

RESOLUTION NO. R-19-10

**RESOLUTION OF THE CITY OF SAN MARINO, CALIFORNIA
ESTABLISHING THE PUBLIC SAFETY SPECIAL TAX LEVIES FOR
FISCAL YEAR 2019-20**

WHEREAS, the voters adopted Ordinance No. O-15-1293, establishing a public safety special tax in November 2015; and

WHEREAS, the City Council is empowered to establish amounts of tax levy annually each fiscal year in amounts not to exceed maximum levies established in Ordinance No. O-15-1293; and

WHEREAS, the Council has considered budgetary matters and proposes a levy that 0% greater than the FY 2018-19 levy and 8% less than the approved maximum levy for 2019-20 as approved as Exhibit A to Ordinance No. O-15-1293.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Marino, California assess the public safety special tax as follows:

**SPECIAL PUBLIC SAFETY TAX LEVY
AND ASSESSMENT AMOUNTS
FOR FISCAL YEAR 2019-20**

ZONES	POLICE/FIRE COMPONENT	PARAMEDIC COMPONENT
RES I	1,257.66	70.38
RES II	1,102.62	70.38
RES III	919.02	70.38
RES IV	792.54	70.38
RES V	603.84	70.38
RES VI	483.48	70.38
RES VII	419.22	70.38
COM I	1,006.74	70.38
COM II	1,572.84	70.38
COM III	2,726.46	70.38
UNIMPR	230.52	70.38
SPLIT	168.30	70.38

PASSED, APPROVED, AND ADOPTED this 31st day of May, 2019.


STEVEN W. HUANG, DDS., MAYOR

ATTEST:


AMANDA FOWLER
ACTING CITY CLERK

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

I, Amanda Fowler, Acting City Clerk of the City of San Marino, California, hereby certify that Resolution No. R-19-10 was adopted by the City Council of the City of San Marino at a Regular Meeting held on the 31st day of May, 2019, and that the same was adopted by the following vote:

AYES: COUNCIL MEMBER JAKUBOWSKI, COUNCIL MEMBER TALT, COUNCIL MEMBER UDE, VICE MAYOR SHEPHERD ROMNEY, MAYOR HUANG

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE


AMANDA FOWLER
ACTING CITY CLERK

ORDINANCE NO. O-15-1293

**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
HEREBY 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 (2016-2017) and ending with the fiscal year (2019-2020).

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 A of the ordinance 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 therefore; paying the salaries and benefits to paramedic, police protection and fire fighting protection and prevention personnel; and for other necessary

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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 dissention 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 and 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, 2020, and shall have no force and effect whatsoever after said time and dare, 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, 2020 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.

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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, in each of the years covered by the ordinance 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 of 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 initiative or referendum election.

SECTION 15. This ordinance shall be effective only if approved as an initiative or referendum measured by two-thirds (2/3) of the voters voting at an election to be held on November 3, 2015, 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.

PASSED, APPROVED AND ADOPTED this 26th day of June, 2015.


EUGENE SUN,
MAYOR

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ATTEST:

Veronica Ruiz
VERONICA RUIZ,
CITY CLERK

APPROVED AS TO FORM:

Steven L. Dorsey
STEVEN L. DORSEY,
CITY ATTORNEY

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

I HEREBY CERTIFY that the foregoing City of San Marino Ordinance No. O-15-1293 was introduced and read by title at a Regular Meeting of the San Marino City Council held on the 10th day of June 2015, and was adopted on second reading at an Adjourned Regular Meeting of the City Council held on the 26th day of June, 2015 by the following vote:

AYES: COUNCIL MEMBERS: DENNIS KNEIER, RICHARD SUN, AND MAYOR EUGENE SUN

NOES: NONE

ABSTAIN: NONE

ABSENT: COUNCIL MEMBERS: RICHARD WARD AND VICE-MAYOR ALLAN YUNG

Veronica Ruiz
VERONICA RUIZ,
CITY CLERK

EXHIBIT A
 ORDINANCE NO. O-15-1293
 MAXIMUM SPECIAL PUBLIC SAFETY TAX LEVY AND ASSESSMENT AMOUNTS

Zones	# of Parcels	Police/Fire Zone Factor	Fiscal Year 2016-17		Fiscal Year 2017-18		Fiscal Year 2018-19		Fiscal Year 2019-20	
			Police/Fire Components	Paramedic Component	Police/Fire Components	Paramedic Component	Police/Fire Components	Paramedic Component	Police/Fire Components	Paramedic Component
RES I	257	3.00	1,174	66	1,233	69	1,295	72	1,359	76
RES II	371	2.63	1,030	66	1,081	69	1,135	72	1,192	76
RES III	26	2.19	858	66	901	69	946	72	993	76
RES IV	354	1.89	740	66	777	69	816	72	857	76
RES V	1,482	1.44	564	66	592	69	622	72	653	76
RES VI	671	1.15	451	66	474	69	497	72	522	76
RES VII	1,272	1.00	391	66	411	69	432	72	453	76
COM I	30	2.40	940	66	987	69	1,036	72	1,088	76
COM II*	87	3.75	1,468	66	1,542	69	1,619	72	1,700	76
COM III	34	6.50	2,545	66	2,673	69	2,806	72	2,946	76
UNIMPR	29	0.55	215	66	226	69	237	72	249	76
SPLIT	9	0.44	157	66	165	69	173	72	182	76
UNASSESS	63		-	66	-	69	-	72	-	76
HUNT LIB**			20,792	131	21,832	138	22,924	145	24,070	152
	4,685									
PROJECTED MAXIMUM										
TOTAL COLLECTION:										
Component:			2,875,275.17	303,633.51	3,019,039	318,815	3,169,991	334,756	3,328,490	351,494
Combined:			3,178,909		3,337,854		3,504,747		3,679,984	
ANTICIPATED CREDITS:			194,877		204,621		214,852		225,594	
ESTIMATED TOTAL COLLECTABLE:										
Component:			2,680,398	303,634	2,814,418	318,815	2,955,139	334,756	3,102,896	351,494
Combined:			2,984,032		3,133,234		3,289,895		3,454,390	

* Including churches, non-profit holdings and the like

** In lieu payment

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.