

CITY OF IRWINDALE

5050 N. IRWINDALE AVE., IRWINDALE CA 91706 • PHONE: (626) 430-2200



NOTICE AND AGENDA FOR THE SPECIAL MEETING OF THE CITY COUNCIL

August 2, 2024

SPECIAL MEETING – 10:00 a.m.

OPEN SESSION – CITY COUNCIL CHAMBER

ALBERT F. AMBRIZ - Mayor

LARRY G. BURROLA - Mayor Pro Tem

MARK A. BRECEDA - Councilmember

MANUEL R. GARCIA - Councilmember

H. MANUEL ORTIZ - Councilmember

Via Zoom Webinar: <https://us02web.zoom.us/j/87104592389>

In the event that a Zoom broadcast is unavailable, staff will promptly notify the public through its social media platforms. The public meeting will proceed in accordance with The Brown Act.

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Spontaneous Communications: The public is encouraged to address the City Council on any matter listed on the agenda or on any other matter within its jurisdiction. The City Council will hear public comments on items listed on the agenda during discussion of the matter and prior to a vote. The City Council will hear public comments on matters not listed on the agenda during the Spontaneous Communications period.

Pursuant to provisions of the **Brown Act**, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future City Council meeting.

Americans with Disabilities Act: In compliance with the ADA and Government Code section 54953(g), the City Council has adopted a reasonable accommodation policy to swiftly resolve accommodation requests. The policy can be found on the City's website: <https://www.irwindaleca.gov/DocumentCenter/View/8075/AB-2449-Reasonable-Accommodation-Policy>. If you need special assistance to participate in a City Council or Commission meeting or other services offered by this City, including an electronic or printed copy of the City's reasonable accommodation policy, please contact City Hall at (626) 430-2200. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Note: Staff reports are available for inspection at the office of the Chief Deputy City Clerk, City Hall, 5050 N. Irwindale Avenue, during regular business hours (8:00 a.m. to 6:00 p.m., Monday through Thursday).

Compensation for Board Members: Compensation for the members of the Irwindale City Council is \$750.16 a month. In accordance with Government Code Section 54952.3, Councilmembers will not receive any additional compensation or stipend for the convening of the regular meetings of the Successor Agency to the Irwindale Community Redevelopment Agency. Councilmembers will receive additional compensation of \$50/meeting, not to exceed \$150 per month, for the convening the regular meetings of the Irwindale Housing Authority and an additional compensation of \$300/meeting for convening the regular meetings of the Irwindale Reclamation Authority.

Code of Ethics

As City of Irwindale Council Members, our fundamental duty is to serve the public good. We are committed to the principle of an efficient and professional local government. We will be exemplary in obeying the letter and spirit of Local, State and Federal laws and City policies affecting the operation of the government and in our private life. We will be independent and impartial in our judgment and actions.

We will work for the common good of the City of Irwindale community and not for any private or personal interest. We will endeavor to treat all people with respect and civility. We will commit to observe the highest standards of morality and integrity, and to faithfully discharge the duties of our office regardless of personal consideration. We shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of others.

We will inform ourselves on public issues, listen attentively to public discussions before the body, and focus on the business at hand. We will base our decisions on the merit and substance of that business. We will be fair and equitable in all actions, claims or transactions. We shall not use our official position to influence government decisions in which we have a financial interest or where we have a personal relationship that could present a conflict of interest, or create a perception of a conflict of interest.

We shall not take advantage of services or opportunities for personal gain by virtue of our public office that are not available to the public in general. We shall refrain from accepting gifts, favors or promises of future benefit that might compromise our independence of judgment or action or give the appearance of being compromised.

We will behave in a manner that does not bring discredit or embarrassment to the City of Irwindale. We will be honest in thought and deed in both our personal and official lives.

Ultimate responsibility for complying with this Code of Ethics rests with the individual elected official. In addition to any other penalty as provided by law, violation of this Code of Ethics may be used as a basis for disciplinary action or censure of a Council Member.

These things we hereby pledge to do in the interest and purposes for which our government has been established.

IRWINDALE CITY COUNCIL



SPECIAL MEETING**1. CALL TO ORDER****2. PLEDGE OF ALLEGIANCE****3. INVOCATION****4. ROLL CALL:** Councilmembers: Mark A. Breceda, Manuel R. Garcia, H. Manuel Ortiz; Mayor Pro Tem Larry G. Burrola; Mayor Albert F. Ambriz**5. AB 2449 DISCLOSURES**

Remote participation by a member of the legislative body for just cause or emergency circumstances

6. SPONTANEOUS COMMUNICATIONS

Spontaneous communications are limited to the special meeting agenda items only.

7. NEW BUSINESS

At this time, members of the audience may ask to be heard regarding an item on New Business.

- A. Discussion and Direction Regarding Impacts to Irwindale From the Proposed Los Angeles County ½% Sales Tax Initiative (The “Affordable Housing, Homelessness Solutions and Prevention Now” Measure) to be Submitted to the Voters at the November 5, 2024 Ballot
Department: Administration

Recommendation: It is recommended that the Irwindale City Council discuss and provide direction to staff regarding the impacts to Irwindale from the proposed Los Angeles County ½% Sales Tax Initiative (The “Affordable Housing, Homelessness Solutions and Prevention Now” Measure) to be submitted to the voters at the November 5, 2024 ballot.

8. ADJOURNMENT**AFFIDAVIT OF POSTING**

I, Laura M. Nieto, Chief Deputy City Clerk, certify that I caused the agenda for the special meeting of the City Council, to be held on August 2, 2024, be posted at the City Hall, Library, and Post Office on **August 1, 2024**.

Laura M. Nieto, MMC
Chief Deputy City Clerk

Item #7.A.

City of
IRWINDALE
AGENDA REPORT

Date: August 2, 2024

To: Honorable Mayor and Members of the City Council

From: Julian A. Miranda, City Manager

Issue: Discussion and Direction Regarding Impacts to Irwindale From the Proposed Los Angeles County ½% Sales Tax Initiative (The “Affordable Housing, Homelessness Solutions and Prevention Now” Measure) to be Submitted to the Voters at the November 5, 2024 Ballot

City Manager's Recommendation:

It is recommended that the Irwindale City Council discuss and provide direction to staff regarding the impacts to Irwindale from the proposed Los Angeles County ½% Sales Tax Initiative (The “Affordable Housing, Homelessness Solutions and Prevention Now” Measure) to be submitted to the voters at the November 5, 2024 ballot.

Administrative Action:

Submitted / Prepared by:

Theresa Olivares, Assistant City Manager



Reviewed by:

Adrian R. Guerra, City Attorney

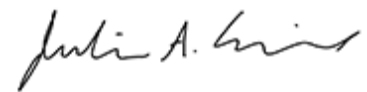


Kambiz Borhani, Finance Director / City Treasurer



Approved by:

Julian A. Miranda, City Manager



Background and Analysis:

In March 2017, Measure “H” (a sales tax measure to fund homeless services and prevention) was approved by Los Angeles County voters (69.34%). Measure “H”, the “Los Angeles County Plan to Prevent and Combat Homelessness” is a one-quarter percent (¼%) transaction and use tax (TUT) collected for the purpose of addressing and preventing homelessness through homeless prevention, outreach, interim housing, permanent housing, and affordable housing.

The Affordable Housing, Homeless Solutions and Prevention Now (“Measure “A”) is a citizens’ initiative ballot measure that will be placed in the November 5, 2024, election. Measure “A” will repeal and replace Measure “H” (set to expire in 2027) and increase the current one quarter percent (¼%) TUT to one-half percent (½%) in perpetuity. Since this measure is a citizens’ initiative, it will only require majority approval of the Los Angeles County voters.

This report provides information and options for the City Council of the City of Irwindale to consider.

ANALYSIS

Amount of Sales Tax Provided for Measure H Programs for Irwindale Residents

Staff contacted both the California Department & Fee Administration (CDTFA), which is the State agency that collects and disburses TUT dollars to cities and counties, and the Los Angeles County Auditor Controller's office, which is the County agency that performs services and is responsible for financial reporting, hoping to get the exact amount of Measure H dollars they collected from the City of Irwindale. However, we were not able to ascertain this information in time for this report.

The City does not receive direct local returns on the funds generated from Measure H. These funds are distributed through a competitive application process or through the San Gabriel Valley Council of Governments (SGVCOG) regional programs and services.

Amount of Measure H Funds Received Directly by Irwindale

The city received a total of \$322,938 in funding and support through Measure H. The breakdown of this amount is as follows:

- \$30,000 in 2017 to develop a plan to prevent and combat homelessness
- \$194,000 SGVCOG L.A. CADA contract for Supplemental Services Program (FY 22-23 and FY 23-24) and High Acuity Program (FY23-24)
- \$98,938 SGVCOG L.A. CADA contract for FY 24-25

Additional services funded by Measure H and administered by the SGVCOG include:

- \$1.1 M for the "Housing Solutions Fund", which is designed to provide flexible funds (for items like motel vouchers, security deposits, application fees, transportation, obtaining documents) to service providers and cities that are interested in providing direct resources to clients. Irwindale residents have the ability to reach-out to any service provider to connect with

flexible fund resources.

In FY 24-25, the SGVCOG Governing Board allocated \$1.35M of the FY 24-25 SGV Measure H allocation to the "Rapid Housing Development Program," which provides funding to service providers or cities that are able to secure units (whether through a master lease agreement or shared housing arrangement) and cities that need supplemental funding to operate an interim housing site. Cities or service providers could apply for these funds - and cities were also able to just express an interest in identifying a project in their city if they did not have a specific project but wanted to work with the SGVCOG or a service provider to develop one.

In FY 24-25, the SGVCOG Governing Board allocated about \$450,000 for "housing navigation and location." The SGVCOG intends to contract with 3 service providers that responded to an RFP and submit an application to help clients (especially those with a voucher, housing resource, or ability to afford a unit) find a housing unit and move them into those units. Once these contracts are active, Irwindale residents will be able to take advantage of this resource.

Impacts on Irwindale and Options for Consideration

Measure "A" would repeal the current Measure "H", replacing it with a one-half percent ($\frac{1}{2}\%$) TUT with no end date. Below are the options for City Council's consideration:

1. Adopt a Resolution Relating to the City's Position on Measure "A"

The City Council could direct staff to prepare a Resolution describing the City's position on Measure "A". Cities are generally prohibited from using public funds or personnel for campaign purposes. However, local governing bodies may take a position at a public meeting in favor of or against a particular measure that would affect the agency or its constituents. This would allow the City Council to take a position at a public meeting.

2. Adopt a Local Ballot Measure to Assess the Available One-Quarter Percent ($\frac{1}{4}\%$) Transaction and Use Tax (TUT)

California Revenue and Taxation Code section 7251.1 sets the limit of tax rate for counties and municipalities in them, commonly referred to as "statutory cap", as follows:

"The combined rate of all taxes imposed in any county may not exceed 2 percent. No tax shall be considered to be in accordance with this part if, upon its adoption, the combined rate in the county will exceed 2 percent."

The maximum rate in LA County is capped at 10.25% for any city in the County. See Attachment "A" for the current Los Angeles County Tax Rates by City.

- The first 7.25% is the Statewide baseline sales tax.
- Los Angeles County Propositions "A" and "C" (each $\frac{1}{2}\%$ sales taxes for transit) bring the total to 8.25%, using up 1% of the statutory cap.

- The County Measures “R” and “M” (also each $\frac{1}{2}\%$ sales taxes for transit) raised the Countywide sales tax to 9.25%. However, under special legislation, these are exempt from the statutory cap calculation.
- County Measure “H” raised the overall Countywide sales tax to 9.5% using another $\frac{1}{4}\%$ of the statutory cap.
- Under current law, the County is therefore using $1\frac{1}{4}\%$ of the 2% statutory cap, which leaves cities within Los Angeles County with an available $\frac{3}{4}\%$ remaining to propose city TUT to voters, resulting in a 10.25% maximum capped rate.
- In the March 2020 Special Municipal Election, Irwindale voters approved Measure “I” which enacted a $\frac{3}{4}\%$ TUT.
- Irwindale is currently at the statutory cap rate.

However, due to special legislation (AB 1679), if Measure “A” passes, the one-half percent ($\frac{1}{2}\%$) tax rate too would be exempt from the 2% statutory cap. Since Measure “A” repeals Measure “H” (a tax that did count towards the cap), a city in Los Angeles County could propose up to 1% ($\frac{3}{4}\% + \frac{1}{4}\%$) in TUT to its voters. In other words, if County Measure “A” passes, it would free up Measure “H” one-quarter percent ($\frac{1}{4}\%$), allowing the cities in Los Angeles County to propose to their voters.

One option would be for the City of Irwindale to place its own TUT tax measure on the November ballot to seek voter approval to levy this additional $\frac{1}{4}\%$ TUT. In doing so, another agency (like Los Angeles County) would be prevented from proposing to take up this amount in future election. Language for such a ballot measure would have to explicitly state so that CDTFA can properly administer it. For that reason, the City is currently reviewing the ballot language options with CDTFA to ensure proper implementation. Staff will provide the City Council with sample options at the special meeting for preliminary consideration. The deadline to place such measures on the ballot is August 9, 2024. Therefore, the draft of the final ballot language along with corresponding resolutions for the City Council adoption would have to be held at a public meeting before the August 9, 2024, deadline.

3. Take No Position

The City Council may receive and file this report and take no additional actions.

Fiscal Impact:

The City continues to explore opportunities to provide assistance to the unhoused. There is currently no budget for homeless prevention, outreach, safety impacts, or interim housing. Any related services offered by the City would be funded through the General Fund.

Attachments:

1. City of Irwindale Sample Ballot Language for Proposed Measure
2. Current Los Angeles County Sales Tax Rates by City

City of Irwindale

Sample Ballot Language for Proposed Tax Measure

City of Irwindale Public Safety, Community Services, Local Control/ Accountability Measure.

“Shall the measure to maintain locally-generated funding for police, emergency/ disaster response, senior citizen/ parks/ transportation/ recreation/ library/ aquatics, and economic/ job development; fix potholes/ streets; clean up encampments/ address homelessness; and other general City services; authorizing a ¼% sales tax, taking effect when legally permissible, generating approximately \$1,000,000 annually until ended by voters; and funds only for Irwindale, be adopted?” - (75 words)

Notes:

1. Applies whether or not Measure A repeals Measure H.
2. If Measure A passes and repeals Measure H, ¼% City tax begins to be collected April 1, 2025.
3. If Measure A does not pass and Measure H remains effective, ¼% City tax becomes effective in October 1, 2027 - the day after County Measure H sunsets by its own terms.
4. Further clarifying language in the text of the tax ordinance.



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Location (#) (#)	Rate ↓ (#) (#)
Santa Fe Springs	10.500 %
Alhambra	10.250 %
Arcadia	10.250 %
Azusa	10.250 %
Baldwin Park	10.250 %
Bell Gardens	10.250 %
Bellflower	10.250 %
Burbank	10.250 %
Carson	10.250 %
City of Commerce	10.250 %
Compton	10.250 %
Covina	10.250 %
Cudahy	10.250 %
Culver City	10.250 %
Duarte	10.250 %
Gardena	10.250 %
Glendale	10.250 %
Glendora	10.250 %

<u>Location (#)</u>	<u>Rate ↓ (#)</u>
Hawaiian Gardens	10.250 %
Hawthorne	10.250 %
Huntington Park	10.250 %
Irwindale	10.250 %
La Verne	10.250 %
Lakewood	10.250 %
Lancaster	10.250 %
Lawndale	10.250 %
Lomita	10.250 %
Long Beach	10.250 %
Lynwood	10.250 %
Monrovia	10.250 %
Montebello	10.250 %
Monterey Park	10.250 %
Norwalk	10.250 %
Palmdale	10.250 %
Paramount	10.250 %
Pasadena	10.250 %
Pico Rivera	10.250 %
Pomona	10.250 %
San Fernando	10.250 %
San Gabriel	10.250 %
Santa Monica	10.250 %
Sierra Madre	10.250 %
Signal Hill	10.250 %
South El Monte	10.250 %
South Gate	10.250 %
South Pasadena	10.250 %
Vernon	10.250 %
West Hollywood	10.250 %
Whittier	10.250 %
Avalon	10.000 %
Downey	10.000 %
El Monte	10.000 %
Inglewood	10.000 %
La Puente	10.000 %
Malibu	10.000 %

Location (#) ⌵ (#)	Rate ⬇ (#) ⌵ (#)
Torrance	10.000 %
Agoura Hills	9.500 %
Artesia	9.500 %
Bell	9.500 %
Beverly Hills	9.500 %
Bradbury	9.500 %
Calabasas	9.500 %
Cerritos	9.500 %
City of Industry	9.500 %
Claremont	9.500 %
Diamond Bar	9.500 %
El Segundo	9.500 %
Hermosa Beach	9.500 %
Hidden Hills	9.500 %
La Canada Flintridge	9.500 %
La Habra Heights	9.500 %
La Mirada	9.500 %
Los Angeles	9.500 %
Los Angeles County	9.500 %
Manhattan Beach	9.500 %
Maywood	9.500 %
Palos Verdes Estates	9.500 %
Rancho Palos Verdes	9.500 %
Redondo Beach	9.500 %
Rolling Hills	9.500 %
Rolling Hills Estates	9.500 %
Rosemead	9.500 %
San Dimas	9.500 %
San Marino	9.500 %
Santa Clarita	9.500 %
Temple City	9.500 %
Walnut	9.500 %
West Covina	9.500 %
Westlake Village	9.500 %

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Notes

Looking for the map tax rate API? (<https://services.maps.cdtfa.ca.gov/>)