City of Sierra Madre

Memorandum

To:

Honorable Mayor and Members of the City Council

From:

Elaine I. Aguilar, City Manager

Date:

November 21, 2012

Subject:

City Manager's Report

CITY MANAGER

HAVE A HAPPY THANKSGIVING HOLIDAY!

DATES FOR YOUR CALENDAR

Dates for the City Council's calendar:

- Thursday, November 22 and Friday, November 23 City Hall closed for Thanksgiving Holiday
- Saturday, December 8 Sierra Madre Fire Department holiday ball at O'Malley Hall
- Wednesday, January 9 State of The City Address at the Sierra Madre Woman's Club
- Tuesday, February 5 Joint City Council and PUSD meeting

NEXT WEEK'S MEETINGS

Please note that the agenda is available on the City's website approximately 72 hours before the meeting. Next week's meetings are:

- Tuesday, November 27 City Council meeting 6:30 pm
- Wednesday, November 28 Library Board of Trustees 7:00 pm
- Thursday, November 29 Special Senior Community Commission 3:00 pm
- Thursday, November 29 Special Green Advisory Committee 7:00 pm

PROPERTY TAX ADMINISTRATIVE FEE (PTAF) WIN!

A few years ago, the Sierra Madre joined in a lawsuit with a group of cities regarding a refund of excessive PTAF fees charged by Los Angeles County to administer the property tax system arising from the VLF Swap and the Triple Flip sales tax statute. The City's law firm Colantuono & Levin handled the lawsuit on behalf of 47 cities. This week, the State Supreme Court issued a unanimous opinion that the County improperly withheld millions of dollars from the cities.

We are waiting information regarding what this financially means to Sierra Madre. At a minimum, Sierra Madre will receive an extra \$10,000 annually in property taxes. Some negotiation still needs to occur

regarding the prior year amounts owed, but the estimate is in the range of a onetime \$20,000 to \$30,000 payment. Sierra Madre's share in the cost of the lawsuit was less than \$1,000. Attached is an article from the Daily News regarding this matter.

UUT OVERSIGHT COMMITTEE APPOINTMENTS

At Tuesday night's Council Meeting, the Council will be considering the formation of this year's Utility Users Tax Oversight Committee. The voter approved UUT Ordinance requires the formation of an Oversight Committee comprised of the City Treasurer and five (5) members of the public, with each Council Member making one appointment. In alphabetical order, this year's Council appointees are:

Tom Dennison John Govorchin Noah Green David Loera, Jr. Amy Putnam

COMMISSIONER APPLICATIONS

To get out information regarding the names of individuals who have applied for Commission vacancies, I will be including information in this weekly memo. Below is the list of current applicants for Commission vacancies:

Tree Commission

Library Board- CLOSED - Oct. 26th

Gina Frierman-Hunt

Sophia Duran Barry Ziff Michelle Lesse

The Council will consider the appointment to the Library Board at the November 27th City Council meeting. Additionally, there is currently no deadline for applications for the Tree Commission. The deadline will be established when the third application is received.

CITY ATTORNEY RFP's

As of today, I have received forty-four (44) requests for copies of the City Attorney Services proposal. Below is a list of firms requesting proposals as of November 21st. Proposal submittals are due December 10, 2012.

Woodruff, Spradlin & Smart	Law Offices of Eric S. Oto
Richards, Watson & Gershon	Veris LLP
Vandeventer Black LLP	Gutierrez, Fierro & Erickson
The DeArmas Law Firm	Radhika Sood, Esq.
Kimbirk Law	Randolph Hom, Esq.
Viterbo L. Valera, Esq.	McNamara & Associates
Aleshire & Wynder, LLP	Vanderford & Ruiz, LLP
Graves & King LLP	Best Best & Krieger LLP
Martin & Martin, LLP	Green, de Bortnowsky & Quintanilla, LLP
Burke, Williams & Sorensen, LLP	DL White Law Group
Lynberg & Watkins	Collins Collins Muir & Stewart, LLP
Colantuono & Levin, PC	Jones & Mayer

Meyers Nave	Kane, Ballmer & Berkman
Thomas Hrouda, Attorney at Law	Lewis Brisbois Bisgaard & Smith LLP
Randall A. Spencer, Attorney at Law	Law Office of Martin D. Koczanowicz
Anthony Cartee, ALC	Leibold McClendon & Mann, P.C.
Lynne Rasmussen, Esq.	Cavanaugh Law Group
Ernster Law Offices, P.C	Wallin, Kress, Reisman & Kranitz, LLP
Olivarez Madruga	Cota, Cole LLP
Suzanne Felkner, Esq.	Aguirre, Morris & Severson LLP
Wesierski & Zurek LLP	Hurrell Cantrall LLP
Chad T-W Pratt & Associates, Inc	Rutan & Tucker, LLP

UPCOMING COUNCIL MEETING ITEMS

Please note this is staff's best estimate of the scheduling of future agenda items. This schedule is subject to revision as agenda items may be rescheduled to a future meeting, and are occasionally moved forward. Items may be rescheduled due to staff needing additional time to complete an item, too many items on a single agenda, or other issues impacting scheduling. Items are not listed in the order that they will appear on the Council's agenda. Additionally, agenda items are occasionally dropped from the list. (Agenda items are only deleted when it is a staff generated item that is no longer necessary, or if a Council Member withdraws a requested item.) Lastly, the Mayor determines the scheduling and order of agenda items.

11-Dec	Presentation	SMRFA Presentation of Ambassadors
11-Dec	Consent	RFP Housing Element
11-Dec	Consent	One Carter/Stonegate Pedestrian Easement
11-Dec	Consent	Warrants
11-Dec	Consent	Canvas of Election
11-Dec	Discussion	Update: Strategic Plan
11-Dec	Discussion	Building Inspection Services
11-Dec	Discussion	Water Ad Hoc Committee (Strategic Plan)
11-Dec	Discussion	East Raymond Basin Cooperative Agreement (Strategic Plan)
11-Dec	Discussion	Budget Policy Discussion/Input from Commissions regarding budget
8-Jan	Consent	Final Tract Map # 71607 Sierra Place Condos
8-Jan	Consent	Warrants
8-Jan	Discussion	Business Survey (Strategic Plan)
8-Jan	Discussion	Options for combining Commissions (Strategic Plan)
8-Jan	Discussion	Update: Strategic Plan
8-Jan	Discussion	Re-evaluation of City's Assessment Districts
8-Jan	Discussion	State of City Infrastructure (Continued from 9/25/12 and 10/9/12)
8-Jan	Discussion	Revenue Discussion (variances, CUP, tree, tobacco, events)
8-Jan	Discussion	City Audit
22-Jan	Consent	Approval of City Manager to authorize Gasoline Purchases
22-Jan	Consent	Warrants
22-Jan	Public Hearing	Temporary Use Permit/Special Event Permit Fees

22-Jan	Discussion	Update: 186 W. Highland (Strategic Plan)
22-Jan	Discussion	Results of Community Budget Survey (Strategic Plan)
22-Jan	Discussion	Water Rate Study
22-Jan	Discussion	Water Meter Replacement Options
22-Jan	Discussion	Plan to Arrest the Decline of E. Raymond Basin Water Level (Strategic Plan)
22-Jan	Discussion	Successor Agency ROPS Update (Koerber)
22-Jan	Discussion	Record Retention Schedule Modification/E-mail Retention Schedule (Koerber)
22-Jan	Discussion	Options for Financial Support for Water Fund (Strategic Plan)
5-Feb	Special	Joint meeting with Pasadena Unified School District - 6:30 pm
12-Feb	Consent	Warrants
12-Feb	Discussion	Update: Strategic Plan
12-Feb	Discussion	Update: Draft General Plan from GPSC (Strategic Plan)
12-Feb	Discussion	Smoke-Free Multi Family Housing (Moran)
12-Feb	Discussion	General Plan Land Use Alternatives/Build Out (Strategic Plan)
12-Feb	Discussion	Discussion regarding contract for parking enforcement
12-Feb	Discussion	Discussion regarding contracting out dispatch services
12-Feb	Discussion	Status Update: Ferguson Group

COMMUNITY SERVICES

COMMUNITY SERVICES COMMISSION

The Community Services Commission held their regularly scheduled meeting on Monday, November 19, 2012. The agenda items included completion of the Budget Plan, Community Services Department Updates, and reports on Halloween Happenings and the Oktoberfest Golf and Tennis Tournament. The Commission spoke at length regarding the Budget Plan and came to a consensus on their aspirations for the Department's programs, services and facilities. A group of tennis patrons spoke at the meeting during Community Input. The group wanted to voice their concern over the condition of the tennis courts at Sierra Vista Park and the need for resurfacing.

SIERRA MADRE CIVIC CLUB

Staff is meeting with Sierra Madre Civic Club President Marilyn McKiernan on Wednesday, November 21 at 1:00pm. The Civic Club is concerned about the new fee that was instituted in 2012 for the Halloween Window Painting Contest that is co-sponsored by their organization. Staff will explain the financial impact of the City running the event and options for decreasing the participation fee. Options include sponsorship or possibly having the Civic Club take over the event entirely.

SENIORS

The next Senior Community Commission hosted movie will be on November 28th at 1 pm in the Council Chambers; we will be showing the original "Odd Couple."

The Commission also hosted the LA County Department of Health on November 21st for a special Lunch & Learn presentation on "good sleep & mental well-being". The seniors enjoyed a pre-Thanksgiving menu with all the trimmings and went home with some great tips for a good-night's sleep.

Registration is still open for the December excursion to the California Science Center on the 14th to see the special Cleopatra exhibit & IMAX experience.

On a sad note, the center received word this week that on Wednesday, November 14th longtime senior lunch volunteer and Senior Club President, Loyal Camacho, lost her battle with lung cancer. Not only will the seniors at the Hart Park House miss her but she will also be missed by the longtime library staff and was a regular in the garden at the Woman's Club.

SENIOR COMMUNITY COMMISSION

The Senior Community Commission is hosting a special meeting on Thursday, November 29 to finish their Budget Plan for the City Council. The Commission initially discussed the Budget Plan at their November 1, 2012 meeting. Through the course of the discussion the Commission realized they needed more time to digest the information before making final decisions. The Special Senior Community Commission meeting is on December 6th at 3 pm.

COMMUNITY BLOOD DRIVE

The date for the American Red Cross Community Blood Drive hosted in the Sierra Madre Room has changed to Thursday, December 20th. Staff will be providing basic support on the day of and some advance marketing of the event via eBlasts, flyers and Facebook.

HUMAN RESOURCES

RECRUITMENT

Open Recruitments

- Part-time Police Cadet Accepting Applications through January 2, 2013
- Part-time Public Safety Administrative Clerk Accepting Applications through January 2, 2013
- Police Dispatcher Accepting Applications through January 3, 2013
- Police Officer Accepting Applications through January 3, 2013
- Police Sergeant Accepting Applications through January 3, 2013

Closed Recruitments

- Volunteer Firefighter Reviewing applications, testing scheduled for December 10, 2012
- Part-time Senior Program Specialist Interviews being scheduled
- Recreation Supervisor Second interviews scheduled for Tuesday, November 27
- Part-time Paramedics II Applications under review
- Police
 - Part-time Cadet Background Review
 - o Part-time Investigator Second interviews November 29, 2012

LIABILITY CLAIM

230 S. Mountain Trail - claims City tree caused damage to sewer line. The claim was submitted to California Joint Powers Insurance Authority for their review.

THANKSGIVING POTLUCK

Staff had their annual Thanksgiving Potluck on Tuesday, November 20, 2012 – there was a great assortment of yummy foods and lots of left-overs!

LIBRARY SERVICES

LIBRARY BOARD OF TRUSTEE MEETINGS

Please note the meeting dates below:

Regular Meeting: Wednesday, November 28, 2012 at 7 pm-Council Chambers Special Meeting: Wednesday, December 12, 2012 at 7 pm-Council Chambers

Cancel Meeting: Wednesday, December 26, 2012 at 7 pm

LIBRARY CLOSURES

The Sierra Madre Public Library will be closed in observance of the Thanksgiving holiday from Thursday, November 22 through Saturday, November 24. The Library will reopen for regularly scheduled hours (12-9 pm) on Monday, November 26.

Library patrons will still have access to online databases, catalog searches and book renewals, and they can still return materials at the outside book drop in front of the Library.

The Library Board of Trustees approved the following holiday Hours at the Library

Winter Holiday Hours:

Monday, December 24: Library will open from 10 am -2 pm

Tuesday, December 25: Closed

Monday, December 31, Library will open from 10 am -2 pm

Tuesday, January 1: Closed

ANCESTRY, COM AVAILABLE AT THE LIBRARY

Trace your family history at the Sierra Madre Public Library using Ancestry.com. This popular database includes over 10 billion genealogical records and is the world's largest online family history resource. Ancestry.com offers broad coverage of the United States and includes census and vital records. Military records and immigration lists are also searchable. Ancestry.com also offers an extensive collection of information from the United Kingdom.

Ancestry.com is available for in-library use only. Patrons may bring in their own laptops or use library computers to access Ancestry Library Edition. The Library will give a free introductory class for Ancestry.com on Tuesday, November 28 at 10:30 am.

Call (626)355-7186 to reserve a spot!

State Supreme Court orders Los Angeles County to pay millions to cities

By Eric Hartley, Staff Writer LA Daily News Posted:

DailyNews.com

Cities across Los Angeles County should have an extra \$10 million a year after a state Supreme Court ruling Monday.

In a unanimous opinion, the state's top court said the county improperly withheld millions of tax dollars from at least 47 cities and now must pay up.

The county, like others in California, charged property tax administrative fees on education money that is exempt from such fees under state law.

Michael Colantuono, the attorney who represented the 47 plaintiff cities, said L.A. County owes municipalities \$10 million to \$30 million that was improperly withheld in past years. That's in addition to the \$10 million a year in the future.

Those numbers cover all 88 incorporated cities in Los Angeles County, even those that weren't involved in the case. The 47 plaintiffs will get about half of the money at stake, or \$5 million a year.

Statewide, the ruling means a difference of about \$40 million a year for cities.

"It's significant for the simple reason it affects every city in the state," said Benjamin Fay, an attorney who wrote a friend-of-the-court brief for the League of California Cities.

Fay said cities around California, including those in San Mateo County that he represents, had been waiting for the ruling and will be seeking refunds from their counties. Most counties used the same interpretation of law the Supreme Court struck down Monday.

At least in L.A. County, cities won't be getting that money for a while.

The two sides first will go back before a judge to argue about whether the refunds go back several years or, as the county will argue, only one year. That ruling isn't expected for months.

Deputy County Counsel Doug Lovejoy said he was still reading the ruling Monday and had no immediate comment.

The exact numbers haven't been worked out, but Colantuono said estimates show the ruling will make a yearly difference of about \$308,000 for Glendale, \$283,000 for Santa Clarita, \$208,000 for Burbank and \$44,000 for Calabasas.

Among his 47 clients, the largest checks, about \$654,000 a year, will go to Long Beach. The smallest will go to Bradbury, a San Gabriel Valley city of 1,000 people. Its annual windfall: \$845. (But Colantuono said its corresponding share of the legal fees is just \$7.)

The city of Los Angeles was not involved in the case, though it had as much at stake as the 47 plaintiffs combined, Colantuono said. All 88 cities in the county were invited to participate, he said.

Frank Mateljan, a spokesman for the L.A. City Attorney's Office, said in an email that the city "will be pursuing any and all claims." Cities not involved in the lawsuit may still be able to seek refunds, but that process is not clear.

Counties collect property tax revenue and then distribute shares to cities and schools after taking out administrative fees for doing so.

The L.A. County court case, filed in 2008, centered on the Educational Revenue Augmentation Fund, a state-created pot of money in each county that sets aside property tax revenue to meet constitutional school funding requirements. By statute, that money can't be factored into the administrative fees the county charges.

But in 2004, the state passed two laws that used some of that education funding to close budget gaps elsewhere. L.A. County took that to mean the money was no longer exempt from fees, and it started to hold back an extra \$10 million a year.

The county had said it would keep doing so unless a court ordered otherwise, Chief Justice Tani Gorre Cantil-Sakauye wrote in Monday's Supreme Court ruling.

In 2009, a specially appointed judge ruled the county's move was legal. But an appellate court reversed that ruling and sided with the cities. L.A. County appealed to the Supreme Court, which said the "plain language" of state law doesn't support the county's interpretation.

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