

CITY OF SAN MARINO

SPECIAL MEETING AGENDA

Steven W. Huang, DDS, Mayor
Gretchen Shepherd Romey, Vice Mayor
Susan Jakubowski, Council Member
Steve Talt, Council Member
Ken Ude, Council Member
Marcella Marlowe, Ph.D., City Manager



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City Hall Council Chamber
2200 Huntington Drive
San Marino, CA 91108

SPECIAL MEETING OF THE SAN MARINO CITY COUNCIL WEDNESDAY, AUGUST 14, 2019 AT 8:30 A.M. CITY HALL COUNCIL CHAMBERS 2200 HUNTINGTON DRIVE SAN MARINO, CA 91108

The City of San Marino appreciates your attendance. Citizens' interest provides the Council with valuable information regarding issues of the community.

Regular Meetings are held on the 2nd Wednesday of every month at 6:00 p.m. Typically, Adjourned Meetings are held on the last Friday of every month at 8:30 a.m.

In compliance with the American Disabilities Act, any person with a disability who requires a modification or accommodation in order to participate in a meeting should contact the City Clerk's Office at (626) 300-0705 prior to the meeting.

CALL TO ORDER

ROLL CALL: Council Member Jakubowski, Council Member Talt, Council Member Ude, Vice Mayor Shepherd Romey, and Mayor Huang.

POSTING OF AGENDA

The special meeting agenda is posted 24 hours prior to each special meeting at the following locations: City Hall, 2200 Huntington Drive, the Crowell Public Library, 1890 Huntington Drive, and the Recreation Department, 1560 Pasqualito Drive. The special meeting agenda is also posted on the City's website: <http://www.cityofsanmarino.org>.

PUBLIC COMMENTS (AGENDA ITEMS ONLY)

The City welcomes public input. Members of the public may address the City Council by completing a public comment card and giving it to the City Clerk prior to the meeting. At this time, the public may address the City Council only on items on the

agenda pursuant to Government Code Section 54956. Pursuant to state law, the City Council may not discuss or take action on issues not on the meeting agenda (Government Code Section 54954.2). The Mayor reserves the right to place limits on duration of comments. Staff may be asked to follow up on such items.

NEW BUSINESS

I. CONSIDERATION OF RESOLUTION NO. R-19-25, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARINO AMENDING RESOLUTION NO. R-19-21 AS PERMITTED BY ELECTIONS CODE SECTION 9605, TO AMEND THE LANGUAGE OF THE BALLOT QUESTION RELATING TO THE SPECIAL PUBLIC SAFETY TAX FOR PARAMEDIC SERVICES, FIRE PROTECTION AND PREVENTION, AND POLICE PROTECTION

Recommendation: Staff recommends the City Council adopt Resolution No. R-19-25, a resolution of the City Council of the City of San Marino amending Resolution No. R-19-21 as permitted by elections code section 9605, to amend the language of the ballot question relating to the special public safety tax for paramedic services, fire protection and prevention, and police protection.

ADJOURNMENT

Dated: August 13, 2019
Posted: August 13, 2019

EVA HETER
CITY CLERK



City of San Marino

Staff Report

*Steven W. Huang, DDS, Mayor
Gretchen Shepherd Romey, Vice Mayor
Susan Jakubowski, Council Member
Steve Talt, Council Member
Ken Ude, Council Member*

TO: Mayor and City Council
FROM: Marcella Marlowe, Ph.D., City Manager
BY: Stephanie Cao, City Attorney and Craig Steele, Esq.
DATE: August 14, 2019

SUBJECT: APPROVAL OF A RESOLUTION OF THE SAN MARINO CITY COUNCIL AMENDING RESOLUTION NO. R-19-21 AS PERMITTED BY ELECTIONS CODE SECTION 9605 TO AMEND THE BALLOT QUESTION RELATING TO THE SPECIAL PUBLIC SAFETY TAX FOR PARAMEDIC SERVICES, FIRE PROTECTION AND PREVENTION, AND POLICE PROTECTION

STRATEGIC PLAN CRITICAL SUCCESS FACTORS

- Engaged and Connected Residents
- Efficient, Responsive, and Effective City Services
- Fiscally Responsible and Transparent City Government

BACKGROUND

The current City of San Marino Special Public Safety Tax will expire on June 30, 2020. The City Council previously directed that a ballot measure to extend it five years be submitted to the voters at the City's election on November 5, 2019. Elections Code Section 9605 permits the City Council to amend or withdraw an order of election by the 83rd day prior to the election, which is August 14, 2019. Staff and the City Attorney's office propose to amend the ballot question for the measure to provide additional information.

DISCUSSION

The proposed amendment to the order of election would add some information regarding the maximum rate of the special tax to the existing ballot question, as shown in the attached resolution. This proposed amendment does not change the substance of the ordinance proposed to be adopted or any aspect of the Special Tax. Rather, in the interest of transparency and providing as much information to the voters as possible, the proposed amendment adds a

discussion of the factors relating to the calculation of the maximum rate of the Special Tax to the ballot question.

The Resolution states specifically that the City Council only intends to add information to the ballot question, and not to change any other approval, document or deadline. This action does not change the ordinance substantively, does not create any new deadline for submission of any argument, impartial analysis or any other official document. The deadlines for those actions have passed.

FISCAL IMPACT & PROCUREMENT REVIEW

There is no additional cost associated with this proposed action.

LEGAL REVIEW

The City Attorney's office has reviewed this resolution and approved it as to form.

RECOMMENDATION

Staff and the City Attorney's office recommend that the City Council amend the order of election as permitted by Elections Code Section 9605. If the City Council concurs with staff's recommendation, an appropriate motion would be:

"I move to adopt Resolution No. R-19-25."

ATTACHMENTS

1. Resolution No. R-19-25, a resolution of the San Marino City Council Amending Resolution No. R-19-21 as permitted by Elections Code Section 9605 to amend the language of the ballot question relating to the Special Public Safety Tax for Paramedic Services, Fire Protection and Prevention, and Police Protection
2. Resolution No. R-19-21, a resolution of the San Marino City Council Ordering that a Measure to Extend the City's Existing Public Safety Special Tax for Five (5) Years be Submitted to the Voters at the General Municipal Election to be Held on Tuesday, November 5, 2019, and Directing the City Attorney to Prepare an Impartial Analysis



RESOLUTION NO. R-19-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARINO AMENDING RESOLUTION NO. R-19-21 AS PERMITTED BY ELECTIONS CODE SECTION 9605 TO AMEND THE LANGUAGE OF THE BALLOT QUESTION RELATING TO THE SPECIAL PUBLIC SAFETY TAX FOR PARAMEDIC SERVICES, FIRE PROTECTION AND PREVENTION, AND POLICE PROTECTION

WHEREAS, the City Council has previously ordered that a measure be submitted to the voters of the City of San Marino at the City’s General Municipal Election on November 5, 2019 through the adoption of Resolution No. R-19-21, and

WHEREAS, pursuant to its authority under Elections Code 9605, the City Council intends to amend the order of election only by changing the question to be presented to the voters as provided below.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Marino hereby resolves as follows:

SECTION 1. Section 2 of Resolution No. R-19-21 is hereby amended to read as follows:

“SECTION 2. The City Council hereby orders that the question to be submitted to the voters at the said General Municipal Election shall appear and be printed on the ballot as follows:

Shall the measure approving an ordinance to continue the Special Public Safety Tax for Paramedic Services, Fire Protection and Prevention and Police Protection in San Marino, providing approximately \$3.4 million annually until 2025, continuing the existing rate structure calculating the maximum amount charged to each parcel type based primarily on its zoning and applying police, fire, and paramedic cost components specified in the exhibit to the ordinance, with increases strictly limited each year, be adopted?	YES _____	NO _____
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SECTION 2. Section 1 of this Resolution, which amends Section 2 of Resolution No. R-19-21, is the City Council’s only change to the order of election as adopted in Resolution No. R-19-21. This change provides additional transparency and information to the voters about the rate structure of the tax, and does not change any substantive element of the ballot question or any content of the ordinance previously proposed for adoption. It is the intent of the City Council that this limited amendment to the order of election, as permitted by Elections Code Section 9605, does not establish or change any date for submission of arguments or any other deadline that has previously been set.

SECTION 3. In all particulars not specifically amended by this Resolution, the provisions of Resolution No. R-19-21 shall remain in full force and effect.

SECTION 4. The City Clerk shall certify the adoption of this Resolution and shall transmit it to be received by the Los Angeles County Registrar-Recorder's office forthwith, and not later than the close of business on August 14, 2019.

PASSED, APPROVED AND ADOPTED on August 14th, 2019.

STEVEN W. HUANG, DDS, MAYOR
CITY OF SAN MARINO

ATTEST:

EVA HETER, CITY CLERK
CITY OF SAN MARINO

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SAN MARINO)

I, EVA HETER, City Clerk of the City of San Marino, California, hereby certify that Resolution No R-19-25 was adopted by the City Council of the City of San Marino at a Special Meeting held on the 14th day of August, 2019, and that the same was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

EVA HETER, CITY CLERK
CITY OF SAN MARINO

RESOLUTION NO. R-19-21

A RESOLUTION OF THE SAN MARINO CITY COUNCIL ORDERING THAT A MEASURE TO EXTEND THE CITY'S EXISTING PUBLIC SAFETY SPECIAL TAX FOR FIVE (5) YEARS BE SUBMITTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2019, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, pursuant to the requirements of the laws of the State of California relating to general law cities, there has been called and ordered to be held in the City of San Marino on Tuesday, November 5, 2019, a General Municipal Election for the purpose of electing two members of the City Council; and

WHEREAS, pursuant to its existing authority under the Elections Code, the City Council proposes to submit to the voters of the City at said General Municipal Election a ballot measure to extend the City's existing Public Safety Special Tax; and

WHEREAS, the proposed ballot measure would extend the existing special tax that is already paid by San Marino property owners, to continue to raise revenue needed for the City to provide excellent public safety services; and

WHEREAS, fast emergency response times and crime prevention remains a top community priority; this extended tax would help ensure there are enough police officers, firefighters, and paramedics to respond quickly to 9-1-1 emergencies; and

WHEREAS, all funds raised by this measure will be used only to fund essential City public safety services; and

WHEREAS, without the passage of this measure, the existing Public Safety Tax ordinance will expire in 2020 and public safety in the City will be underfunded;

NOW, THEREFORE, THE SAN MARINO CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1. Pursuant to California Elections Code Sections 9222 and 10201, the City Council, pursuant to its right and authority, does hereby order that a ballot measure be submitted to the voters at the General Municipal Election on Tuesday, November 5, 2019 in the form set forth herein.

SECTION 2. The City Council hereby orders that the question to be submitted to the voters at the said General Municipal Election shall appear and be printed on the ballot as follows:

Shall an ordinance be adopted to continue the Special Public Safety Tax for Paramedic Services, Fire Protection and Prevention and Police Protection in the City of San Marino, providing approximately \$3,400,000 annually, until 2025?	YES _____	NO _____
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SECTION 3. The text of the proposed ordinance to be submitted to the voters, as attached hereto as Exhibit “A,” is hereby approved and incorporated herein by reference. The type of tax proposed is the extension of an existing Special Parcel Tax at the rates specified in the proposed ordinance for five (5) additional years. The measure shall not take effect unless and until approved by a vote of at least 2/3 of the voters voting on the question at the election.

SECTION 4. The ballots to be used at the election shall be in form and content as required by law.

SECTION 5. The City Attorney is directed to prepare and file an Impartial Analysis of the ballot measure. The City Council authorizes any and all members of the City Council to file a written argument in favor or against the above referenced measure.

SECTION 6. The election on this measure shall be conducted on the same ballot as the General Municipal Election for candidates, and shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. The City Manager and all other officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they may deem necessary or advisable in order to complete the process for placing the measure on the November 5, 2019 ballot.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Resolution, enter it into the book of original resolutions and transmit it to the County of Los Angeles Registrar/Recorder forthwith.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of San Marino, California, on this 28th day of June 2019.

STEVEN W. HUANG, DDS, MAYOR
CITY OF SAN MARINO

ATTEST:

EVA HETER, CITY CLERK
CITY OF SAN MARINO

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SAN MARINO)

I, EVA HETER, City Clerk of the City of San Marino, California, hereby certify that Resolution No R-19-21 was adopted by the City Council of the City of San Marino at a Regular Meeting held on the 28th day of June, 2019, and that the same was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

EVA HETER, CITY CLERK
CITY OF SAN MARINO

EXHIBIT A

ORDINANCE NO. O-19-1351

AN ORDINANCE OF THE CITY OF SAN MARINO, CALIFORNIA, LEVYING A SPECIAL PUBLIC SAFETY TAX FOR PARAMEDIC SERVICES, POLICE PROTECTION AND FIRE PREVENTION

**THE CITY COUNCIL OF THE CITY OF SAN MARINO, CALIFORNIA DOES ORDAIN AS
FOLLOWS:**

SECTION 1. Pursuant to the authority of Section 4 of Article XIII-A of the California Constitution, California Government Code Section 53978, there is hereby levied and assessed as special safety tax by the City of San Marino on each parcel of property in the City of San Marino for each fiscal year, commencing with the fiscal year (2020-2021) and ending with the fiscal year (2024-2025).

SECTION 2. Unless territory is annexed to the City of San Marino following the date of adoption of this ordinance by the City Council, the maximum annual amounts of said special public safety tax for each fiscal year shall be as indicated on Exhibit I of the ordinance, which is incorporated herein in its entirety. In the event territory is annexed to the City of San Marino following the date of adoption of this ordinance by the City Council, the special public safety tax shall be imposed on such annexed parcels in the same amounts as other parcels in the same zoning classification, and the maximum amount of said public safety tax for the fiscal year of such annexation and each of the fiscal years thereafter shall be increased by the amounts equal to the total special public safety tax imposed on the annexed parcels.

(A) The special public safety tax zones shall be those designated on the official zone map of the City.

(B) The records of the Los Angeles County Assessor as of March 1, of each year preceding the applicable fiscal year shall determine whether or not any particular lot is unimproved for the purposes of this section. "Parcel of property" as used in this ordinance shall mean any contiguous unit of improved or unimproved real property held in separate ownership, including, but not limited to, any single family residence, or any other unit or real property subject to the California Subdivided Lands Act (Business and Professional Code, Section 11000, et seq.).

(C) The tax imposed by this ordinance shall be a tax upon each parcel of property, and the tax shall not be measured by the value of the property.

SECTION 3. The special public safety tax imposed by this ordinance shall be due in two equal installments in accordance with the collection procedures of the Los Angeles County Tax Collector, in the same manner, and on the same applicable dates as established by law for the due dates for the other charges and taxes fixed and collected by the County of Los Angeles on behalf of the City of San Marino.

SECTION 4. The revenue raised by this ordinance shall be placed in a special fund to be used only for the purposes of obtaining, providing, operating and maintaining paramedic services, police equipment or apparatus therefor; paying the salaries and benefits to paramedic, police protection and firefighting protection and prevention personnel; and for other necessary paramedic expenses, police protection expenses and fire protection and prevention expenses of the City of San Marino.

SECTION 5. The City Council, by three (3) affirmative votes, is empowered:

(A) To establish the amounts of the special public safety tax levy annually each fiscal year in amounts not to exceed the maximum amounts specified for each component of the special public safety tax in Section 2 of this ordinance as is required in the discretion of the City Council to provide an adequate level of paramedic service, police protection and fire protection and prevention services in the City in accordance with the purposes set forth in this ordinance;

(B) To sit as a Board of Equalization under procedures to be adopted to equalize inequities and reduce hardships created by a literal application of this ordinance, and such shall be deemed an administrative remedy; and

(C) To annually provide an official Assessment Book designating the actual tax levy on each parcel, and to place same on file in the office of the City Clerk.

SECTION 6. The City Council shall be empowered to amend this ordinance by three (3) affirmative votes of the members thereof for the purposes of carrying out the general purposes of this ordinance in order to conform to the state law that permits the County Tax Collector; or other proper official, to collect a special tax such as is levied by this ordinance in conjunction with County taxes or in order to assign duties pursuant to the ordinance to other officers.

SECTION 7. This ordinance shall be null and void as of midnight, June 30, 2025, and shall have no force and effect whatsoever after said time and date, and any action by the City Council of the City of San Marino to the contrary, notwithstanding, except that Section 10, relating to the collection and enforcement of liens or obligations for the special public safety tax previously levied hereunder, shall continue in effect until such time as the collection and enforcement procedures have been completed.

SECTION 8. No section of this ordinance shall be construed to permit, and the City Council is expressly prohibited from extending, the terms of this ordinance beyond June 30, 2025 or increasing the maximum amount of any special public safety tax levy, or component thereof, or penalty imposed by this ordinance.

SECTION 9. The special public safety tax imposed hereby shall be collected in the same manner, on the same dates, and subject to the same penalties and interest in accordance with the established dates as, or with, other charges and taxes fixed and collected by the County of Los Angeles on behalf to the City of San Marino and the said County may deduct its reasonable costs incurred for such services before remittal of the balance to the City.

Said special public safety tax, together with all penalties and interest thereon, shall constitute a

lien upon the parcel upon which it is levied until it has been paid, and said special public safety tax, together with all penalties and interest thereon, shall, until paid, constitute a personal obligation to the City of San Marino by the persons who own the parcel on the date the tax is due.

SECTION 10. The special public safety tax hereby imposed shall not be imposed upon a Federal or State Governmental agency or any local agency or upon any parcel of property that is exempt from the special tax imposed by this ordinance pursuant to any provision of the Constitution or any paramount law.

SECTION 11. Pursuant to the California Constitution, Article XIII B, the appropriation limit for the City of San Marino will be increased by the maximum projected aggregate collection authorized by the levy of this special public safety tax, as indicated in Section 2, commencing with fiscal year (2020-2021) and ending with fiscal year (2023-2024), plus the amount, if any, by which the appropriations limit is decreased by law as a result of the assessment of the special public safety tax set forth in this ordinance.

SECTION 12. Unexpended residue of any money raised by the City under this ordinance may only be used in the succeeding year for the purposes stated in this ordinance, by lowering the next year's tax by the amount unexpended, or by returning the amount unexpended to the taxpayers on the same *pro rata* basis as originally levied.

SECTION 13. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The City Council and the electorate by referendum, do hereby declare that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions therefore be declared invalid or unconstitutional.

SECTION 14. This ordinance, or any provisions thereof other than those provisions, if any, which provide for modification by the City Council of the City of San Marino, may only be amended or repealed by approval of two-thirds (2/3) of the voters voting on the provisions at any City election.

SECTION 15. This ordinance shall be effective only if approved by two-thirds (2/3) of the voters voting at an election to be held in the City on November 5, 2019, and, in such case, shall go into effect ten (10) days after the City Council has, by resolution, declared that such measure was approved by two-thirds (2/3) of the voters voting thereon.

SECTION 16. The City Clerk shall certify the passage and adoption of this ordinance and shall cause same to be published as required by law, shall update the San Marino Municipal Code as required, and shall publish a synopsis of the measure to be voted on as required by law.

PASSED, APPROVED AND ADOPTED this 5th day of November, 2019.

STEVEN W. HUANG, DDS
MAYOR

ATTEST:

EVA HETER
CITY CLERK

APPROVED AS TO FORM:

STEPHANIE CAO
CITY ATTORNEY

EXHIBIT 1
ORDINANCE NO. O-19-1351
MAXIMUM SPECIAL PUBLIC SAFETY TAX LEVY AND ASSESSMENT AMOUNTS

Zones	# of Parcels	Police/Fire Zone Factor	Fiscal Year 2020-21		Fiscal Year 2021-22		Fiscal Year 2022-23		Fiscal Year 2023-24		Fiscal Year 2024-25	
			Police/Fire Components	Paramedic Component								
RES I	286	3.00	1,320.54	73.90	1,386.57	77.59	1,455.90	81.47	1,528.69	85.55	1,605.13	89.82
RES II	379	2.63	1,157.75	73.90	1,215.64	77.59	1,276.42	81.47	1,340.24	85.55	1,407.25	89.82
RES III	20	2.19	964.97	73.90	1,013.22	77.59	1,063.88	81.47	1,117.07	85.55	1,172.93	89.82
RES IV	343	1.89	832.17	73.90	873.78	77.59	917.46	81.47	963.34	85.55	1,011.50	89.82
RES V	1,509	1.44	634.03	73.90	665.73	77.59	699.02	81.47	733.97	85.55	770.67	89.82
RES VI	702	1.15	507.65	73.90	533.04	77.59	559.69	81.47	587.67	85.55	617.06	89.82
RES VII	1,216	1.00	440.18	73.90	462.19	77.59	485.30	81.47	509.56	85.55	535.04	89.82
COM I	33	2.40	1,057.08	73.90	1,109.93	77.59	1,165.43	81.47	1,223.70	85.55	1,284.88	89.82
COM II*	85	3.75	1,651.48	73.90	1,734.06	77.59	1,820.76	81.47	1,911.80	85.55	2,007.39	89.82
COM III	35	6.50	2,862.78	73.90	3,005.92	77.59	3,156.22	81.47	3,314.03	85.55	3,479.73	89.82
UNIMPR	20	0.55	242.05	73.90	254.15	77.59	266.86	81.47	280.20	85.55	294.21	89.82
SPLIT	3	0.44	176.72	73.90	185.55	77.59	194.83	81.47	204.57	85.55	214.80	89.82
UNASSESS	63		-	73.90	-	77.59	-	81.47	-	85.55	-	89.82
	4,694											
PROJECTED MAXIMUM TOTAL COLLECTION:												
Component:			3,250,411.10	342,226.27	3,412,931.66	359,337.58	3,583,578	377,304.46	3,762,757.15	396,169.68	3,950,895.01	415,978.17
Combined:			3,592,637		3,772,269		3,960,883		4,158,927		4,366,873	
ANTICIPATED CREDITS:												
			236,874		248,718		261,153		274,211		287,922	
ESTIMATED TOTAL COLLECTABLE:												
Component:			3,013,537	342,226	3,164,214	359,338	3,322,425	377,304	3,488,546	396,170	3,662,973	415,978
Combined:			3,355,764		3,523,552		3,699,729		3,884,716		4,078,952	

* Including churches, non-profit holdings and the like

SENIOR CITIZEN CREDIT: Upon application, the City Council shall make available a credit of \$100 per year for parcels owned by senior citizens (65 years or older) whose income does not exceed levels the City Council establishes.