

**City Clerk and City Manager's office:**

*This is a 'Supplemental Testimony submitted for [Consent Ordinances Item 3-a of the July 14, 2015, Regular Hermosa Beach City Council meeting agenda](#).*

July 11, 2015

**To:** Mayor Nanette Barragan and Councilmembers (Carolyn Petty, Hany Fangary, Michael DiVirgilio, and Peter Tucker), City Clerk Elaine Doerfling, City Manager Tom Bakaly, Assistant to City Manager, Community Development Director Ken Robertson, Public Works Director Andrew Brosyna, Finance Director Viki Copeland, and contract-City Attorney Michael Jenkins.

**From:** Howard Longacre, a Hermosa Beach resident.

**Regarding:** Sewer charge fee "Ordinance" and "Resolution", conflicts, timing, tax year applicable.

## **Honorable Mayor, Councilmembers, and others:**

The following are my comments, given freely, and they are entirely my views and opinions on everything I've stated herein.

Please additionally view any other supplementals submitted for Item 3-a.

Your proposed sewer charge ordinance 15-1355 if adopted on or after July 14, 2015 provides for a fee to be applied to the current 2015-2016 city/county tax year and before even the date of its adoption into the city's law.

You also previously, on June 23, 2015, adopted a Resolution ordering the subject charges to be placed on the county's 2015-2016 tax rolls before there was an ordinance adopted into the Hermosa Beach Municipal code providing for such charges, and notwithstanding that the Resolution indicated an ordinance would later be adopted.

That seems like a very strange way for a "trusted" government to be doing things.

Are you in fact further-stretching the Prop-218 fees loop-hole to further expedite these defectively created and applied sewer charges onto Hermosa property owners' property taxes?

It would clearly appear that you in fact have the "cart before the horse" and that legally and ethically you are stretching the law by prematurely ordering a charge to be added to the current year's tax bill with this ordinance, when in fact the current 2015-2016 tax year has already begun.

Further the ordinance specifies that your poorly chosen formula, basis water usage, be calculated from GPD (i.e. gallons per day?), however it does not specify anything of how, when, or by whom the GPD is to be determined. Is it basis the last 5 years of water consumption, last year's consumption, the current year's consumption?

Nor does it ensure, in any manner, that the water consumption data is correct and includes all water consumed by a given parcel from all meters possibly connected to the parcel via all manners of pseudo addresses. Who will be monitoring such data and the esoteric calculations? Is each property owner required to do this? How can the property owner do it? The ordinance is completely non-specific, vague, and very poorly and quite ambiguously written, both as previously "Introduced" and as now to be adopted.

Additionally Resolution (15-xxxx) which was approved before the ordinance was itself yet adopted into law, is in contradiction to the ordinance.

It (the Resolution) clearly implies that the CPI increases will not begin until the 2017-2018 tax year, as it (the Resolution) states, "**Beginning in fiscal year 2016-2017, the City Clerk is hereby directed to mail an annual notice to each property before an annual inflation increase will be applied at least thirty days before the effective date of the increase.**"

It would appear that both the Resolution and the Ordinance need to be corrected, redone, and tailored for application of the charge to more correctly be first applied to the 2016-2017 property tax bills, and perhaps after a far more simple, fair, and correct assessment is decided upon with regard to the fee itself.

The entire sham-process that Council has permitted to take place from the get-go, and which now appears to be on a fast track, has resulted in incredibly sloppy and defective work by all concerned.

**Rather than being arrogant, less-than-careful, tax-and-spend officials, kindly at least attempt to do things more slowly, carefully, ethically and correctly rather than in the slipshod manner you presently are doing things. Ironically, your reputations are rapidly going down the drain.**

Ordinance:

["https://hermosabeach.legistar.com/View.ashx?M=F&ID=3857968&GUID=B77F0398-B65D-474D-BD48-1938BD14A55E"](https://hermosabeach.legistar.com/View.ashx?M=F&ID=3857968&GUID=B77F0398-B65D-474D-BD48-1938BD14A55E)

Resolution:

["https://hermosabeach.legistar.com/View.ashx?M=F&ID=3836106&GUID=FD44F843-D41B-4B7B-86F2-2F108EFF83C8"](https://hermosabeach.legistar.com/View.ashx?M=F&ID=3836106&GUID=FD44F843-D41B-4B7B-86F2-2F108EFF83C8)

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