

Shilling, Mona

From: Shilling, Mona
Sent: Tuesday, November 26, 2013 1:41 PM
To: *ALL CITY COUNCIL; Weaver, Tracy (City Clerk); Binder, Crista
Cc: Hensley, Mark (City Attorney); Berger, Karl (Assistant City Attorney); Domann, Cathy; Jennings, Mishia; Tagle, Mickie; Cullen, Deborah; Garcia, Angelina
Subject: 2013-11-26 CC Agenda Packet SPECIAL - Item #1 - Public Communications
Attachments: 2013-11-26 CC Agenda Packet SPECIAL - Item #2 - Public Communications.pdf

Attached is Public Communication received from the El Segundo Chamber of Commerce in the City Clerk's Office related to the November 26, 2013 SPECIAL City Council Agenda, Item #1.

Thank you,
Mona F. Shilling
Deputy City Clerk I
City of El Segundo
City Clerk's Office
350 Main Street
El Segundo, CA 90245
Work Phone Number: (310) 524-2307
Work email Address: mshilling@elsegundo.org

El Segundo The CHAMBER

The Voice for Business

November 26, 2013

Honorable City Councilmembers
City of El Segundo
350 Main Street
El Segundo, CA 90245

HAND DELIVERED

RE: BALLOT PROPOSAL FOR AN EL SEGUNDO UUT & TOURISM TAX

Dear Mayor & Councilmembers:

The El Segundo Chamber of Commerce has appreciated the constructive public dialogue that has taken place over the last two months concerning the City's financial future. When this process began, the Chamber outlined three principles to help guide the City's budget deliberations:

- 1) Businesses will do more;
- 2) The City needs to do more;
- 3) El Segundo residents need to also participate.

We are pleased that the community education effort undertaken by the City has helped to raise awareness amongst residents and for the first time in the City's history, a residential tax on utilities has been actively advanced. Additionally, we are pleased by the City's own efforts to investigate how City operations can be run more cost effectively while also looking at city fees for services. It is now time for the business community to do its part.

We do not want to see El Segundo's financial reserves being decimated, thereby threatening its solvency. We fully understand the urgency to rectify this unsustainable financial course the City finds itself on. At the same time, we believe that one of the important definitions of "business friendly" is how a City applies its tax policy. Supporting new taxes is not a core activity for a Chamber of Commerce and in fact our mission is to advocate for lower taxes so our businesses can grow and create more jobs.

At last week's City Council meeting, once again, new numbers were presented to the Council and public by City staff. There were also wide ranging comments by some Councilmembers. The business community does not support a "tax and spend" mentality.

THE SHORTFALL TARGET

As we approach a review of the latest projections the City staff has put forward, we question the "additional funds" of \$4.4 million a year over five years as well as \$3.8 million for "one-time projects." While we well understand that there are deferred rehabs and repairs needed, this request totals over \$25 million in new taxes alone. The business community cannot support fully funding these wish lists through new taxes.

What we can and will support is the City's request to meet its operational shortfall through new taxes. It is projected that this shortfall will range from \$3.5 million to \$3.8 million annually. While we have varying views on salaries, benefits and contract obligations, these are the domain of the City staff and our elected officials to negotiate and manage. We will support new taxes to cover the City's operational shortfall in the range of \$3.5 million to \$3.8 million.

We will also support the City's annual "capital infrastructure" shortfall, but we believe the \$2 million amount used by City staff is not entirely accurate. For example, the "enhanced aquatic program" is shown as an \$800,000 annual expense. We believe that this is high and will not be the amount required once the City/Wiseburn pool complex is completed and has been up and operational for a few years. We feel the "capital infrastructure" shortfall is more in the range of \$1.5 million.

In summary, we see the City's ongoing operational and capital expenditure shortfall being in the range of \$5 million to \$5.8 million and it is that target we are proposing to help the City meet.

NEW TAXES

The El Segundo Chamber of Commerce proposes a phased tax increase:

1) Years 1 to 3: raise \$6.8 million annually in new tax revenue for the City

The Chamber has front loaded the first three years in taxes to enable the City to address some of its "wish list" deferred maintenance items. This will require the City to prioritize what is absolutely required. This is the same type of decision making businesses undertake every day.

2) Year 4 and 5: raise \$5,057,600 annually in tax revenue for the City

This amount meets the City's operational and capital expenditure shortfall, but the picture should be even better because:

- The City's enhanced economic development efforts will bring in more than the projected \$350,000 annually—we believe that amount is closer to \$750,000 annually once new development that has been approved is opened plus new economic development efforts that are on the horizon are implemented.
- The City is pursuing with the County how to increase the City's \$0.06 in property tax revenue and if successful (understanding the fix may take two or three years) this will help significantly in providing new income to meet the City's deferred rehab and repairs plus other priorities.
- As stated above, we believe the costs associated with the City/Wiseburn pool are inflated and within three years the pool should be operating on a much better financial footing than has been projected.
- And the City's continued efforts to contain costs and levy increased fees for services that are aligned with neighboring cities will also help.
- The additional \$5,057,600 in taxes would continue forward until the end of year five when the tax increases would expire and tax rates would return to current levels.

The El Segundo Chamber of Commerce believes this is a balanced and reasonable approach to new taxes.

TWO SEPARATE BALLOT MEASURES

We propose that these new taxes are raised through two separate ballot measures on April 2014 municipal election:

1) Utility Tax

For years 1 to 3, we propose a 3 percentage point increase (representing a 100% increase to business) in the City's UUT (4% for telephone). This would be levied on both business & residents raising \$5,230,650 annually (\$4,203,600 from businesses and \$1,207,050 from residents). This increase would sunset at the end of year three. And in years four and five, UUT would be at a 2% increase from today's rate. This will provide \$3,487,100 in tax revenue.

- Using a 3% UUT, we project that large residential homes will pay \$75/year and for a small condominium the tax would be approximately \$35/year. Surely our residents can afford less than \$100/year in new taxes to ensure the City continues to operate at the current levels of service.
- It's important to point out that the business community's UUT will rise to 6% over the first three years while residents will be at 3%, as residents currently do not pay a UUT.
- The UUT will go down in year four and five when the UUT rate sunsets to 5% for business and 2% for residents.
- By combining the business & residential UUT on a single ballot it sends a clear message that "we are in this together" in helping to meet the City's economic needs.

2) Tourism Tax

We propose to raise the City's TOT tax by 2% to generate \$1,275,000 annually in new revenue and to also create an Airport Parking Tax which is projected by the City to raise an additional \$295,000 annually.

- The regional hotel environment is very competitive and extremely price sensitive. An increase in the TOT means that El Segundo hotels will be restricted in their ability to raise their own room rates as visitors look at the total price of a room, not how the charges are distributed.
- Los Angeles has the LA Convention & Visitors Bureau, plus Gateway to LA, promoting their hotels to gain conventions and hotel stays as well as creating amenities like a beach shuttle service for hotel guests.
- In Manhattan Beach, its City Council voted last year to provide funding to its Chamber of Commerce to develop a visitor's bureau to promote the City as a destination.
- El Segundo has nothing that compares to these efforts. With the TOT increase will the City now start to better promote El Segundo hotels?
- Additionally, the TOT is a "hidden tax" on our local businesses that generate significant room nights for El Segundo hotels.
- It is important that the City not judge TOT by a comparison chart between different cities as other cities provide hotels with incentives and help in attracting visitors, while El Segundo does not.

WHY BLT CREDIT IS CRITICAL

Why have we not touched the idea of cancelling out the current Business License Tax ("BLT") credit? We have not touched the "BLT" because it is a significant economic development tool and lynchpin to why

El Segundo was selected as the first “most business friendly city in LA County.” The City’s own economic development materials and website trumpet El Segundo’s “business license sales-use tax credit.” Why would the City want to do away with one of its greatest tools for ongoing economic development?

Please allow us to explain the significance of the BLT credit.

The current credit was put in place to incentivize those businesses that generate sales in our City. For example, for every dollar in sales, the City receives \$0.09 cents in taxes/revenues. The current BLT sales tax credit reduces that to \$0.08 cents as an incentive to keep the business and its sales in El Segundo.

Removing that one penny would make El Segundo’s sales taxes equal to the City of Los Angeles. We don’t think that is an economic development plus in recruiting businesses to our City. And obviously, if El Segundo removes the BLT credit other municipalities who compete for El Segundo’s sales revenues would promote this and work to create their own incentives to exploit the City’s mistake.

Since the BLT revenue is generated based on the total “sales amount” of a transaction those companies with large sales would suffer the most. Companies that generate large sales are also the ones employing more people. Sales and employment are tied together. We don’t want to force our large employers to look elsewhere nor do we want our small vendors to suffer. If the BLT credit is overturned, what would stop large businesses from finding vendors in another city with lower sales taxes?

The BLT is an economic development tool as well as a job generator and that’s why we have left it in place.

IMPORTANT CLOSING POINTS

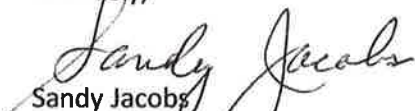
In closing, we would like to offer a few final and important points.

First, the Chamber’s desire to see infrastructure improvements is sincere and that is why we would request the ballot language include a “lock box” for capital improvement revenues so that the amount set aside for capital infrastructure cannot be raided for things like salary increases or other operational costs.

Second, given that the Chamber is focused on infrastructure improvements we would ask that the ballot language include that two business community members—selected by the Chamber of Commerce—be given seats on the City’s Capital Improvement Project Advisory Committee and that the Committee be vested with the ability to ensure that taxes raised for capital improvements go to capital improvements and not ongoing City operational costs.

Again, we thank you for the constructive dialogue that will result in a solid economic future for El Segundo.

Sincerely,


Sandy Jacobs
Chairman of the Board


Marsha Hansen
President & CEO

cc: City Clerk Tracy Weaver
City Manager Greg Carpenter

Domann, Cathy

From: Carpenter, Greg
Sent: Monday, November 25, 2013 11:13 AM
Subject: FW: El Segundo's Property Tax Share - Easy Reader 11/21/2013

See response below to Mr. Johnson

From: Carpenter, Greg
Sent: Monday, November 25, 2013 11:02 AM
To: 'DickCRJ@aol.com'
Subject: RE: El Segundo's Property Tax Share - Easy Reader 11/21/2013

Mr. Johnson,

I appreciate and share your concerns. Prior to Proposition 13, Cities were able to set their individual property tax rates. Proposition 13 took this ability away and standardized the methodology for assessment, increases and collection. What was not standardized was the apportionment of property taxes to cities. Instead, the legislation assumed that Cities had been operating with their individual tax rates and therefore could continue to provide services at those rates. El Segundo was a low tax City in 1978 and our rate was set very low. The legislature did eventually adjust the share for no and low property tax cities but only moved the percentage to 7% and some of that share has been reduced so we are not at 6.3%. The City Council received a report on the history of the City's property tax rate at their July 16, 2013 meeting. If you're interested you can review the report on the City's website (Under City Council agendas/July 16 City Council meeting/item 14).

This approach did not take into account the changing nature of municipal revenues and the changing nature of providing municipal services. We would like this inequity to be addressed and are researching our options. We are told that it will take legislation and will involve reducing the share of taxes received by other agencies so this may be an uphill fight but you're right about it being too important to ignore.

Regards,

Greg Carpenter

From: DickCRJ@aol.com [<mailto:DickCRJ@aol.com>]
Sent: Thursday, November 21, 2013 8:58 PM
To: Carpenter, Greg
Cc: Fisher, Bill (Mayor); Jacobson, Carl (Mayor Pro Tem); Fuentes, Suzanne (Mayor Pro Tem); letters@heraldpublications.com; judy@easyreadernews.com; Easy Reader 1
Subject: El Segundo's Property Tax Share - Easy Reader 11/21/2013

Dear Mr. Carpenter:

I am very puzzled with respect to El Segundo's meager share of our commercial & residential property tax dollar (\$.06 Vs \$.11 for the South Bay average and, as much as \$.15 for Manhattan Beach). In Mark McDermott's article in today's Easy Reader you attribute this huge percentage differential on the "freezing" of El Segundo's then unusually low property tax rates by the 1978 CA Proposition 13. However, that, in itself, in no way explains the much lower **percentage** of our property tax revenue accruing to El Segundo. Each penny per dollar of property tax revenue represents ~ one million dollars of revenue to our city. Consequently, if El Segundo were afforded the **average** South Bay rate of \$.11, our projected budget shortfall would be **eliminated** without benefit of additional tax revenues!

I do not understand the formula which renders El Segundo's share of our property tax revenues so shamefully substandard. Please explain this unbalanced distribution in **quantitative** terms. The subject article asserts that a modification in CA State law/regulations would be necessary to realize an equitable property tax share accruing to El Segundo. Even if so, I suggest El Segundo vigorously pursue this avenue for fiscal relief! The potential monetary benefit to our city is clearly too overwhelming to simply ignore. Please advise.

C. Richard Johnson
1221 E. Oak Avenue
El Segundo, CA 90245

Shilling, Mona

From: sctippy@aol.com
Sent: Friday, November 22, 2013 3:57 PM
To: *ALL CITY COUNCIL
Cc: leeelandsh@gmail.com
Subject: Re: UUT taxes and the fairness issue on local residents

I am not sure why Deborah's email did not come through before, but so you know, this response does address the point being raised. The cosmetic technical definition of a fee vs. a tax is not an issue or at question. (North Carolina clearly saw through this technicality (i.e. a distinction without a difference) when they passed state law making sure both cable and satellite customers paid the exact same total % of the combined FF/taxes on video revenue.)

The real issue being raised is that the land line video subscribing citizens of El Segundo, in substance, will be writing out a larger check to cover an even greater proportion of the cost of city services (i.e. providing a larger subsidy to their neighbors) who receive video through a company that neither collects nor remits revenue/taxes back to the city of El Segundo.

This approach makes an unfair situation even more unfair. That is what I am asking the city council to consider before taking action to increase the present disparity.

Sorry for the additional clarification, but after reading the response, I was concerned that others may have misunderstood the point that I am trying to shed light on.

Respectfully,

Lee

From: Cullen, Deborah [<mailto:DCullen@elsegundo.org>]
Sent: Thursday, November 21, 2013 5:04 PM
To: sctippy@aol.com
Cc: *ALL CITY COUNCIL; Carpenter, Greg
Subject: RE: UUT taxes and the fairness issue on local residents

I am responding on behalf of the City Manager and City Council to you email below.

The City imposes Franchise Fees on gas, electric and cable television for the use City streets and pipelines. If the City were to propose a tax measure for residential Utility User Tax (UUT) and that measure passed the utilities would collect the tax from their customers and remit the tax to the City. The utility would not be paying a UUT.

Please let me know if you have any additional questions.

*Deborah Cullen
Director of Finance
City of El Segundo*

-----Original Message-----

From: sctippy <sctippy@aol.com>
To: allcouncil <allcouncil@elsegundo.org>
Sent: Thu, Nov 21, 2013 11:13 am
Subject: UUT taxes and the fairness issue on local residents

I read the El Segundo this morning on page 6 (10/12/13) edition re UUT taxes. UUT taxes are passed on to local subscribers e.g. video subscribers for Time Warner Cable, Verizon & AT&T. Directv/Dish residents do pay UUT. This is the case already with franchise fees as well. (Other states do not double "tax" video customers.)

Landline cable customers do not use any more of the city services than satellite customers. The Minnesota Star Tribune reported that already 98% of franchise fees redounded (on a net basis above the cost of incremental cost to "manage the rights of way") as going into city general fund.

I do hope the city council considers the fairness of a double "taxation" of customers getting video through a landline. Increasing their costs, beyond the fairness issue, just shifts more customers to a long term service where the city gets neither franchise fees, nor UUT. (You sort of kill the golden goose that lays the egg, so to speak.)

As a long term El Segundo resident, I thought you should understand the various situation this causes. I am sure the folks at Time Warner, AT&T of Verizon could provide enlightenment as well.

Do you think it is fair for landline video customers to be "double taxed" to pay for more general services while satellite customers have neither tax/fee passed through?

Thanks for thinking this disparity through.

310-848-3033

Shilling, Mona

From: sctippy@aol.com
Sent: Friday, November 22, 2013 11:29 AM
To: *ALL CITY COUNCIL
Subject: Re: UUT taxes and the fairness issue on local residents

I haven't heard anything back from any city council members, but here are some more thoughts. (BTW, I am a former Ernst & Young auditor, CPA with 30 years of Telecom experience in multiple cities and states.)

In general fees are supposed to bear some connection to cost. (There are some excellent references to this on the web to this point.) Franchise Fees have already blown way past this and UUT just adds to the incremental revenue financed by land based Telecom subscribers. (You can say FF is not financed by these subscribers, but that is a form over substance position. Where do Telecom companies get their fees to send to the city? Of course, it is directly added to the customer bill at the same rate and on the basis as it is being assessed and it is definitely financed by those customers.) So my comments are in the context of "Let's keep it real", not a phony position, which is hard to say with a straight face, about how cable customers don't really pay the franchise fees (or a UUT) to the city.

Increasing Telecom fees/taxes (be it FF or UUT Telecom) just increases the bottom line total bill customer cost for folks who don't use any more city services than satellite customers use. I have not heard whether any of you think that is fair, but obviously it just pushes that many more customers to subscribe a service (satellite) where the city gets nothing. (BTW, that also means fewer viewers of the local ES community channels.)

I do think it would be good if we can get to place North Carolina is. They were astute enough to know there is not a connection between FF and cost to manage rights of way. They ended up passing a law where satellite and cable (AT&T, Verizon, TWC) and their customers are charged the exact same rate FF's. California is already to the extreme of one side of the disparity, North Carolina is the extreme (100% equality) to the other side after the law held up to all legal challenges brought by the satellite companies.

The brilliance of North Carolina's substance over form law is that no matter where customers migrate, the combined state/local city government gets the same revenue for same revenue customer spend.

El Segundo appears to be poised to, in effect, have its land based video residents have pay for an even greater mix of city services, on a per customer basis, than their next door neighbors that have a dish, which contributes zero revenue to the city.

If El Segundo wants to be fair to all of its citizens, it may want to consider excluding Telecom video from its UUT expansion plan.

Lee
310-648-8151 (land)
310-848-3033 (cell)

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To: allcouncil <allcouncil@elsegundo.org>
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As a long term El Segundo resident, I thought you should understand the various situation this causes. I am sure the folks at Time Warner, AT&T or Verizon could provide enlightenment as well.

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*Deborah Cullen
Director of Finance
City of El Segundo*

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310-848-3033

Shilling, Mona

From: Jennings, Mishia
Sent: Monday, November 18, 2013 11:26 AM
To: Hensley, Mark (City Attorney); Weaver, Tracy (City Clerk); Domann, Cathy; Shilling, Mona
Subject: Letter of Support from ES Chamber
Attachments: doc00320120131118111353.pdf

Sandy Jacobs, ES Chamber hand delivered the attached for all Council and CM.

Mishia Jennings
Executive Assistant
to the City Council
310-524-2302
mjennings@elsegundo.org

-----Original Message-----

From: donotreply@elsegundo.org [mailto:donotreply@elsegundo.org]
Sent: Monday, November 18, 2013 11:14 AM
To: Jennings, Mishia
Subject:

TASKalfa 6550ci
[00:c0:ee:88:9b:36]

El Segundo The CHAMBER

The Voice for Business

November 18, 2013

Honorable Councilmembers
City of El Segundo
350 Main Street
El Segundo, CA 90245

Hand Delivery

Re: Item C.2. On Tuesday's Council Agenda

Dear Honorable Councilmembers:

The El Segundo Chamber of Commerce continues to appreciate the constructive public dialogue that has been occurring around the issue of potentially placing a ballot measure on the April 2014 election to amend the City's tax code.

We are grateful for the public education effort that has been made by the Council and City Staff to inform both residents and business owners of the economic issues facing our City.


We are writing today to raise our strong opposition to an item for consideration on Tuesday's Council Agenda: the idea of an advisory ballot measure that would direct some portion of the revenues from any proposed tax increase provided to the El Segundo Unified School District.

The El Segundo business community has a long and significant history of supporting our public schools. The El Segundo Education Foundation, which has raised millions of dollars over the years for our schools, is funded largely by contributions from area businesses. The business community is proud of its record of support for El Segundo public schools.

While we strongly support our schools, we believe an advisory vote to direct tax money to the School District is poor public policy. This action would not only set a bad precedent, it would virtually tie the City Council's hands.

The City continues to provide direct and indirect financial support of our schools valued at over \$1 million annually. This significant support does not require an advisory vote to continue, it requires a vote of the City Council. We urge you not to place an advisory ballot measure before the voters.

Sincerely,


Sandy Jacobs
Chairman of the Board


Marsha Hansen
President & CEO

cc: City Clerk Tracy Weaver
City Manager Greg Carpenter

427 Main Street • El Segundo, CA 90245 • 310.322.1220 • Fax 310.322.6880
Email: info@elsegundochamber.org

Shilling, Mona

From: tleisher@gmail.com on behalf of Ty Leisher <leisher@bamproduced.com>
Sent: Thursday, September 26, 2013 8:13 AM
To: ALL ELECTED OFFICIALS
Subject: Discussing / Spreading the word on Tax Vote

Hello Council Members,

During last night's meeting Council-member Fellhauer and Atkinson brought up town hall meetings and how to get the word out to voters regarding the vote on taxes and the open discussions.

It occurred to me that El Segundo, as a city, has very little social media presence online. I'd like to help remedy that by helping as a social media liaison between the council and the voters online.

Twitter, Facebook and YouTube are all fantastic ways to reach people. Especially young adult demographics who, as Mr. Atkinson put it, don't grasp the severity of our city's situation.

As a filmmaker and city employee for El Segundo TV, I am also capable of creating a video explaining the taxes, votes and town halls that could air on the city's YouTube, Facebook, Twitter and local cable network.

Let me know if you are interested in pursuing social media as a way to hear the voices of those who can't attend the meetings. I would be happy to come in and discuss the value of social media to anyone interested in listening.

I'd also like to add that I am in favor of whatever it takes to get this city back to a healthy financial future, whether that be raising taxes on property, adding a parking lot tax or turning our fire department into LA fire. I also believe it is a great idea to charge apartment complexes or property with more than three homes on it an additional trash tax as Council-member Fellhauer suggested.

Thank you for your time and service.

--

Ty Leisher
Director & Screenwriter
[BAM!Produced.](#)
310.256.8656

Bullets *An Original Crime Series*

Domann, Cathy

From: Cindy Beckett <cbevaluate@aol.com>
Sent: Sunday, October 13, 2013 12:29 PM
To: ALL ELECTED OFFICIALS
Subject: Survey for City Tax

Hello,

My name is Cindy Beckett and was just reading the survey for the upcoming meetings regarding the proposed tax increases. I realize that was just a sample, but just as a suggestion, it may be important to include the demographics of who is attending the meetings and completing the surveys. Needs of young families with children, i.e. those participating in the schools long term and and community events and services may vary from those who are retired, with no children or adult children. Seeking those differences may shed additional perspective. Just thought this might be helpful

Thanks so much,

Cindy Beckett, M.A.
Program Support Services
(949) 633-9696
Cbevaluate@aol.com

Sent from my iPad

Domann, Cathy

From: tleisher@gmail.com on behalf of Ty Leisher <leisher@bamproduced.com>
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Twitter, Facebook and YouTube are all fantastic ways to reach people. Especially young adult demographics who, as Mr. Atkinson put it, don't grasp the severity of our city's situation.

As a filmmaker and city employee for El Segundo TV, I am also capable of creating a video explaining the taxes, votes and town halls that could air on the city's YouTube, Facebook, Twitter and local cable network.

Let me know if you are interested in pursuing social media as a way to hear the voices of those who can't attend the meetings. I would be happy to come in and discuss the value of social media to anyone interested in listening.

I'd also like to add that I am in favor of whatever it takes to get this city back to a healthy financial future, whether that be raising taxes on property, adding a parking lot tax or turning our fire department into LA fire. I also believe it is a great idea to charge apartment complexes or property with more than three homes on it an additional trash tax as Council-member Fellhauer suggested.

Thank you for your time and service.

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Bullets *An Original Crime Series*