

**CITY COUNCIL OF MONTEREY PARK  
AGENDA**

**SPECIAL MEETING**

**Wednesday  
August 19, 2020  
Special Meeting at 5:00 p.m.**

**EXECUTIVE ORDER NO. N-29-20**

These meetings will be conducted pursuant to Section 3 of Executive Order No. N-29-20 issued by Governor Newsom on March 17, 2020.

Accordingly, Councilmembers will be provided with a meeting login number and conference call number; they will not be physically present at council chambers.

Pursuant to the governor's order, the public may provide public comment utilizing the methods set forth below.

Note that city hall is currently closed to the public. You will not be admitted to city hall.

**MISSION STATEMENT**

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community.

**GENERAL INFORMATION**

Documents related to an Agenda item are available to the public in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and the City's website at <http://www.montereypark.ca.gov/AgendaCenter/City-Council-17>.

The Special Meeting will not be televised on the city's cable channel MPKTV (AT&T U-verse, channel 99 or Charter Communications, channel 182) or on the city's website at <http://www.montereypark.ca.gov/133/City-Council-Meeting-Videos>.

**PUBLIC PARTICIPATION**

In accordance with Executive Order No. N-29-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed in the following ways:

**Via Email**

Public comment will be accepted up to an hour before the meeting via email to [mpclerk@montereypark.ca.gov](mailto:mpclerk@montereypark.ca.gov) and read into the record during public comment, when feasible. We request that written communications be limited to not more than 50 words.

Via Telephone

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 961 7685 7381 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter “\*9” then the Clerk’s office will be notified and you will be in the rotation to make a public comment. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda item. Speakers will not be allowed to combine time. The Mayor and City Council may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

Important Disclaimer

When a participant calls in to join the meeting, their name and/or phone number will be visible to all participants. Note that all public meetings will be recorded.

**CALL TO ORDER**

**Mayor**

**ROLL CALL**

**Peter Chan, Hans Liang, Henry Lo, Fred Sornoso, Yvonne Yiu**

**PUBLIC COMMUNICATIONS.** Pursuant to Government Code Section 54954.3(a), the public may address the City Council only on matters listed on the Agenda. Those wishing to speak on an agenda item must utilize one of the methods listed above. No other public comment will be accepted. Attempts to provide comment at times not designated on the agenda may result in the City dropping you from the meeting.

**ORAL AND WRITTEN COMMUNICATIONS**

The City Council will recess to Closed session following Public comment. Public participation is not allowed during Closed session. The virtual meeting will remain open during the pendency of the City Council’s Closed session.

**OPEN SESSION**

**1. IDENTIFYING A TAX RATE FOR COLLECTING VOTER AUTHORIZED PROPERTY TAXES FOR EMPLOYEE RETIREMENT BENEFITS BASED ON THE ASSESSED VALUATION ESTABLISHED BY THE COUNTY ASSESSOR’S OFFICE**

It is recommended that the City Council:

- (1) Continue this item until the 6:30 p.m. open session and then adopt a Resolution identifying the amount of tax revenue required to fulfill the voters’ intent in funding the City’s retirement system; and
- (2) Take such additional, related, action that may be desirable.

**2. APPOINT LABOR NEGOTIATOR FOR CONTRACT NEGOTIATIONS WITH CITY MANAGER: KARL H. BERGER, ASSISTANT CITY ATTORNEY**

**CLOSED SESSION**

**3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (REGULAR) AND APPOINTMENT (Pursuant to Government Code § 54957)**

Title: City Attorney

**4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (REGULAR) (Government Code § 54957).**

Title: City Manager

**ADJOURN**



## City Council Staff Report

**DATE:** August 19, 2020

**AGENDA ITEM NO:** /

**TO:** The Honorable Mayor and City Council

**FROM:** Martha Garcia, Director of Management Services

**SUBJECT:** Identifying a tax rate for collecting voter authorized property taxes for employee retirement benefits based on the assessed valuation established by the County Assessor's Office

**RECOMMENDATION** It is recommended that the City Council:

- (1) Adopt a Resolution identifying the amount of tax revenue required to fulfill the voters' intent in funding the City's retirement system; and
- (2) Take such additional, related, action that may be desirable.

### **EXECUTIVE SUMMARY:**

The City of Monterey Park's retirement costs are funded by a special voter-approved property tax. Each year the City is required to establish a tax rate to generate the retirement property tax based on the assessed valuation established by the County Assessor's Office.

### **BACKGROUND:**

The City's retirement tax was authorized by the Monterey Park voters in elections held in 1946 and 1952. The tax rate is limited by AB13 not to exceed the rate imposed in the 1983-84 Fiscal Year. The proposed tax rate for the 2020-21 Fiscal Year is \$0.091175 per \$100 of assessed valuation. This is the same rate since 1983-84 and it is also the maximum rate allowed by AB13.

For 2020-21, the projected budget for retirement expenditures is \$12.2 million. The projected retirement tax revenue, including secured and unsecured retirement property taxes, residual distributions, and General Fund transfer. The voter authorized property tax pays for \$7.5 million of this overall retirement cost amount. The remaining expenditures will be covered by the City's General Fund and Retirement Fund reserve. The retirement tax is collected by the County Auditor Controller's Office through its annual property tax billing. The City is required to submit the attached resolution establishing the 2020-21 retirement tax rate to the County.

Respectfully submitted and prepared by:

Approved By:



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Martha Garcia  
Director of Management Services



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Ron Bow  
City Manager

Reviewed By:



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Karl H. Berger  
Assistant City Attorney

**ATTACHMENT(S):**

1. Resolution

**ATTACHMENT 1**  
Resolution

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION IDENTIFYING THE AMOUNT OF TAX REVENUE REQUIRED TO FULFILL THE VOTERS' INTENT IN FUNDING THE CITY'S RETIREMENT SYSTEM DURING FISCAL YEAR 2020-2021 AND AUTHORIZING THE LEVY OF APPROPRIATE TAXES.**

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds and declares as follows:

- A. On August 20, 1946, the City's voters approved a ballot measure which authorized the City to participate in the "State Employee Retirement System" (now the California Public Employee Retirement System) and also authorized the City Council "to levy and collect, annually ... a special tax sufficient to raise the amount estimated by [the City] Council to be required to provide sufficient revenue to meet the obligations of said City" to the retirement system;
- B. On April 8, 1952, the City's voters approved a ballot measure which extended the City's authorization to participate in the retirement system to include fire and police personnel. That ballot measure affirmed the City Council's authority "to levy and collect taxes sufficient to pay all costs and expenses ... to be paid by the City" to the retirement system;
- C. In 1978, California voters amended the California Constitution through Proposition 13. That Proposition generally limits the property tax rate to 1% except for indebtedness approved by the voters before July 1, 1978 or bonded indebtedness approved by the voters after July 1, 1978;
- D. In 1982, the California Supreme Court determined that a pre-1978 voter-approved pension program was an indebtedness that local officials could finance with a property tax rate outside the usual 1% limit (*Carman v. Alvord* (1982) 31 Cal.3d 318); and
- E. In 1985, the Legislature capped existing tax rates at the 1982-83 or 1983-84 level, except for rates supporting general obligation bonds, water contracts, and lease purchases (AB 13, Roos, 1985).

SECTION 2: The amount of tax revenue required from taxable property within the City to pay for the retirement system during fiscal year 2020-2021, beginning July 1, 2020 is \$7.5 million.

SECTION 3: The City Manager, or designee, is authorized to levy taxes as follows:

- A. For the fiscal year beginning July 1, 2020, the rate for the City is fixed and is levied on all taxable property within the City using the assessed value of such property. Tax Districts are identified below and the corresponding tax collected from each District is listed in the table set forth in subsection C.
  
- B. TAXATION DISTRICT NO. 1 consisting of all that portion of the City of Monterey Park included within the boundaries thereof as fixed by special election held August 19, 1920, (Resolution No. 245); all that territory annexed to the City of Monterey Park at annexation election held January 23, 1923, and known as Garvey Avenue Tracts (Ordinance No. 120); all that territory annexed to the City of Monterey Park at annexation election held on July 8, 1925, and known as New Avenue Tract (Ordinance No. 174); all that territory annexed to the City of Monterey Park at annexation election held July 10, 1928, and known as Keith Tract (Ordinance No. 207); all that territory annexed to the City of Monterey Park by annexation election held on April 22, 1930, and known as Midwick View Estates Tract (Ordinance No. 230); all that territory annexed to the City of Monterey Park known as Jebbia Annexation (Ordinance No. 467); all that territory annexed to the City of Monterey Park known as Midwick Country Club Annexation (Ordinance No. 468); all that territory annexed to the City of Monterey Park known as the Fitzgerald Annexation (Ordinance No. 484); all that territory annexed to the City of Monterey Park known as the Hellman Estate Annexation No. 2 (Ordinance No. 724); all that territory annexed to the City of Monterey Park known as Poteete Annexation (Ordinance No. 850); all that territory annexed to the City of Monterey Park by Ordinance No. 489 and known as the Hamilton Homes Annexation; all that territory annexed to the City of Monterey Park by Ordinance No. 510, and known as Hamilton Homes Annexation No. 2, all that territory annexed to the City of Monterey Park by Ordinance No. 520, effective October 7, 1948, known as the Jebbia Annexation; Wheeler Annexation, effective February 21, 1949, (Ordinance No. 532); Garvey Annexation, effective May 11, 1949, (Ordinance No. 537); Garvey Avenue Annexation No. 2, effective October 13, 1949, (Ordinance No. 547); Monterey Pass Annexation, effective October 13, 1949, (Ordinance No. 548); Reservoir Annexation, effective January 16, 1950, (Ordinance No. 553); Hellman Estate Annexation effective April 26, 1951, (Ordinance No. 590); Industrial Center Annexation effective October 1, 1951, (Ordinance No. 601); Wheeler Annexation No. 2, effective March 25, 1953, (Ordinance No. 638); and O'Brien Annexation, effective November 16, 1953, (Ordinance No. 649); Wheeler Annexation No. 3, effective February 27, 1959, (Ordinance No. 844).

C. TAXATION DISTRICT NO. 2 consisting of all that territory annexed to the City of Monterey Park by Ordinance No. 940, known as Southwesterly Atlantic Annexation No. 1; and Ordinance No. 1000, known as Southwesterly Annexation No. 3; and Ordinance No. 1093, known as Southeasterly Annexation No. 1; and Ordinance No. 1421, known as Southwesterly Annexation No. 4A.

D. Tax Table:

Assessed Value:	
Taxation District No. 1	\$ 6,339,350,957
Taxation District No. 2	<u>400,996,811</u>
Total	<u>\$ 6,740,347,768</u>

	<u>DISTRICT NO.1</u>	<u>DISTRICT NO.2</u>
Retirement Fund Tax Rate	<u>\$.091175</u>	<u>\$.091175</u>

SECTION 4: Limitations. The City Council's analysis and evaluation of this Resolution is based on the best information currently available. It is inevitable that in evaluating a matter that absolute and perfect knowledge of all possible aspects of the issue will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 5: Summaries of Information. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 6: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 19<sup>th</sup> day of August, 2020

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Peter Chan  
Mayor  
Monterey Park, California

ATTEST:

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Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



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Karl H. Berger, Assistant City Attorney

Resolution No.

Page 5

STATE OF CALIFORNIA     )  
COUNTY OF LOS ANGELES ) ss.  
CITY OF MONTEREY PARK )

I, VINCENT D. CHANG, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. \_\_\_\_\_ was duly regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 19<sup>th</sup> day of August, 2020, by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSTAIN:	Councilmembers:
ABSENT:	Councilmembers:

Dated this 19<sup>th</sup> day of August, 2020

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Vincent D. Chang, City Clerk