



CITY OF SOUTH PASADENA

OFFICE OF THE CITY CLERK

1414 MISSION STREET, SOUTH PASADENA, CA 91030

TEL: 626.403.7230 * FAX: 626.403.7211 * EMAIL: SKILBY@CI.SOUTH-PASADENA.CA.US

WWW.CI.SOUTH-PASADENA.CA.US

June 1, 2007

Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, CA 90012

Dear Sir or Madam:

Enclosed are resolutions passed by the City of South Pasadena City Council pertaining to the conduct of a Special Municipal Election scheduled November 6, 2007. The resolutions calling the election in order to put before the voters two measures related to an increased Utility User's Tax and requesting consolidation with the County of Los Angeles UDEL election were passed by the City Council on May 16, 2007.

Since we have never consolidated with the County, we have contracted with Martin & Chapman for consulting assistance. We will be following their schedule of deadlines for the submission of arguments and rebuttals.

Please let me know if there is anything else that you need in order to facilitate the election.

Sincerely,

Sally Kilby
City Clerk

cc: Conny McCormack, LACRR/CC

RESOLUTION NO. 6937

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF SOUTH PASADENA, CALIFORNIA,
RESCINDING RESOLUTION NO. 6934 AND CALLING
AND GIVING NOTICE OF THE HOLDING OF A SPECIAL
MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 6, 2007,
FOR THE SUBMISSION OF PROPOSED MEASURES AND
DECLARING AN EMERGENCY PURSUANT TO SECTION 2(B)
OF ARTICLE XIIC OF THE CALIFORNIA CONSTITUTION
NECESSITATING THE PLACING OF A GENERAL TAX MEASURE
ON THE NOVEMBER 6, 2007 SPECIAL ELECTION BALLOT**

WHEREAS, the City Council of the City of South Pasadena, California, desires to submit to the voters at a Special Municipal Election proposed measures relating to an increase in the Utility User's Tax; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed measures to the voters; and

WHEREAS, the City Council has determined that an emergency exists in regard to the City's ability to fund infrastructure repairs and compensate employees adequately; and

WHEREAS, on May 16, 2007, the City Council passed a resolution calling and giving notice of the holding of a Special Municipal Election on Tuesday, November 6, 2007, to place before the voters two measures concerning a 4% increase in the existing Utility User's Tax; and

WHEREAS, on June 20, 2007, the City Council reconsidered this resolution and determined that the percent of the increase should be lowered, voting unanimously to place before the voters at the November 6, 2007 election two measures concerning a 3% increase in the existing Utility User's Tax.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That Resolution No. 6934 be rescinded, to be replaced by this resolution calling and giving notice of a Special Municipal Election.

SECTION 2. That pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City

of South Pasadena, California, on Tuesday, November 6, 2007, a Special Municipal Election for the purpose of submitting the following measures:

| | |
|---|------------|
| Shall an ordinance be adopted increasing the existing Utility User's Tax by 3% for the limited period of February 1, 2008 to March 5, 2013? | YES |
| | NO |

| | |
|---|------------|
| ADVISORY VOTE ONLY If the 3% increase in the Utility User's Tax is approved, should not less than 65% of the funds generated by the increase be expended for infrastructure improvements, such as repair, replacement and improvement of water lines, reservoirs, sewer facilities, streets, sidewalks, parks, public buildings and other such infrastructure facilities and not more than 35% of such funds be expended for employee salaries? | YES |
| | NO |

SECTION 3. That the text of the ordinance submitted to the voters is attached as Exhibit "A."

SECTION 4. That the text of the advisory measure submitted to the voters is attached as Exhibit "B."

SECTION 5. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 6. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until 8:00 o'clock p.m. of the same day when the polls shall be closed, except as provided in

§ 14401 of the Elections Code of the State of California.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding special municipal elections.

SECTION 8. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

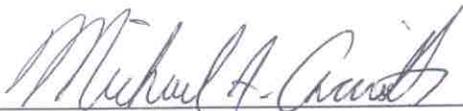
SECTION 9. Section 2(b) of Article XIII C of the California Constitution requires that the City Council, by unanimous vote of its members present, declares an emergency if the voters are to consider the general tax measures at the November 6, 2007 special election. The City Council finds and determines that each of the following findings is true and correct.

- a. An emergency exists which is an imminent danger to the public health, safety and general welfare of the residents of the City. Parts of the City water pipelines are old and deteriorating. The condition of these pipelines poses an immediate danger of substantial leaks and bursting of those pipelines, and a critical interruption of water service to the residents of the City. This interruption of water service would impose potential health, safety and welfare risks to the citizens of the City.
- b. Parts of the City streets are in need of repairs. The lack of repairs causes a safety and welfare risk to the citizens of the City.
- c. Many parts of the City's infrastructure, including sewers, streets, sidewalks and public buildings are in need of repair and replacement. This causes an imminent threat to the ability of the City to deliver adequate services to City residents, which results in an immediate risk to the health, safety, and welfare of the citizens of the city.
- d. The City currently lacks sufficient revenues to repair or replace the aged and deteriorating pipelines, streets, sidewalks, infrastructure, and public buildings described above.
- e. The City currently lacks sufficient revenues to attract and retain a sufficient number and quality of employees to efficiently, properly and safely operate City facilities and provide City services.
- f. The approval and adoption of the proposed 3% increase in the Utility User's Tax would provide sufficient revenues to enable the

City to mitigate or eliminate the emergency conditions described in this resolution. The mitigation and elimination of these emergency conditions cannot wait until the general municipal election of March 3, 2009.

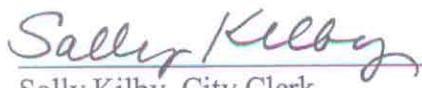
SECTION 10. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED ON this 20th day of June, 2007.



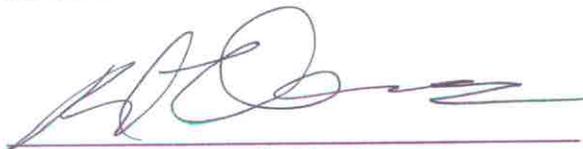
Michael A. Cacciotti, Mayor

ATTEST:



Sally Kilby, City Clerk

APPROVED AS TO FORM:



Richard L. Adams II, City Attorney

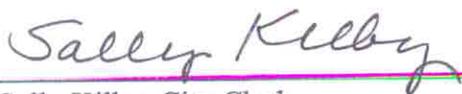
I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of South Pasadena at a regular meeting held on the 20th day of June, 2007, by the following vote:

AYES: Putnam, Schneider, Sifuentes, Ten and Mayor Cacciotti

NOES: None

ABSENT: None

ABSTAINED: None



Sally Kilby, City Clerk

Exhibit "A"

MEASURE _____

Additions to the existing code are shown in underline.
Deletions to the existing code are shown in ~~strikethrough~~.

ORDINANCE NO. _____

**AN ORDINANCE OF THE PEOPLE
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,
INCREASING THE UTILITY USER'S TAX
BY 3% FOR THE LIMITED PERIOD
FROM FEBRUARY 1, 2008 TO MARCH 5, 2013,
AS APPROVED BY A MAJORITY OF ELECTORS
VOTING AT A SPECIAL MUNICIPAL ELECTION
HELD ON NOVEMBER 6, 2007 WITHIN THE
CITY OF SOUTH PASADENA**

WHEREAS, budgetary analysis indicates the necessity to obtain additional revenues for the provision of adequate city infrastructure such as repair, replacement and improvement of water lines, reservoirs, sewer facilities, streets, sidewalks, parks, public buildings and other such infrastructure facilities; and

WHEREAS, budgetary analysis and historical experience indicate the necessity to obtain additional revenues to attract and retain sufficient qualified personnel to operate city facilities and functions in an efficient and safe manner; and

WHEREAS, the Ad Hoc Quality of Life and Utility User's Tax Committees have recommended an increase in the Utility User's Tax as a source of increased revenues.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF SOUTH PASADENA DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Subsection (a) of Section 34B.4 of Chapter 34B of the City of South Pasadena Municipal Code is amended to read as follows:

34B.4 Telephone users tax.

(a) There is imposed a tax on the amounts paid for any intrastate telephone services by every person in the city using such services. The tax imposed by this section shall be at the rate of ~~five~~ five eight percent of the charges made for such services and shall be paid by the person paying for such services.

SECTION 2. Subsection (a) of Section 34B.4-1 of Chapter 34B of the City of South Pasadena Municipal Code is amended to read as follows:

34B.4-1 Cellular telephone users tax.

(a) There is imposed a tax on the amounts paid for any cellular telephone communication services by every person who has the billing address for such services in the city. The tax imposed by this section shall be at the rate of ~~five~~ five eight percent of the total charges made for such services, including but not limited to, access and basic monthly charges, and shall be paid by the person paying for such services,

SECTION 3. Subsection (a) of Section 34B.5 of Chapter 34B of the City of South Pasadena Municipal Code is amended to read as follows:

34B.5 Electricity users tax,

(a) There is imposed a tax upon every person in the city using electrical energy in the city. The tax imposed by this section shall be at the rate of ~~five~~ five eight percent of charges made for such energy and shall be paid by the person paying for such energy. "Charges," as used in this section, includes charges made for:

- (1) Metered energy; and
- (2) Minimum charges for service, including customer charges, service charges, demand charges, standby charges and annual and monthly charges, fuel costs adjustments, etc.

SECTION 4. Subsection (a) of Section 34B.6 of Chapter 34B of the City of South Pasadena Municipal Code is amended to read as follows:

34B.6 Gas users tax.

(a) There is imposed a tax upon every person in the city, other than a gas corporation or electrical corporation, using in the city gas which is delivered through mains and pipes. The tax imposed by this section shall be at the rate of ~~five~~ five eight percent of the charges made for such gas 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 and pipes; and

- (2) Minimum charges for such services, including customer charges, service charges and annual and monthly charges.

SECTION 5. Subsection (a) of Section 34B.7 of Chapter 34B of the City of South Pasadena Municipal Code is amended to read as follows:

34B.7 Water users tax.

(a) There is imposed a tax upon every person in the city using water which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of five eight percent of charges made for such water and shall be paid by the person paying for such water. "Charges" as used in this section shall include:

- (1) Water which is delivered through mains or pipes; and
- (2) Minimum charges for service, including customer charges, service charges, demand charges, standby charges and all other annual and monthly charges.

SECTION 6. Subsection (a) of Section 34B.8 of Chapter 34B of the City of South Pasadena Municipal Code is amended to read as follows:

34B.8 Cable television users tax.

(a) There is imposed a tax upon every person in the city using cable television service in the city. The tax imposed by this section shall be at the rate of five eight percent of the total charges made for such service, and shall be paid by the person paying for such service.

SECTION 7. Section 34B.16 of Chapter 34B of the City of South Pasadena Municipal Code is amended to read as follows:

34B.16 Effective date.

The five eight percent Utility User's Tax levied by this chapter shall remain in effect from February 1, 2008 until July 31, 2015, March 5, 2013. After March 5, 2013 the rate shall revert to the previously approved rate of five percent until July 31, 2015 unless the rate of five percent is extended by a majority of qualified electors voting at the regularly scheduled city of South Pasadena general municipal election which occurs before and closest in time to July 31, 2015.

SECTION 8. Section 34B.18 of Chapter 34B of the City of South Pasadena Municipal Code is amended to read as follows:

34B.18 Tax rate.

In no event shall the amount of the tax rate to be levied under this chapter exceed ~~five~~ eight percent without the approval of a majority vote of the electors of the city voting upon such change at a municipal election called for such purpose in accordance with applicable law.

SECTION 9. Amendments and Modifications. With the exception of the rate of the utility tax, and the duration of the tax, notwithstanding any other provision of law, the City Council, by majority vote and without voter approval, may amend this ordinance in order to effectuate its purpose or otherwise provide for its administration in a manner deemed fit by the City Council.

SECTION 10. Savings Clause. If any section, subsection, part, clause, sentence or phrase of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the validity of the remaining portions of this Ordinance, the application thereof and the tax imposed shall not be affected thereby, but shall remain in full force and effect it being the intention of the People to adopt each and every section, subsection, part, clause, sentence or phrase regardless of whether any other section, subsection, part, clause, or phrase or the application there is held to be invalid or unconstitutional.

Exhibit "B"**MEASURE _____****ADVISORY BALLOT MEASURE REGARDING
THE PREFERRED USE OF THE 3% INCREASE
IN THE UTILITY USER'S TAX FOR NOT
LESS THAN 65% FOR INFRASTRUCTURE
IMPROVEMENTS AND NOT MORE THAN 35%
FOR EMPLOYEE SALARIES**

The voters of the City of South Pasadena hereby advise the City Council of the City of South Pasadena that if the proposed 3% increase in the Utility User's Tax is approved by the voters at the November 6, 2007 Special Election, then the revenue generated by the 3% increase should be used and allocated by the City only for the following purposes:

1. Not less than 65% of the revenue generated by the 3% increase should be used for infrastructure improvements, such as repair, replacement and improvement of water lines, reservoirs, sewer facilities, streets, sidewalks, parks, public buildings and other such infrastructure facilities.
2. Not more than 35% of the revenue generated by the 3% increase should be used for employee salaries to attract and retain sufficient numbers and quality of employees to efficiently and safely operate city facilities and provide city services.

This Measure _____ is an advisory measure, and it is not legally binding on the City Council of the City of South Pasadena.

RESOLUTION NO. 6938

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,
RESCINDING RESOLUTION NO. 6933 AND
REQUESTING THE BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES TO
CONSOLIDATE A SPECIAL MUNICIPAL
ELECTION TO BE HELD ON NOVEMBER 6, 2007,
WITH THE SCHOOL ELECTION TO BE HELD
ON THE DATE PURSUANT TO § 10403
OF THE ELECTIONS CODE**

WHEREAS, the City Council is submitting to the voters questions relating to an increase in the Utility User's Tax; and

WHEREAS, it is desirable that the Special Municipal Election be consolidated with the School election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the county election department of the County of Los Angeles canvass the returns of the Special Municipal Election and that the election be held in all respects as if there were only one election; and

WHEREAS, on May 16, 2007, the City Council passed resolutions calling and giving notice of a Special Municipal Election on November 6, 2007 and requesting that two measures be placed on the ballot asking voters to approve a 4% increase in the Utility User's Tax; and

WHEREAS, on June 20, 2007, the City Council reconsidered these resolutions and determined that the percent of the increase should be lowered, voting unanimously to place before the voters at the November 6, 2007 election two measures concerning a 3% increase in the existing Utility User's Tax.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That Resolution No. 6933 be rescinded, to be replaced by this notice requesting the Board of Supervisors to consolidate a Special Municipal Election.

SECTION 2. That pursuant to the requirements of § 10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent

and agree to the consolidation of a Special Municipal Election with the School election on Tuesday, November 6, 2007, for the purpose of placing two measures on the ballot.

SECTION 3. That measures to appear on the ballot are as follows:

| | |
|---|------------|
| Shall an ordinance be adopted increasing the existing Utility User's Tax by 3% for the limited period of February 1, 2008 to March 5, 2013? | YES |
| | NO |
| ADVISORY VOTE ONLY | |
| If the 3% increase in the Utility User's Tax is approved, should not less than 65% of the funds generated by the increase be expended for infrastructure improvements, such as repair, replacement and improvement of water lines, reservoirs, sewer facilities, streets, sidewalks, parks, public buildings and other such infrastructure facilities, and not more than 35% of such funds be expended for employee salaries? | YES |
| | NO |

SECTION 4. That the county election department is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

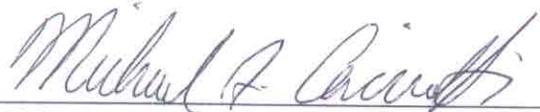
SECTION 5. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 6. That the City of South Pasadena recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

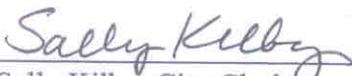
SECTION 7. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of Los Angeles.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED ON this 20th day of June, 2007.


Michael A. Cacciotti, Mayor

ATTEST:


Sally Kilby, City Clerk

APPROVED AS TO FORM:


Richard L. Adams II, City Attorney

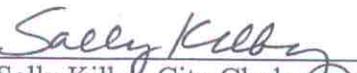
I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of South Pasadena at a regular meeting held on the 20th day of June, 2007, by the following vote:

~~AYES:~~ Putnam, Schneider, Sifuentes, Ten and Mayor Cacciotti

~~NOES:~~ None

ABSENT: None

ABSTAINED: None


Sally Kilby, City Clerk