition to other City taxes.
The tax imposed by this chapter is in addition to any other tax, license or permit fee that
may be required of any person by this Code or any other ordinance of the City.
(Code 1976, § II.L-1015; Ord. No. 87-15, § 1, 6-23-87; Ord. No. 91-23, 12-17-91)
Sec. 2-9-718. Reserved.

Sec. 2-9-719. Violations.
Any person violating any of the provisions of this chapter shall be guilty of a
misdemeanor and shall be punished as provided in title 4, division 13.
(Code 1976, § II.L-1016; Ord. No. 87-15, § 1, 6-23-87; Ord. No. 91-23, 12-17-91)

Sec. 2-9-720. Operative date.
The tax imposed under this chapter shall apply to services furnished from the beginning
of the first regular billing period commencing on or after October 1, 1987, or as soon
thereafter as the respective utilities are physically and mechanically able to get "on line"
for the imposition of charges (not more than 60 days).
(Code 1976, § II.L-1018; Ord. No. 87-15, § 1, 6-23-87; Ord. No. 91-23, 12-17-91)
CITY COUNCIL ORDINANCE NO. 06-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING SECTION 2-9-704 OF THE IRVINE MUNICIPAL CODE RELATING TO THE CITY’S UTILITY USER’S TAX

The City Council of the City of Irvine DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 2-9-704, entitled “Telephone users tax,” of the Irvine Municipal Code is hereby amended to modify subparagraph “D” so as to read in its entirety as follows:

D. Notwithstanding the provisions of subsection A, the tax imposed under this section shall not be imposed upon any person for using intrastate telephone communication services to the extent that the amounts paid for such services are exempt from or not subject to the tax imposed under Revenue and Taxation Code div. 2, pt. 20 (Revenue and Taxation Code § 41001 et seq.).

SECTION 2. The provisions of this amendment to the Irvine Municipal Code do not alter the amount of City telephone user tax to be levied, nor do the provisions act to expand the application of the tax, and are substantially the same as the previous provisions of the Irvine Municipal Code as they read immediately prior to the adoption of this Ordinance. The amendments made by this Ordinance shall be read as continuations of the earlier existing provisions and not as new enactments.

SECTION 3. If any portion of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 4. The City Council determines that pursuant to Title 14, California Code of Regulations Section 15061, this project is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 5. This Ordinance relates to the levying and collecting of City utility user’s taxes and shall take effect immediately upon the adoption and approval of this Ordinance by the City Council. The City Clerk of the City of Irvine shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law in the City of Irvine.
PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 26th day of September 2006.

______________________________
MAYOR OF THE CITY OF IRVINE

ATTEST:

______________________________
CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA )
COUNTY OF ORANGE ) SS
CITY OF IRVINE )

I, PAMYLA MEANS, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Ordinance was introduced for first reading on 12th day of September, 2006, and duly adopted at a regular meeting of the City Council of the City of Irvine held on the 26th day of September 2006, by the following vote:

AYES: 5 COUNCILMEMBERS: Agran, Choi, Kang, Shea and Krom

NOES: 0 COUNCILMEMBERS: None

ABSENT: 0 COUNCILMEMBERS: None

______________________________
CITY CLERK OF THE CITY OF IRVINE

2 CC Ordinance No. 06-16
AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
COUNTY OF ORANGE    ) ss
CITY OF IRVINE      )

I, TERI L. BEACH, Deputy City Clerk of the City of Irvine, HEREBY DO CERTIFY that on the 6th day of October, 2006, I caused to have posted the foregoing true and correct copy of Ordinance No. 06-16 of the City of Irvine in the following public places in the City:

1) Bulletin Board in Walnut Village Shopping Center, Culver and Walnut, Irvine.
2) Bulletin Board in University Park Shopping Center, Culver at Michelson, Irvine.
3) Bulletin Board in Northwood Shopping Center, Irvine Boulevard at Yale, Irvine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City Council of the City of Irvine, California, the 6th day of October, 2006.

[Signature]

DEPUTY CITY CLERK OF THE CITY OF IRVINE
## CITY OF IRVINE
### UTILITY USER’S TAX RETURN

Fiscal Services Division  
P.O. BOX 19575  
Irvine, California 92623-9575

<table>
<thead>
<tr>
<th>Authority: Section 2-9-7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please check appropriate box: Gas ☐ Electric ☐ Telephone ☐</td>
</tr>
<tr>
<td>Service Supplier: ___________________________________________</td>
</tr>
<tr>
<td>Reporting Period: Month/Year___________ FEIN #: ____________</td>
</tr>
</tbody>
</table>

Remittance Based on: Collections ____ Billings ____

1. Gross Collections or Charges __________________
2. Less Exempt Accounts __________________
3. Other Non-Taxed Collections or Charges __________________
4. Taxable Collections or Charges __________________
5. Tax Due (1.5% on Line 4) __________________
6. Adjustments (Plus/Minus –Attach Explanation) __________________
7. Penalty On Late Payment __________________
8. Interest On Late Payment __________________
9. Total Tax, Penalty & Interest (Sum of Lines 5, 6, 7 & 8) __________________

I declare under penalty of making a false statement that to the best of my knowledge and belief, the statements herein and on attachments are true, correct, and complete.

Date: ___________________________ Title: ___________________________

Signature: ___________________________ Print Name: ___________________________

For questions regarding Utility User’s Tax Returns call (949) 724-6027.

### Note: Remittance is due on or before the last day of the following month. Remittance should be made payable to: City of Irvine.

#### Notice of Delinquent Utility User Tax

Date Received: ___________________________ Number of Days Late: ___________________

Penalty assessed per Section 2-9-07 at 10% $_________________________
<table>
<thead>
<tr>
<th>SERVICE PROVIDER</th>
<th>SERVICE ACCOUNT NAME ON INVOICE</th>
<th>SERVICE ADDRESS</th>
<th>CUSTOMER ACCOUNT</th>
<th>SERVICE ACCOUNT</th>
<th>PHONE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Failure to provide such information annually would result in possible non-exemption status, and the City of Irvine will only be held liable for any tax overpayment under Irvine Municipal Code Sec. 2-9-716.
### BUSINESS INFORMATION

<table>
<thead>
<tr>
<th>BUSINESS NAME</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BUSINESS ADDRESS (Exempt locations)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
</tr>
<tr>
<td>2.</td>
</tr>
<tr>
<td>3.</td>
</tr>
<tr>
<td>4.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DBA OR PARENT COMPANY (Business address)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

### CONTACT INFORMATION

<table>
<thead>
<tr>
<th>CONTACT PERSON NAME</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PHONE</th>
<th>E-MAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### UTILITY COSTS

Estimate your average annual utility costs by category below.

<table>
<thead>
<tr>
<th>ELECTRICITY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GAS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** If you have multiple locations that are not contiguous sites of land, please copy this form, file a separate form for each individual location, and remit one payment for each location. If you have contiguous sites, you can attach a list of all addresses to this form and only remit one payment.