



**Date:** July 6, 2010

**To:** Honorable Mayor and Members of the City Council

**From:** Council Member Tonia Reyes Uranga, Seventh District 

**Subject:** **Items for November Election regarding Charter Reform**

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For your consideration are four items for discussion and placement on the November 2010 ballot:

**1. City of Long Beach Growth and Accountability Measure**

Revise the City Charter to change our governance structure from a City Manager-City Council form of government to a Strong Mayor form of government. This would fundamentally include the following:

- Citywide elected Mayor have the ability to appoint Department heads;
- City Manager to be replaced with a City Administrator;
- City Council elects a City Council President that presides over council meetings and stands in for the Mayor when she/he is absent;
- City Council salaries, within the allocation for equalized office budgets, shall be increased to be not greater than 50% of the mayor's salary.

**2. Independent Legal Counsel for City Manager Departments and Legislative Department**

- City Council to be provided the authority to appoint their own legal counsel independent from the legal counsel for City Manager/Administrator and non City Manager/Administrator departments (POLB, Water, etc);
- Upon the retirement of the elected City Attorney, the City Attorney and City Prosecutor combine offices for efficiencies and form a Department of Legal Counsel overseen by a sole elected legal representative.

### **3. The Long Beach Neighborhood Library Protection Measure**

On January 10, 2006 City Council held a public hearing to consider a recommendation from the City Manager regarding revenue generating ballot measure to fund public safety and library services. This matter was received and filed by the City Council on April 1, 2008 upon the recommendation of the Budget Oversight Committee. I am requesting the City Council's reconsideration of this matter for the November 2010:

- A \$35 annual parcel tax increase with single family residential units and condominium with associated increase for multi-unit parcels would generate approximately \$4, 000,000 annually to Neighborhood Libraries.

### **4. Dedication of Marijuana Sales Tax revenue**

- The proposed sales tax revenue on Medical Marijuana and Recreational Marijuana sales (if approved by voters) shall be designated for public safety and youth programs.

[latimes.com/news/opinion/commentary/la-oe-johnson-libraries-20100706,0,5371729.story](http://latimes.com/news/opinion/commentary/la-oe-johnson-libraries-20100706,0,5371729.story)

# latimes.com

## U.S. public libraries: We lose them at our peril

**Libraries are an essential service in action, as well as an effective leveler of privilege and avenue of reinvention. As budget cuts affect more facilities, children will be the first to suffer.**

By Marilyn Johnson

July 6, 2010

The U.S. is beginning an interesting experiment in democracy: We're cutting public library funds, shrinking our public and school libraries, and in some places, shutting them altogether.

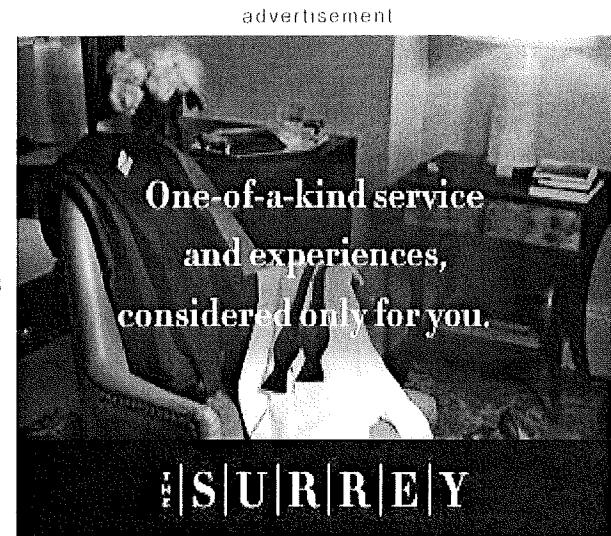
These actions have nothing to do with whether the libraries are any good or whether the staff provides useful service to the community. This country's largest circulating library, in Queens, N.Y., was named the best system in the U.S. last year by Library Journal. Its budget is due to shrink by a third. Los Angeles libraries are being slashed, and beginning this week, the doors will be locked two days a week and at least 100 jobs cut. And until it got a six-month reprieve June 23, Siskiyou County almost became California's only county without a public library. Such cuts and close calls are happening across the country. We won't miss a third of our librarians and branch libraries the way we'd miss a third of our firefighters and firehouses, the rationale goes ... but I wonder.

I've spent four years following librarians as they deal with the tremendous increase in information and the many ways we receive it. They've been adapting as capably as any profession, managing our public computers and serving growing numbers of patrons, but it seems that their work has been all but invisible to those in power. I've talked to librarians whose jobs have expanded with the demand for computers and training, and because so many other government services are being cut. The people left in the lurch have looked to the library, where kind, knowledgeable professionals help them navigate the government bureaucracy, apply for benefits, access social services. Public officials will tell you they love libraries and are committed to them; they just don't believe they constitute a "core" service.

But if you visit public libraries, you will see an essential service in action, as librarians help people who don't have other ways to get online, can't get the answers they urgently need, or simply need a safe place to bring their children. I've stood in the parking lot of the Topeka and Shawnee County Library in Kansas on a Sunday morning and watched families pour through doors and head in all directions to do homework or genealogical research, attend computer classes, read the newspapers. I've stood outside New York city libraries with other self-employed people, waiting for the doors to open and give us access to the computers and a warm and affordable place to work. I've met librarians who serve as interpreters and guides to communities of cancer survivors, Polish-speaking citizens, teenage filmmakers, veterans.

The people who welcome us to the library are idealists, who believe that accurate information leads to good decisions and that exposure to the intellectual riches of civilization leads to a better world. The next Abraham Lincoln could be sitting in their library, teaching himself all he needs to know to save the country. While they help us get online, employed and informed, librarians don't try to sell us anything. Nor do they turn around and broadcast our problems, send us spam or keep a record of our interests and needs, because no matter how savvy this profession is at navigating the online world, it clings to that old-fashioned value, privacy. (A profession dedicated to privacy in charge of our public computers? That's brilliant.) They represent the best civic value out there, an army of resourceful workers that can help us compete in the world.

But instead of putting such conscientious, economical and service-oriented professionals to work helping us, we're handing them pink slips. The school libraries and public libraries in which we've invested decades and even centuries of resources will disappear unless we fight for them. The communities that treasure and support their libraries will have an undeniable



competitive advantage. Those that don't will watch in envy as the Darien Library in Connecticut hosts networking breakfasts for its out-of-work patrons, and the tiny Gilpin County Public Library in Colorado beckons patrons with a sign that promises "Free coffee, Internet, notary, phone, smiles, restrooms and ideas."

Those lucky enough to live in those towns, or those who own computers, or have high-speed Internet service and on-call technical assistance, will not notice the effects of a diminished public library system — not at first. Whizzes who can whittle down 15 million hits on a Google search to find the useful and accurate bits of info, and those able to buy any book or article or film they want, will escape the immediate consequences of these cuts.

Those in cities that haven't preserved their libraries, those less fortunate and baffled by technology, and our children will be the first to suffer. But sooner or later, we'll all feel the loss as one of the most effective levelers of privilege and avenues of reinvention — one of the great engines of democracy — begins to disappear.

Marilyn Johnson is the author of, most recently, "This Book Is Overdue!"

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**City of Long Beach**  
Working Together to Serve

**Memorandum**

**C-8**

**Date:** April 1, 2008  
**To:** Honorable Mayor and City Council  
**From:** Councilmember Gary DeLong, Chair, Budget Oversight Committee  
**Subject:** LONG BEACH NEIGHBORHOOD LIBRARY PROTECTION MEASURE

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The Budget Oversight Committee, at its meeting held March 25, 2008, considered communications relative to the above subject.

It is the recommendation of the Budget Oversight Committee to the City Council that the communications be received and filed.

Respectfully submitted,

BUDGET OVERSIGHT COMMITTEE

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Councilmember Gary DeLong, Chair

Prepared by:  
Gloria Harper



**NB-25**

**Date:** March 7, 2006

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Tonia Reyes Uranga, Seventh District *(Signature)*

**Subject:** **AGENDA ITEM: Long Beach Neighborhood Library Protection Measure**

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On January 10, 2006, the City Council voted to receive and file the attached resolution and direct City Manager to move forward with the development of a library ballot measure for an election subsequent to November 2006 election; and approve further community outreach to determine the feasibility of placing a public safety ballot measure on the November 7, 2006 statewide general election ballot, that will include fire public safety as well.

I submit that City Council members have had opportunities to engage in community outreach to discuss the information provided at the Jan. 10 meeting. My communications with 7<sup>th</sup> District residents strongly suggest support for placing the Long Beach Neighborhood Library Protection (LBNLP) Measure prior to the November 2006 State General Election. While we have lost the opportunity to place the measure on the April 11 Primary Nominating Election, as advised by our consultants, I am requesting City Council consideration for placing the LBNLP Measure on the June 6, 2006 General Municipal Election.

**Recommendation:** **Direct City Manager and City Clerk to take actions necessary for placing the Long Beach Neighborhood Library Protection Measure on the June 6, 2006 General Municipal Election.**

Attachments: January 10, 2006 City Council Agenda Item  
January 10, 2006 Resolution for City Council Consideration  
January 10, 2006 Ordinance for City Council Consideration

rrp



# CITY OF LONG BEACH

OFFICE OF THE CITY MANAGER



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GERALD R. MILLER  
CITY MANAGER

January 10, 2006

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

#### RECOMMENDATION:

Receive the supporting documentation into the record, conclude the hearing and adopt the attached resolution, which would place the Long Beach Neighborhood Library Protection Measure on the April 11, 2006 Primary Nominating Election ballot, for the purpose of restoring and enhancing library services citywide.

Approve further community outreach to determine the feasibility of placing a public safety ballot measure on the November 7, 2006 Statewide General Election ballot. (Citywide)

#### DISCUSSION

On June 21, 2005, the City Council directed City staff to research community support for potential revenue-generating ballot initiatives. As a result, community surveys were conducted in October and November 2005. The findings indicate that likely Long Beach voters recognize the City needs additional resources to provide effective public safety and library services and would support increased taxes for enhancements to these areas.

The City's Financial Strategic Plan (Plan), which was endorsed by the City Council in 2003, outlined a strategy with options to balance what, at that time, was a projected \$102 million deficit in the City's General Fund. These options included both reductions in expenditures for City services as well as proposed new revenue sources, such as increases in fees to improve cost recovery for City services and higher investment returns on City assets. Over the past three years, implementation of the Plan has resulted in over 400 City employee positions being eliminated, efficiency gains in several key service areas, extensive reductions in equipment and support costs, and reduced City service levels. Consequently, the projected \$102 million structural deficit in the General Fund was reduced by \$92 million, with the balance to be eliminated by fiscal year 2007 (October 1, 2006 – September 30, 2007).

As part of discussions conducted during April and May of 2005 to develop future Plan solutions, combined with continued and emergent public safety needs and the desire to

HONORABLE MAYOR AND CITY COUNCIL

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restore core community services that were impacted through the Plan, the City Council's Budget Oversight Committee researched potential new revenue opportunities. This included surveys by City staff of other communities that had been successful in passing local ballot initiatives to fund core services. On June 21, 2005 the City Council directed the City Manager to conduct further research of Long Beach voters' opinions and to recommend potential revenue generating ballot initiatives as a means of addressing critical funding needs.

To fulfill this recommendation, City staff conducted a competitive Request for Proposals process and received six proposals for strategic advice and public opinion polling. The City selected the team of the Lew Edwards Group (LEG) and Fairbank, Maslin, Maullin, & Associates (FMMA) to provide these services. Both firms have worked in partnership to pass a combined total of \$30 billion in California finance measures with a 90 percent overall success rate. Experts from both firms are regular trainers and speakers for organizations such as the League of California Cities, the California Municipal Treasurers Association, the Local Government Commission, and the Institute for Local Governments. Examples of their clients includes the cities of San Luis Obispo, Escondido, Visalia, and Lawndale.

LEG and FMMA worked with City staff to develop a statistically valid survey of likely voters in Long Beach, as well as a follow-up survey. The surveys evaluated voters' willingness to support potential revenue generating ballot initiatives to address critical funding needs in the areas of *public safety, infrastructure, library services and youth programs*.

**RESULTS**

The results from the two surveys show strong support for both public safety and library services revenue measures. Nearly two-thirds (64 percent) of likely voters agree with the statement "the City of Long Beach needs additional funds to provide the level of City services that residents need and want."

***Public Safety Measure***

Research from the initial survey showed that support exists for an increase in the sales tax to fund public safety services, including additional police officers. Sixty-five percent of respondents said that they would support a one-half cent sales tax increase to enhance these services. This included 42 percent that would definitely support the measure, 19 percent that would probably support the measure, and 4 percent that were undecided, but would lean towards supporting the measure.

Of the total respondents, 26 percent voiced the opinion that they would not support the measure. Nineteen percent of respondents were classified as definite non-supporters,

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6 percent were classified as probable non-supporters, and 1 percent was undecided, but leaning towards not supporting the measure. Nine percent of the surveyed sample was completely undecided. The margin of error for the survey was plus or minus 3.5 percent.

When asked to evaluate how important it is to add funds for public safety services, nearly 50 percent or more of voters considered it to be *very important* to fund the following services:

- Hiring more police officers
- Monitoring registered sex offenders living in Long Beach
- Expanding anti-gang programs
- Improving the ability of the City to respond quickly to a terrorist attack
- Expanding neighborhood-based policing
- Improving 9-1-1 response times
- Improving the ability to thwart identity theft
- Improving the ability to respond to property theft and burglary

Nine out of ten likely voters (90 percent) said "crime of all sorts, including gangs, graffiti, and drug abuse, is a serious problem." Four out of ten voters (41 percent) said they believe too little money is spent on police services.

These results suggest that further community outreach and dialog with the public could help develop a well informed sales tax measure that would garner the two-thirds (66 percent) super-majority support required to pass a ballot measure dedicated to public safety. The City's advisors (LEG and FMMA) recommend that significant time and effort be put into working with the community to further define needs and determine the feasibility of a potential public safety measure for the ballot in November 2006.

A one-half cent increase in the sales tax, the maximum legal increase, would provide approximately \$23.75 million annually to be used to enhance public safety services and would increase the sales tax rate levied on retail goods in Long Beach from 8.25 percent to 8.75 percent. Research on other cities in California that have passed similar sales tax increases have shown that the impact on the local economy has been negligible. Annual sales tax revenue of \$23.75 million would provide funds for over 100 more police officers working on the street, 30 additional detectives to prevent and solve crimes, necessary sworn supervisory officers, and associated support and equipment costs.

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*Library Services Measure*

An additional survey was conducted to better understand the public's support of potential revenue measures for library services. This survey showed **very strong** support for a \$35 parcel tax increase to restore and enhance library services. Approximately 73 percent of respondents reported that they would support an annual property assessment on residential property in the amount of \$35 to fund additional library services. This included 55 percent that would definitely support the measure, 15 percent that would probably support the measure, and 3 percent that were undecided, but would lean towards supporting the measure.

Of the total respondents, 16 percent voiced that they would not support the measure, 11 percent of respondents were classified as definite non-supporters, 4 percent as probable non-supporters, and 1 percent undecided, but leaning towards not supporting the measure. Eleven percent of the surveyed sample were completely undecided. The margin of error for the relevant questions was plus or minus 5.6 percent.

According to the City's advisors (LEG and FMMA), this level of support is rarely seen with potential revenue measures, and it suggests there is a strong likelihood that this potential ballot measure, to increase funds for the Long Beach Public Library, would obtain the two-thirds super-majority of votes needed for passage as early as April 2006.

If successful, a \$35 annual parcel tax increase to parcels with single family residential units and condominiums, a \$70 annual parcel tax increase to parcels with two to four residential units, and \$100 annual parcel tax increase to parcels with five or more residential units, would generate approximately \$4 million annually. Qualifying houses of worship or community service organizations that are exempt from ad valorem taxation under California law will receive a rebate for this tax, as will residential parcel owners whose gross household income is 80 percent or less of the Los Angeles County median income.

The survey indicated that the public favors using these resources to provide the following improvements to library services **citywide**:

- Allow the Long Beach Main Library to return to being open and accessible seven days a week
- Allow all Long Beach neighborhood libraries to be open and accessible for a minimum of six days per week
- Restore and increase the Library materials budget

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- Create stable funding for after-school homework assistance programs and other programs targeted to youth
- Restore lost hours of operation and purchase needed books
- Expand existing library youth programs and prevent deep cuts in reading programs for children
- Support programs that serve teens
- Provide literacy programs to help families and adults learn to read
- Increase joint educational activities with local schools
- Upgrade and enhance information technology in all libraries and improve access to computers and other technology

Language in the attached proposed ordinance ensures that revenue generated from the annual parcel tax will be in addition to and will not supplant the Library's current baseline General Fund appropriation. The measure would be in effect for ten years, at which time it will sunset unless renewed by voters under the same two-thirds approval requirement.

All funds generated by a potential parcel tax would be deposited and accounted for in a special fund that is separate from the City's General Fund. A Citizens' Oversight Committee would be established to ensure the appropriate use of resources generated by the parcel tax. The purpose of the Committee would be to recommend and review expenditures of funds collected through the measure and to ensure funds are spent as intended.

Additionally, an independent annual financial audit would be required and would contain information regarding the amount of tax revenue collected and expended, as well as the status of any programs funded by this tax revenue.

This matter was reviewed by Assistant City Attorney Heather Mahood and Director of Financial Management Michael Killebrew on January 4, 2006.

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**TIMING CONSIDERATIONS**

To place a measure on the April 11, 2006 ballot, City Council action is needed by January 13, 2006, which requires approval at the January 10, 2006 City Council meeting. To place a measure on the November 7, 2006 ballot, City Council action is needed by August 11, 2006, which requires approval on or before the August 8, 2006 City Council meeting.

**FISCAL IMPACT**

A \$35 annual parcel tax increase to parcels with single-family residential units and condominiums, with associated increases for multi-unit parcels, would generate approximately \$4 million annually. It will cost the City approximately \$80,000 to place the *Neighborhood Library Protection Measure* on the April 11, 2006 ballot. The City's current election budget can support this cost.

A one-half cent increase to the sales tax would produce approximately \$23.75 million annually to be used for public safety purposes. Based on historical costs, a proposed public safety revenue measure in November 2006 would cost the City between \$300,000 and \$325,000, and would need to be included in the City Clerk's FY 2007 Proposed Budget. The City would consolidate this election with the County of Los Angeles' election, and this measure would appear on the County's ballot for the Statewide General Election. The cost reflects estimated charges from the County using the County's existing voting system.

**SUGGESTED ACTION:**

Approve recommendation.

Respectfully submitted,



GERALD R. MILLER  
CITY MANAGER

1                   RESOLUTION NO.  
2

3                   A RESOLUTION OF THE CITY COUNCIL OF THE  
4                   CITY OF LONG BEACH CALLING AN ELECTION TO BE  
5                   HELD IN THE CITY OF LONG BEACH ON THE 11<sup>TH</sup> DAY  
6                   OF APRIL, 2006, FOR THE PURPOSE OF AUTHORIZING  
7                   THE LEVY OF A NEW PARCEL TAX TO PROTECT AND  
8                   RESTORE THE LONG BEACH PUBLIC LIBRARY SYSTEM  
9                   (LONG BEACH NEIGHBORHOOD LIBRARY PROTECTION  
10                   ACT)

11  
12                   Robert E. Shannon  
13                   City Attorney of Long  
14                   Beach  
15                   333 West Ocean  
16                   Boulevard

17                   WHEREAS, in the past few years, there has been a twenty (20) to thirty  
18                   (30) percent cut in the number of hours all Long Beach public libraries are open with  
19                   branches reduced from five (5) and six (6) days of service per week to four (4) days per  
20                   week, and the Main Library reduced from seven (7) days of service to five (5) days per  
21                   week; and

22                   WHEREAS, in the past few years, funding for buying books and library  
23                   materials has been reduced by thirty-five percent (35%); and

24                   WHEREAS, due to budget cuts, Long Beach's libraries rank near the  
25                   bottom of the state when it comes to hours of operation; and

26                   WHEREAS, a new parcel tax on residences of thirty-five dollars (\$35)  
27                   /about ten cents (\$.10) per day) would allow the Main Library to return to being open  
28                   seven days a week and all neighborhood libraries to being open six (6) days a week;  
29                   and

30                   WHEREAS, this measure would restore and increase the library materials  
31                   budget; and

32                   WHEREAS, this measure would create stable funding for after-school  
33                   homework assistance and other programs targeted to youth and is critically important to

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1 the children and families of the City of Long Beach; and

2               WHEREAS, Long Beach City libraries provide more than books; they  
3 keep kids off the street and out of trouble. Over five thousand (5,000) children and  
4 teens use the City's libraries each week for reading and literacy programs, teen  
5 programs and school-group visits; and

6               WHEREAS, this measure would provide funding for teen services at all  
7 libraries; and

8               WHEREAS, this measure would upgrade and enhance information  
9 technology in all libraries and improve access to computers and other technology; and

10               WHEREAS, this measure establishes an independent citizens' oversight  
11 committee and independent audits to ensure parcel tax money is spent as intended in  
12 an efficient manner and provides for a sunset after ten (10) years; and

13               WHEREAS, the City of Long Beach is authorized pursuant to Article XIII A  
14 of the California Constitution to impose special taxes uniformly applicable to all real  
15 property within the City; and

16               WHEREAS, such special taxes must be approved by a two-thirds (2/3)  
17 vote of the electors voting in an election on the issue, under Article XIII A of the  
18 California Constitution; and

19               WHEREAS, the revenues from a special tax shall be used only for the  
20 purposes for which it is imposed, and for no other purpose whatsoever, pursuant to  
21 California Government Code §§50075 et seq.; and

22               WHEREAS, a duly noticed public hearing was held on January 10, 2006,  
23 on the proposal of the City Council to establish a parcel tax, as required by Government  
24 Code §50077, and the City has determined a new annual tax, not to exceed thirty-five  
25 (\$35.00) per parcel (with proportional increases for parcels with multi-units) within the  
26 City, should be imposed and levied to meet the obligations of the City to provide library  
27 services; and

28               ///

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1                   WHEREAS, on November 15, 2005, pursuant to Resolution No. RES-05-  
2 0130, the City Council ordered, proclaimed and gave notice of a primary nominating  
3 election in the City of Long Beach on Tuesday, the 11<sup>th</sup> of April 2006; and

4                   WHEREAS, the City Council desires to place this measure on the ballot at  
5 such election to allow the residents of Long Beach to decide the level of Library  
6 Services to be provided;

7  
8                   NOW, THEREFORE, the City Council of the City of Long Beach resolves  
9 as follows:

10                  Section 1. Under the provisions of the Constitution and laws of the  
11 State of California and the Charter of the City of Long Beach, an election is ordered,  
12 proclaimed and called to be held in the City of Long Beach, between the hours of 7:00  
13 a.m., and 8:00 p.m., on Tuesday, the 11<sup>th</sup> day of April, 2006, for the purpose of  
14 submitting to a vote of the qualified electors of the City of Long Beach the following  
15 proposition which, for identification purposes, is marked as Proposition A:

16                  Proposition A  
17                  To provide dedicated funds to restore neighborhood library hours to six  
18 days/week and Main Library to seven days/week; provide literacy  
19 programs; upgrade technology and computers; buy needed books;  
20 maintain and improve after-school programs, including homework  
21 assistance, teen programs, and children's reading programs; shall the  
22 parcel tax be increased \$35/year on residences (with proportional  
23 increases for parcels with multi-units), with citizens' oversight and  
24 independent annual financial audits, expiring in ten years?

25                  Sec. 2. Notice is hereby given of the time and place of the election.  
26 The City Clerk is directed and authorized to print and publish the proposition as  
27 required by law. All particulars not provided in this resolution shall be held under the  
28 provisions of law governing the conduct of such elections in the City of Long Beach.

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1 Sec. 3. The proposition shall be stated as provided in Section 13119  
2 of the Elections Code of the State of California. The ballot used in voting upon the  
3 propositions shall contain the words "yes" and "no". The text of Proposition A is set  
4 forth in full in Exhibit "A".

5 Sec. 4. That only qualified voters of the City of Long Beach shall be  
6 permitted to vote in the election called by this resolution.

7 Sec. 5. Upon approval by the voters of the measure set forth in  
8 Exhibit "A", attached hereto and incorporated herein by this reference, the City Council  
9 is hereby authorized to establish and adopt, by ordinance, a new annual parcel tax not  
10 to exceed thirty-five (\$35.00) per parcel (with proportional increases for parcels with  
11 multi-units) within the boundaries of the City of Long Beach. All proceeds from the  
12 annual parcel tax shall be expended for the specific purpose of ensuring the restoration  
13 of neighborhood library operating hours to six (6) days a week and the Main Library to  
14 seven (7) days a week; provide literacy programs; upgrade technology and computers;  
15 buy needed books; and maintain and improve after-school programs, such as  
16 homework assistance, teen programs and children's reading programs.

17 Sec. 6. In connection with the proposed new parcel tax, the City  
18 Council proposes to increase the City's appropriations limit per fiscal year, in an amount  
19 equal to the levy of special taxes for said year, as permitted by Article XIIIIB of the  
20 California Constitution.

21 Sec. 7. Pursuant to Government Code §50075.1, the City Council  
22 hereby provides fiscal accountability measures. The proceeds of the special tax shall  
23 apply only to the specific purposes identified in the ballot measure. Upon levy and  
24 collection of the parcel tax, the City shall create a separate account to be known as the  
25 Library Special Tax Fund, into which the proceeds shall be deposited. Each year the  
26 City's Auditor shall cause an independent financial auditor to prepare a report, which  
27 shall be filed with the City Council no later than January 1<sup>st</sup> of each year, commencing  
28 with January 1, 2008, containing information regarding the amount of new parcel tax

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1 revenues collected and expended.

2 Sec. 8. This resolution shall take effect immediately upon its  
3 adoption by the City Council, and the City Clerk shall certify the vote adopting this  
4 resolution.

5 I hereby certify that the foregoing resolution was adopted by the City  
6 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2006, by  
7 the following vote:

8 Ayes: Councilmembers: \_\_\_\_\_

9 \_\_\_\_\_

10 \_\_\_\_\_

11 \_\_\_\_\_

12 Noes: Councilmembers: \_\_\_\_\_

13 \_\_\_\_\_

14 Absent: Councilmembers: \_\_\_\_\_

15 \_\_\_\_\_

16 \_\_\_\_\_

17 \_\_\_\_\_

City Clerk

26 HAM:fl:kdh;fl

27 12/19/05; rev. 01/04/06; rev. 01/05/06

28 L:\APPS\CityLaw32\WPDOCS\ID015\P005\00084008.WPD

#05-06042

1 EXHIBIT "A"  
2

3 ORDINANCE NO.  
4

5 AN ORDINANCE OF THE CITY OF LONG BEACH  
6 ADDING CHAPTER 3.92 TO THE LONG BEACH  
7 MUNICIPAL CODE IMPOSING A LIBRARY PARCEL TAX  
8 (LONG BEACH NEIGHBORHOOD LIBRARY PROTECTION  
9 ACT)

10  
11 The people of the City of Long Beach ordains as follows:

12  
13 Section 1. Chapter 3.92 is hereby added to the Long Beach Municipal  
14 Code to read in its entirety as follows:

15 Chapter 3.92

16 Long Beach Neighborhood Library Protection Act

17 3.92.010 Short title.

18 This Chapter shall be known as the "Long Beach Neighborhood  
19 Library Protection Act."

20 3.92.020 Legislative findings and declarations.

21 A. Due to City budget cuts, Long Beach's libraries rank near the  
22 bottom of the State when it comes to hours of operation. In the past few  
23 years, there has been a twenty (20) to thirty (30) percent cut in the  
24 number of hours all Long Beach public libraries are open and a thirty five  
25 percent (35%) cut in funding for buying books and library materials. This  
26 special tax is necessary to:

27 1. Keep all Long Beach neighborhood libraries open and  
28 accessible for a minimum of six (6) days per week.

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28 | III

1                   3.92.030      Parcel tax imposed.

2                   A. The City shall be authorized to impose and levy a parcel tax

3                   each year on each parcel of real property within the City described below,

4                   except parcels of real property owned by a federal, state, or local agency,

5                   based on the use or right of use of the parcel, for the purposes stated in

6                   this Chapter. The tax hereby imposed shall be at the following rates:

7                   1. For parcels with a single family dwelling the tax rate shall

8                   be at the annual rate of thirty-five dollars (\$35.00).

9                   2. For parcels with residential condominiums, community

10                  apartments, or townhouses, the tax rate shall be at the annual rate of

11                  thirty-five (\$35.00) for each dwelling unit.

12                  3. For parcels with a minimum of two (2) but no more than

13                  four (4) multi-family dwelling units, the tax rate shall be at the annual rate

14                  of seventy dollars (\$70.00).

15                  4. For parcels with five (5) or more multi-family dwelling

16                  units, the tax rate shall be at the annual rate of one hundred dollars

17                  (\$100.00).

18                  5. For parcels with a boarding house or lodging house, the

19                  tax rate shall be at the annual rate of one hundred dollars (\$100.00).

20                  6. For parcels with a mobile home park, the tax rate shall be

21                  at the annual rate of one hundred dollars (\$100.00).

22                  B. Nothing in this Chapter shall be construed as imposing a tax

23                  upon any person when imposition of such tax upon that person would be

24                  in violation of either the Constitution of the United States or the

25                  Constitution of the State of California.

26                  C. The tax imposed by this Chapter shall not be levied upon the

27                  Federal government, the State government, any state agency or any local

28                  governmental agency.

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1                   D. The tax imposed by this Chapter shall not be levied upon a  
2                   parcel of property or improvement to property which is owned by a house  
3                   of worship or community service organization which qualifies for an  
4                   exemption from ad valorem taxation under California law.

5                   3.92.040      Use of proceeds.

6                   The proceeds of this tax may only be used for the following  
7                   purposes:

8                   A. to keep all neighborhood libraries and the Main Library open  
9                   more days of the week and increase their hours of operation.

10                  B. to enhance and expand library collections, including the  
11                  acquisition of new books and materials.

12                  C. to enhance and expand existing youth and teen programs,  
13                  including after-school programs.

14                  D. to enhance and expand programs in support of literacy and  
15                  information technology, including the upgrading of technology and  
16                  computers.

17                  E. to pay costs of enforcement and administration of the tax,  
18                  including audits and refunds.

19                  3.92.050      Definitions.

20                  The following terms as used in this Chapter shall have the  
21                  meanings indicated in this Section as follows:

22                  A. "Parcel" means any unit of real property in the City which  
23                  receives a separate tax bill for ad valorem property taxes from the Los  
24                  Angeles County Treasurer-Tax Collector's Office. With respect to multiple  
25                  parcels which are contiguous and in the same ownership and which form  
26                  a single economic unit, only one such parcel shall be subject to the new  
27                  parcel tax.

28                  ////

- 1                   B. "Single family dwelling" means as defined in Title 21 of the Long
- 2                   Beach Municipal Code.
- 3                   C. "Residential condominiums" means as defined in Title 20 of the
- 4                   Long Beach Municipal Code.
- 5                   D. "Community apartments"means as defined in Title 20 of the
- 6                   Long Beach Municipal Code.
- 7                   E. "Townhouse" means as defined in Title 21 of the Long Beach
- 8                   Municipal Code.
- 9                   F. "Multi-family dwelling unit" means as defined in Title 21 of the
- 10                  Long Beach Municipal Code.
- 11                  G. "Boarding House" means as defined in Title 21 of the Long
- 12                  Beach Municipal Code.
- 13                  H. "Lodging House" means as defined in Title 21 of the Long
- 14                  Beach Municipal Code.
- 15                  I. "Mobile Home Park" means as defined in Title 21 of the Long
- 16                  Beach Municipal Code.

17                  3.92.060      Term.

18                  The tax provided for in this Chapter may be levied in each of ten

19                  (10) consecutive fiscal years, commencing with the first fiscal year in

20                  which there is a levy pursuant to this Chapter. Such levy may only be

21                  extended with the approval of the voters by two-thirds (2/3) of the votes

22                  cast by voters voting upon such a change at a municipal election called

23                  for that purpose, unless the applicable law at the time of such election

24                  authorizes a lesser number of votes.

25                  3.92.070      Special fund.

26                  A. There is established a special fund entitled "Library Special Tax

27                  Fund" (hereinafter the "special fund"). Money collected pursuant to this

28                  Chapter shall be deposited into said special fund and shall be used

1 exclusively as provided in this Chapter for the purposes for which the tax  
2 is imposed, and for no other purposes. Nothing in this Section shall  
3 prevent disbursements from this special fund to reimburse the general  
4 fund if, and only if, money has been advanced from the general fund to  
5 pay for the uses provided in this Chapter.

6                   B. Any money raised by the special tax, including any interest  
7 accrued thereon, that remains unencumbered at the end of any fiscal year  
8 may only be used in a succeeding fiscal year for the purposes stated in  
9 this Chapter.

10                  3.92.080    Guaranteed base level of funding.

11                  The City's current general fund contribution to library services may  
12 not be replaced by the parcel tax. If the City general fund contribution to  
13 the City's Library Services Department is reduced below ten million three  
14 hundred forty-four thousand four hundred dollars (\$10,344,400.00),  
15 the parcel tax shall not be levied; provided, however, that if the reduction  
16 to the City's general fund contribution is no more than the same proportion  
17 of reduction that is imposed on the City's net general fund operating  
18 budget for non-safety departments (which are all operating departments  
19 except police and fire) in any year during the ten (10)-year period of the  
20 tax, then the tax nonetheless may be levied. (The City's net general fund  
21 budget for non-safety departments is the total general fund contribution to  
22 their operating budgets excluding expenditures that are offset by fees or  
23 other non-tax revenues.) The Library must receive increases in its City  
24 general fund contribution proportional to the increases in the non-safety  
25 departments' general fund operating budgets.

26                  3.92.090    Independent audit.

27                  The City Auditor shall annually cause an independent financial  
28 auditor to prepare a report, which shall be filed with the City Council no

1 later than January 1<sup>st</sup> of each year, containing information regarding the  
2 amount of tax revenue collected and expended in the previous fiscal year,  
3 and the status of any projects and programs funded by such tax revenue.

4 3.92.100 Annual report and review of tax and citizens' oversight.

5 There is hereby created a Citizens' Oversight Committee, which  
6 shall be composed of nine (9) members who reside in the City of Long  
7 Beach. Each member shall be appointed by the Mayor, subject to  
8 confirmation by the City Council.

9 Each year prior to the imposition of the parcel tax, the Citizen's  
10 Oversight Committee shall cause a report to be prepared showing each  
11 parcel of real property subject to the parcel tax, the owner(s) thereof, and  
12 the proposed levy thereon. Upon the receipt of the report, the City  
13 Council shall review the amount required to meet the purposes for which  
14 the parcel tax is levied, and estimate the total revenues which may be  
15 collected from parcel taxes, and shall adopt a resolution fixing the parcel  
16 taxes, if any, to be levied for the next fiscal year in an amount projected to  
17 be sufficient to meet the requirements of the City Council. The resolution  
18 shall set forth the schedule of charges against all parcels of land lying  
19 within the boundaries of the City upon which the tax may be levied.

20 3.92.110 Collection of tax.

21 A. The tax shall be collected on behalf of the City by the County of  
22 Los Angeles. The City Clerk shall file with the County a certified copy of a  
23 tax roll with a request that the taxes be posted to the County roll for  
24 general property taxes. This filing shall occur on or before August 1<sup>st</sup> of  
25 the fiscal year in which the taxes are to be collected. The tax shall be  
26 collected at the same time and in the same manner and shall be subject  
27 to the same late charges and penalties for delinquency as general  
28 property taxes and all laws providing for the collection and enforcement of

1 such property taxes shall apply to the collection and enforcement of the  
2 tax. After deduction of the collection charges of the County, the net  
3 amount of the taxes collected shall be remitted to the City.

4                   B. If the County of Los Angeles does not collect any tax due under  
5 this Chapter, then the Director of Finance shall have the power and duty  
6 to enforce all of the provisions of this Chapter. In such cases an  
7 assessment may be made against the owner of a parcel and  
8 improvements in the manner provided by law. Any unpaid tax due under  
9 this Chapter shall be subject to all remedies provided by law.

10                  C. The tax shall be due in two equal installments in accordance  
11 with the collection procedures of the Los Angeles County tax collector with  
12 the first installment due November 1<sup>st</sup>, and the second installment due the  
13 next succeeding February 1<sup>st</sup>, in each fiscal year. The owner of the land,  
14 land and improvements, at the time set forth in California Revenue and  
15 Taxation Code Sections 405 and 2192 for each fiscal year shall have a  
16 personal obligation to the City until the tax is paid for each fiscal year.

17                  3.92.120     Adjustments and refunds.

18                  A. Requests for adjustments involving imposition of this tax may be  
19 filed with the Director of Finance. Upon sufficient evidence of error in the  
20 computation of the tax, the Director of Finance or his/her designee shall  
21 cause the tax to be recalculated, and shall so advise the Los Angeles  
22 County Tax Collector or other appropriate official.

23                  B. Whenever it is alleged that the amount of any tax has been  
24 overpaid or paid more than once or has been erroneously or illegally  
25 collected or received by the City under this Chapter the refund procedure  
26 shall be as follows:

27                  No claim for refund of tax payment shall be allowed in whole or in  
28 part unless filed with the City Clerk within a period of three (3) years from

1 the date of the claimed overpayment. All such claims for refund of the  
2 amount of the overpayment must be filed on forms furnished, and in the  
3 manner prescribed by the Finance Department. Refunds may be made  
4 solely from the library special tax fund.

5 C. The Director of Finance may prepare a questionnaire to be  
6 served on the owner of a parcel or improvements subject to the tax  
7 imposed by this Chapter. The questionnaire may request information  
8 which would be useful to the Director of Finance in the enforcement or  
9 administration of this Chapter. The failure by an owner to provide the  
10 information requested within thirty (30) days of receipt of the request, or  
11 the act of an owner in knowingly providing false information, shall be a  
12 misdemeanor.

13 3.92.130 Low income rebate.

14 The City Manager shall establish a program to rebate any tax  
15 imposed by this Chapter that is paid with respect to residential property  
16 that is the principal residence of the owner, if the gross household income  
17 is eighty percent (80%) or less of the Los Angeles County median income  
18 as published annually by the Housing and Urban Development  
19 Department.

20  
21 Sec. 2. As provided in Section 2001 of the Long Beach City Charter,  
22 if two-thirds (2/3) of those electors voting on this ordinance vote in favor of same, it shall  
23 be adopted upon a declaration of the result of such ballot by the City Council, and it  
24 shall take effect ten (10) days after that date.

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