

Agenda Report

May 13, 2013

TO: Honorable Mayor and City Council

THROUGH: Finance Committee

FROM: Department of Finance

**SUBJECT: CITY MANAGER'S RECOMMENDED FISCAL YEAR 2014
OPERATING BUDGET PUBLIC HEARING**

RECOMMENDATIONS:

It is recommended that the City Council:

1. Open the public hearing on the City Manager's Recommended Fiscal Year 2014 Operating Budget;
2. Continue the public hearing to May 20, 2013 at 7:00 p.m. and thereafter at each subsequent regular meeting of the City Council until the City Council determines that the public hearing may close, and then formally adopt the Fiscal Year 2014 Operating Budget.

BACKGROUND:

The City of Pasadena Charter requires that on or before the third Monday in May, the City Manager shall submit an annual operating budget. On April 29, 2013, the City Manager distributed the Recommended Fiscal Year (FY) 2014 Operating Budget in compliance with the requirements of the City charter. This budget represents the City's financial plan for the coming fiscal year and furthers the City's mission to deliver exemplary municipal services responsive to our entire community and consistent with the City's history, culture, and unique character. Adoption of the City's annual budget is required as set forth in Section 904 of the City Charter. In addition to the City's anticipated operating revenues and expenses, the FY 2014 Recommended Budget includes the appropriations identified for FY 2014 for the FY 2014-2018 Capital Improvement Program (presented to the City Council on April 29, 2013) and the City's operating companies (Rose Bowl Operating Company, Pasadena Center Operating Company, and Pasadena Community Access Corporation).

Attachment A provides a summary of city-wide FY 2014 recommended appropriations by department and affiliated agencies and estimated revenues by category. The corresponding detail budget information has been available for public review at City facilities and was uploaded on the City's website since April 30, 2013.

COUNCIL POLICY CONSIDERATION:

The City Council's strategic planning goal of maintaining fiscal responsibility and stability will be advanced through adoption of the FY 2014 Recommended Budget.

FISCAL IMPACT:

Recommended Budget Summary

	Appropriations	Revenues
Operating Budget		
General Fund	\$202.6 Million	\$202.7 Million
All Other Funds	<u>\$328.5 Million</u>	<u>\$485.6 Million</u>
Citywide Operating Costs	\$531.1 Million	\$688.3 Million
Capital Improvement Program	\$98.2 Million	\$98.2 Million
Operating Companies	<u>\$51.9 Million</u>	<u>\$51.9 Million</u>
	Total:	<u>\$838.4 Million</u>

FTEs

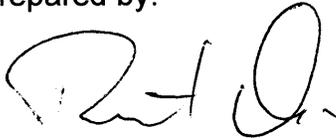
General Fund 936.9
All Funds 2,144.9

Respectfully submitted,



ANDREW GREEN
Director of Finance
Department of Finance

Prepared by:



Richard Davis
Budget Administrator

Approved by:



MICHAEL J. BECK
City Manager

Attachment A

FY 2014 Recommended Budget Revenues and Appropriations Appropriations By Department

	Fiscal Year 2014 Recommended Budget (\$000)		
	General Fund	Total All Funds	FTEs
	-----\$'s in thousands-----		
Operating Expenses			
City Departments			
City Council	\$2,009	\$2,009	10.00
City Manager	5,213	5,213	19.00
City Attorney/City Prosecutor	6,138	6,138	28.00
City Clerk	1,792	2,281	13.00
Finance	9,255	13,099	76.75
Fire	38,824	39,423	180.50
Information Technology	-	13,522	63.50
Police	59,733	63,540	367.75
Planning & Community Development	7,582	12,188	74.75
Human Resources	2,883	3,664	20.00
Public Health	-	13,898	122.10
Libraries and Information Services	-	12,623	106.95
Human Services & Recreation	9,369	9,369	92.27
Housing	-	24,631	47.72
Public Works	20,852	66,165	310.60
Transportation	4,496	30,610	48.00
Water & Power	-	280,230	426.00
Non Departmental	34,402	42,209	-
Department Total	202,548	640,812	2,006.89
Successor Agency to PCDC	-	27,094	1.00
Citywide Sub-Total	202,548	667,906	2,007.89
Capital Labor Adjustment	-	(27,383)	-
Inter-Departmental Transfers	-	(109,447)	-
Citywide Operating Sub-Total	202,548	531,076	2,007.89
Affiliated Agencies			
Pasadena Center Operating Company	-	18,543	98.00
Pasadena Community Access Corporation	-	980	15.00
Rose Bowl Operating Company	-	32,396	24.00
Affiliated Agencies Sub-Total	-	51,919	137.00
Total Operating Appropriations	202,548	582,995	2,144.89
Capital Appropriations			
Information Technology	-	608	-
Libraries and Information Services	-	600	-
Pasadena Center Operating Company	-	650	-
Planning	-	167	-
Public Works	-	30,055	-
Rose Bowl Operating Company	-	10,100	-
Transportation	-	4,854	-
Water & Power	-	51,190	-
Capital Improvement Program Appropriations Subtotal	-	98,224	-
Total Appropriations	\$202,548	\$681,219	2,144.89

Attachment A

FY 2014 Recommended Budget Revenues and Appropriations Revenues by Category

	Fiscal Year 2014 Recommended Budget (\$000)	
	General Fund	Total All Funds
	-----\$'s in thousands-----	
Property Tax	\$40,720	\$67,874
Sales Tax	31,700	32,486
Transient Occupancy Taxes	12,270	12,270
Utility Taxes	31,302	31,302
Franchise Taxes	2,245	5,726
Other Taxes	14,750	22,670
Taxes Subtotal	132,987	172,328
Licenses and Permits	2,768	9,175
Intergovernmental	14,376	59,404
Charges For Services	15,030	26,234
Fines and Forfeitures	7,087	7,087
Investment Earnings	1,067	9,618
Rental Income	1,149	15,802
Miscellaneous	1,371	10,181
Operating Income	7,577	307,725
Operating Transfers In	19,242	64,640
Non-Operating Income	-	6,112
Revenue Subtotal	202,654	688,306
Capital Improvement Program	-	98,224
Affiliated Agencies		
Pasadena Center Operating Company	-	18,543
Pasadena Community Access Corporation	-	980
Rose Bowl Operating Company	-	32,396
Affiliated Agencies Subtotal	-	51,919
Total Revenues	\$202,654	\$838,449

General Fund 5-year Financial Plan

	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
	Projected	Projected	Projected	Projected	Projected
Beginning Amount Available for Appropriations	5,241,373	5,347,434	5,697,888	5,775,747	7,005,577
REVENUES					
Property Taxes	40,720,000	43,634,700	46,670,709	48,583,093	50,574,631
Sales Tax	31,700,000	32,348,400	34,530,517	36,326,104	38,215,061
Utility User Tax	31,301,500	32,522,338	33,655,560	34,829,989	36,047,168
Transient Occupancy Tax	12,270,000	12,690,450	13,102,214	13,527,417	13,966,501
Franchise Taxes	2,245,100	2,307,290	2,371,346	2,437,323	2,505,280
Other Taxes	14,750,000	15,291,000	15,852,660	16,435,787	17,041,219
Total Taxes	132,986,600	138,794,178	146,183,005	152,139,712	158,349,859
Licenses & Permits	2,767,570	2,865,334	2,964,329	3,064,585	3,166,136
Intergovernmental Revenues	14,375,770	13,841,363	14,171,285	14,509,455	14,856,079
Charges for Services	22,606,820	23,579,620	24,005,928	25,002,735	25,720,684
Fines & Forfeitures	7,085,950	7,285,284	7,490,597	7,702,070	7,919,887
Investment/Interest Earnings	1,067,109	1,919,024	1,127,278	1,135,779	1,144,536
Rental Income	1,149,439	1,131,050	1,132,710	1,134,420	1,136,181
Miscellaneous	1,370,900	1,393,900	1,418,620	1,444,082	1,470,307
TOTAL REVENUES	183,410,158	190,809,753	198,493,752	206,132,837	213,763,668
EXPENDITURES					
Personnel	127,364,381	130,383,591	135,513,156	140,068,082	145,919,344
Services & Supplies	31,663,110	32,296,372	32,942,300	33,601,146	34,273,169
Equipment	291,421	50,000	50,500	51,510	52,540
Internal Services	16,811,969	17,064,149	17,320,111	17,666,513	18,019,843
TOTAL EXPENDITURES	176,130,881	179,794,112	185,826,067	191,387,251	198,264,896
Excess Revenues over (Expenses)	7,279,277	11,015,642	12,667,685	14,745,586	15,498,772
OPERATING TRANSFER (IN / (OUT))					
Debt Service	(13,458,657)	(17,376,637)	(17,876,637)	(17,876,637)	(17,876,637)
Contributions to Other Funds/Misc	(12,956,509)	(12,591,459)	(12,943,687)	(14,406,235)	(15,279,409)
Abatements for Svcs to Other Funds ²	184,069	185,541	187,057	188,619	190,228
Enterprise Contributions	19,057,781	19,117,367	18,043,441	18,578,497	19,129,605
NET OPERATING TRANSFER (IN / (OUT))	(7,173,216)	(10,665,188)	(12,589,826)	(13,515,756)	(13,836,214)
Operating Income/(Loss)	106,061	350,454	77,859	1,229,830	1,662,558

Public Comments by Floyd Folven to the Pasadena City Council on May 13, 2013

1. I suggest using the recommendations proposed by the Los Angeles County Civil Grand Jury in their June 30, 2012 report on Pasadena and other charter cities so we can eliminate cost plus open end contracts for consultants. I suggest eliminating contracts for services that qualified city employees can perform for lower costs. When will Pasadena establish a hot line to report fraud and waste? The Los Angeles City Council approved a fraud and waste hot line with training for employees and that action be taken by Department Heads within ten days of reports of fraud and waste.
2. "Congress Demands States Detail Regulations of Abortion clinics" (Breitbart.com/Big Government-Dr.Susan Berry-May 9,2013). Attached is a copy of this article along with a partial copy of the letter send to 50 state Department of Health officials. The question is whether the Pasadena Department of Health has any regulations on clinics performing abortions and whether they have made any inspections to enforce these regulations. Pasadena spent over \$500,000 to count all the trees on public land. Are there any records by Pasadena on how many abortions are performed at any Pasadena abortion clinic and whether the abortions meet the guide lines of federal law. At one Santa Ana abortion clinic,the fire department was called three times within one day for medical emergencies when there was no medical doctors present at the clinic. What has our health department done to insure the safety of the women.?
3. "Will Jerry Browns "Ghost Plant" Come Back to Haunt Him and Green Power?" (Calwatch.com.July 8,2010) is a partial copy of this item that states that Pasadena and other cities paid \$283 million dollars on unpaid bonds on the bottle Rock Geothermal Plant for which these cities received no benefits . Later, Pasadena and other cities paid \$250 million dollars on the Greyser Pipeline (Santa Rosa ,California) bonds for which Pasadena and other cities received zero benefits. This was a political decision by the Metropolitan Water District of Southern California. What action can Pasadena take along with other cities in recovering the overpayment to the Metropolitan Water District of Southern California.?

Attachments: "Congress Demands State Detail Regulations of Abortion Clinics" and Partial copy of letter mailed by Congress to 50 Department of Health Officials

"Will Jerry Browns "Ghost Plant" Come Back to Haunt Him and Green Power?" Partial copy of article on www.calwatchdog.com July 7, 2007

05/13/2013

Item 25

Submitted by Floyd Folven

Pasadena Sub Rosa

Latin sub rosā, under the rose; from the Roman practice of hanging a rose over a meeting as a symbol of secrecy

July 09, 2010

WILL JERRY BROWN'S "GHOST PLANT" COME BACK TO HAUNT HIM AND GREEN POWER?

How did Southern California water ratepayers end up indirectly paying for geothermal electricity for northern California cities is a story that has never been told in the media.

In the late 1970's then Governor Jerry Brown planned a "Green" legacy for when he left office in 1983 of two geothermal power plants in northern California. After leaving office, Brown ran for U.S. President.

In 1985 one of the plants, the Bottle Rock Geothermal Plant, was completed. It operated just five years until 1990 and then was shut down for lack of sufficient steam power to make the payments on the revenue bonds on the plant. The plant became a "ghost plant." But who was going to pay the \$283 million in unpaid bonds on the plant?

~~Curiously in 1988 Jerry Brown's campaign manager went to work as a Vice President at the Metropolitan Water District of Southern California.~~ Without any public hearing or newspaper coverage, MWD started paying the bonds off on the plant. It wasn't until 1993 that the L.A. Times blew the whistle that Southern California water ratepayers were paying off the over a quarter of a billion dollars of bonds on the plant. But that wasn't the worse part of the unfolding story.

About 2001 the Bottle Rock Power Plant was sold to a series of private investors. But Southern California water ratepayers still were paying off the bonds on the plant.

In 2003, a 30-mile long sewer pipeline called the Geysers Pipeline was completed at a cost of \$250 million which dumped treated sewer water from the City of Santa Rosa into the Geysers Geothermal Field to revive the steampower of the many geothermal plants in that area, including the Bottle Rock Power Plant. In 2006 the Bottle Rock Power Plant was re-opened and is generating electricity for northern California cities, subsidized by the water rates of Southern Californians. The MWD doesn't even get any of the power from the plant to pump water to Southern California. Read how your water bill includes payments on a \$283 million "green power" plant in northern California that you receive no benefit from.

Will the political legacy of this power plant have any influence on the election of Jerry Brown who is running for his third term for Governor? Will this story have any influence on the passage of Prop 23 which is a ballot initiative to suspend implementation of California's "Green Power" law beginning in 2012? Read here:

<http://www.calwatchdog.com/2010/07/08/new-ghost-plants-to-haunt-brown/>

Posted at 06:32 AM | [Permalink](#)

TrackBack

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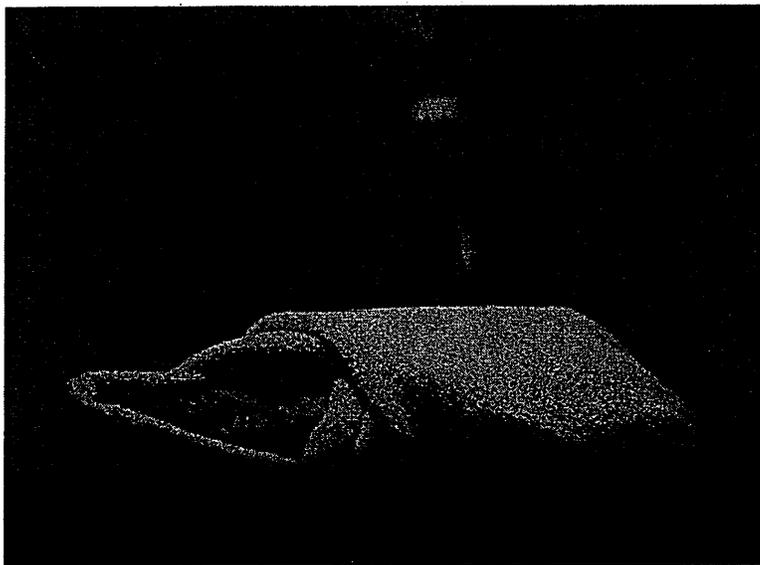
<http://www.typepad.com/services/trackback/6a010534d10876970c01348e5156dd970c>

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Comments

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CONGRESS DEMANDS STATES DETAIL REGULATION OF ABORTION CLINICS



by [DR. SUSAN BERRY \(/COLUMNISTS/DR-SUSAN-BERRY\)](#) : 10 May 2013, 7:08 AM PDT : [5](#)
[POST A COMMENT \(/BIG-GOVERNMENT/2013/05/09/CONGRESS-DEMANDS-STATES-DETAIL-REGULATE-AND-MONITOR-ABORTION-CLINICS#COMMENTS\)](#)



House Republicans have sent out letters to public health officials in all 50 states, requesting information on how each state regulates and monitors abortion clinics and protects the health and safety of women.

The action is taken as a jury deliberates charges against “House of Horrors” Philadelphia abortionist Kermit Gosnell.

According to [LifeNews \(http://www.lifenews.com/2013/05/09/gop-letters-ask-how-states-are-preventing-more-kermit-gosnells/\)](http://www.lifenews.com/2013/05/09/gop-letters-ask-how-states-are-preventing-more-kermit-gosnells/), on Wednesday, leaders of the House Energy and Commerce Committee sent a [letter \(http://energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/letters/20130508PublicHealthOfficials.pdf\)](http://energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/letters/20130508PublicHealthOfficials.pdf) to all public health officials in the [50 states and the District of Columbia \(http://energycommerce.house.gov/letter/letters-public-health-officials-regulation-abortion-clinics\)](http://energycommerce.house.gov/letter/letters-public-health-officials-regulation-abortion-clinics) following efforts by Senate Democrats to prevent adoption of a [resolution \(http://www.breitbart.com/Big-Government/2013/05/06/Sen-Mike-Lee-Resolves-To-Address-Gosnell-Type-Abortion-Crime\)](http://www.breitbart.com/Big-Government/2013/05/06/Sen-Mike-Lee-Resolves-To-Address-Gosnell-Type-Abortion-Crime), introduced by Sen. Mike Lee (R-UT), which sought hearings on abortion and abortionist Gosnell.

Lee attempted to “hotline” the resolution on Monday evening, but an unknown senator, later identified as [Richard Blumenthal \(D-CT\) \(http://www.lifenews.com/2013/05/08/senator-blocks-resolution-seeking-hearings-on-kermit-gosnell-abortion/\)](http://www.lifenews.com/2013/05/08/senator-blocks-resolution-seeking-hearings-on-kermit-gosnell-abortion/), objected to unanimous passage of the language.

“It is difficult to imagine why anyone would object to a non-binding resolution calling on Congress to investigate these alleged disturbing, horrific, and illegal abortion practices

...ess Demands States Detail Regulation of Abortion Clinics
committed by Kermit Gosnell and others, “ said Lee.

<http://www.breitbart.com/Big-Government/2013/05/09/Congress-D...>

353 comments · 2 minutes ago

GOP lawmakers say that the Gosnell trial raises troubling questions about abortion clinic practices and whether state health departments are appropriately monitoring these facilities. They reference the fact that the Pennsylvania District Attorney investigating Gosnell discovered that the state’s Department of Health deliberately opted not to enforce patient safety laws at abortion clinics as a key to the reason why Gosnell continued in his practice for as long as he did.

Rep. Marsha Blackburn (R-TN), Energy and Commerce Committee Vice Chairman, stated, “Planned Parenthood called Gosnell’s ‘House of Horrors’ an ‘outlier,’ but we’re learning Gosnell is not an aberration; approached by women who complained about the disgusting conditions at Gosnell’s facility, they didn’t report it.”

Lila Rose, president of Live Action (<http://www.liveaction.org/inhuman>), a pro-life advocacy organization that has released four undercover investigation videos demonstrating the brutality of abortion in late-term abortion clinics, released the following statement about the House Energy and Commerce Committee’s efforts:

We applaud and fully support members of the House Energy and Commerce Committee in their efforts to protect women and babies from the horrors and atrocities going on inside America’s abortion centers. But this should only be a first step. Given the gruesome revelations emanating from the Gosnell trial and Live Action’s Inhuman investigation exposing many other abortion centers, Gosnell is clearly not alone. In fact, in many abortion centers these gruesome practices seem to be standard operating procedure.

Rose said, “Congress must move forward with hearings to learn more about the threat to women and babies resulting from the gruesome practices taking place in the abortion industry.”

Marjorie Dannenfelser, president of the Susan B. Anthony List (<http://www.sba-list.org/>), a pro-life women’s organization, responded to the House Committee’s efforts:

Kermit Gosnell is the tip of the iceberg. Two former employees have blown the whistle on “meat market-style assembly line abortions” at Planned Parenthood of Delaware. Hollywood-celebrated late-term abortionist Leroy Carhart has been caught on tape calling babies in the womb “meat in a crock pot.” The inhumanity of the abortion industry has never been clearer and now it’s time for America to see how deep this lack of respect for life goes.

Dannenfelser added, “Congress must address its role in protecting the human rights of children late in pregnancy. The few, mere inches that separate a child in the womb from a child outside the womb should never determine whether its intentional ‘demise’ is permitted by law.”

On Wednesday, House Judiciary Committee chairman, Rep. Bob Goodlatte (R-VA), sent a similar letter (<http://judiciary.house.gov/news/2013/Gosnell%20Letter.pdf>) to state attorneys general.

Maureen Ferguson, Senior Policy Advisor for The Catholic Association (<http://www.thecatholicassociation.org/>), commented:

In light of the gruesome treatment of women and babies that is on display in the Kermit Gosnell trial and the Live Action Inhuman exposé, it is entirely appropriate that the House Energy and Commerce Committee, chaired by Congressman Fred Upton (R-MI), has sent a letter today to public health officials in each state asking how they regulate abortion facilities. Likewise, we applaud the House Judiciary Committee, chaired by Congressman Bob Goodlatte (R-VA), who yesterday sent a similar letter to the state attorneys general demanding oversight for facilities that perform abortions. The abortion practices, both legal and illegal, that have been revealed by the Gosnell trial and described by abortionists themselves in the Live Action undercover videos are a heartbreaking violation of the human rights of the least among us -- we applaud Congress for taking a first step to address this injustice.

House Committee leaders have set a deadline of May 22, 2013 for the states to respond to the letter.

FRED UPTON, MICHIGAN
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MEMBER

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

May 8, 2013

Donald E. Williamson, MD
State Health Officer
Alabama Department of Public Health
201 Monroe Street, Suite 710
P.O. Box 303017
Montgomery, AL 36104

Dear Sir:

Pursuant to Rules X and XI of the United States House of Representatives, the Committee on Energy and Commerce is examining the oversight conducted by state departments of health of clinics and facilities that perform abortions.

The criminal investigation and trial of Dr. Kermit B. Gosnell of Philadelphia, PA, raises troubling questions about the practices of abortion clinics, and whether state departments of health are aware, or even conducting appropriate monitoring, of these facilities. For example, the Grand Jury Report filed by the Pennsylvania District Attorney investigating Dr. Gosnell found that "Pennsylvania's Department of Health has deliberately chosen not to enforce laws that should afford patients at abortion clinics the same safeguards and assurances of quality health care as patients of other medical service providers. Even nail salons in Pennsylvania are monitored more closely for client safety."

In order for the Committee to better understand how states regulate and monitor abortion clinics, and protect the health and safety of women, we request that you provide the following information no later than May 22, 2013:

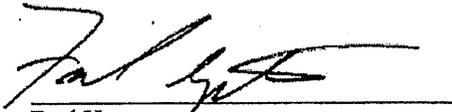
1. Does your state license abortion clinics or those facilities and providers who perform abortions? If so, please identify what information must be provided or requirements must be met for a facility or provider to be licensed. In addition, please identify the number of abortion clinics licensed in your state for each year from 2008-2013.
2. For the years 2008-2013, please identify each abortion clinic for which your state has suspended or revoked its license and the reason for this action.

3. Does your state conduct inspections of abortion clinics or facilities that perform abortions? If so, please identify the number of clinics that your state has inspected for each year from 2008-2013. In addition, please identify how an inspection is conducted and what information is examined in the course of an inspection.
4. Does your state monitor complaints or adverse health events relating to abortions? If so, how are these complaints filed or processed? How many complaints relating to abortions or abortion clinics have been filed for each year from 2008-2013?
 - a. Please explain how your state investigates the complaints it receives relating to abortions. In addition, please explain how many investigations, including those that included inspections of abortion clinics, have resulted from complaints filed for each year from 2008-2013.
5. Please explain whether your state, including state professional licensure boards, has initiated any disciplinary actions against facilities or health care providers relating to abortions? Please identify the number of disciplinary actions taken in each year from 2008-2013 and the underlying violation or reason for the action.
6. Please provide copies of the rules and regulations that govern facilities and licensed health care providers in your state that perform abortions, including the rules and regulations that specifically govern how abortions are conducted in your state.
 - a. Which of these laws is your agency tasked with enforcing and how do you enforce them?
7. On April 19, 2005, the Assistant Secretary for Children and Families issued a Program Instruction to state agencies administering the Child Abuse Prevention and Treatment Act (CAPTA) program. The instruction requires states to have procedures for responding to reports of medical neglect (including the withholding of medically indicated treatment from disabled infants with life-threatening conditions), and applies those protections equally to born-alive infants.
 - a. What actions has your state taken since 2005 to ensure that, at every licensed health care facility that provides abortions, there is a designated individual to report suspected medical neglect (including withholding of medically indicated treatment from disabled infants with life-threatening conditions) of born-alive infants to the state child protective services agency? Has the state received any such notifications and what were the outcomes?
 - b. Does your state child protective services agency annually contact each health care facility to obtain purpose of coordination, consultation, and notification

pursuant to 45 C.F.R. §1340.15? Does this contact include health care facilities that provide abortions? Please provide a list of all such designations.

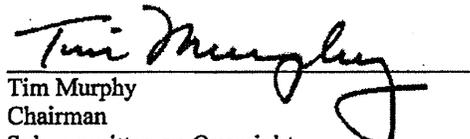
An attachment to this letter provides additional information on how to respond to the Committee's request. If you have any questions regarding this request, please contact Committee staff at (202) 225-2927.

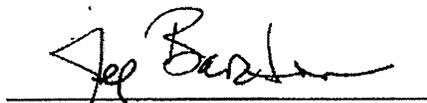
Sincerely,

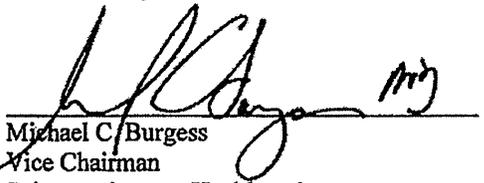

Fred Upton
Chairman


Joseph R. Pitts
Chairman
Subcommittee on Health


Marsha Blackburn
Vice Chairman


Tim Murphy
Chairman
Subcommittee on Oversight
and Investigations


Joe Barton
Chairman Emeritus


Michael C. Burgess
Vice Chairman
Subcommittee on Health and
Subcommittee on Oversight and Investigations

Attachment

cc: The Honorable Henry A. Waxman, Ranking Member

The Honorable Frank Pallone, Jr., Ranking Member
Subcommittee on Health

The Honorable Diana DeGette, Ranking Member
Subcommittee on Oversight and Investigations

Subject: FW: May 20, 2013 Council Meeting- objection to proposed 2014 South Lake Avenue Parking Place Commission ("SLPPC") annual budget

From: Scott Carlson <swcarl@pacbell.net>

Date: May 16, 2013, 9:04:18 PM PDT

To: Mark Jomsky <mjomsky@cityofpasadena.net>

Cc: <smermell@cityofpasadena.net>, <fdock@cityofpasadena.net>, Gina Tleel <slba@southlakeavenue.org>, John Howe <john68@pacbell.net>, Richard McDonald <rmcdonald@hrbc.com>

Subject: May 20, 2013 Council Meeting- objection to proposed 2014 South Lake Avenue Parking Place Commission ("SLPPC") annual budget

Mark

Please deliver the below email to the Mayor and Councilmembers for the May 20, 2013 City Council meeting:

Dear Mayor Bogaard and Councilmembers:

I represent the South Lake Business Association ("SLBA"). It is my understanding that the Department of Finance or Transportation ("DOT") has submitted to the City Council a proposed annual budget for the South Lake Parking Place Commission ("SLPPC") that has not been adopted or approved by the SLPPC.

As you know, the SLBA has a significant interest in the SLPCC budget and improvements in the area. In particular, the SLBA has made significant efforts to facilitate the Streetscape Plan and was the driving force to create the parking meter district (on-street) to provide additional funding to the CIP fund that covers the costs of those endeavors. The SLBA, therefore, has an interest in ensuring that revenues from the parking district are used for improvements in the South Lake business area and not diverted to other uses.

We understand that the proposed Capital and Improvement budget appropriates \$407,000 from the SLPPC revenues from the parking lots and the on-street meters. This amount appears to be significantly higher than actual costs, and to be designed to cover other revenue shortfalls. Further, the budget has been prepared by the DOT without approval from the SLPCC, which has control of the operation and management of the parking.

The SLBA objects to the submission and approval by the City Council of an SLPCC budget prepared by the DOT because it violates the California Streets and Highway Code, the Pasadena Ordinance which governs the SLPCC, and the Rules and Regulations for the SLPCC which were approved by the City.

The SLPPC was created pursuant to, and is ultimately governed by, the provisions of the Streets and Highways Code. Under those provisions, SLPPC manages and controls the parking spaces, including the appointment of employees of the City. Section 31779 of the Code provides that "the board of commissioners shall have possession and complete charge, supervision and control of all parking places...". Section 31780 further provides that "the board shall operate, manage, and control the parking places and make and enforce all necessary regulations for their use." Section 31785 provides "the board shall appoint in the same manner as other city employees are selected, such employees as it deems necessary."

These statutory provisions are carried through in the Municipal Code ordinance concerning the SLPPC. Section 2.103.110 provides - Purpose and functions.

- A. The purpose of the commission is to operate, manage and control the parking places within the district, and make and enforce all necessary regulations for the maintenance and operation of the district.
- B. The commission shall:
 1. Have possession and complete charge, supervision and control of all parking places acquired or constructed for the use or benefit of the South Lake Avenue parking place district;
 2. Appoint in the same manner as other city employees are selected, such employees as it deems necessary. The city council shall determine the number of such employees and their salaries;
 3. Take appropriate steps to operate and maintain the South Lake parking place district;
 4. As of January 1, 2008, recommend to the city council the priority expenditures of net revenues from parking meters in the South Lake parking meter zone for street and parking related expenditures which regulate and control traffic and parking within that parking meter zone and its surrounding area, as set forth in Section 10.45.090 of this code.

Finally, the City has adopted Rules and Regulations for the SLPPC that provide that the Commission shall "manage the District independently of the Board of Directors, except for annual budget approval by the Board of Directors, appeals to the Board concerning a Commission decision, and such other direction as the Board may provide from time to time."

Under this clear framework, the SLPPC is responsible for managing the parking district, including the recommendation of a budget to the Council. The DOT does not have this authority, yet is purporting to allocate SLPPC revenues to DOT determined personnel and budget items. The SLPPC, not the DOT, has specific authority over the appointment of employees.

The SLBA is concerned that the DOT and the City are not properly allocating costs to the SLPPC budget and that SLPPC revenues that should be used for improvements within the SLBA district are being improperly diverted to other City projects or uses. The SLBA objects to the proposed DOT budget, and demands that the Council not act on the pending budget, but only on one that is submitted with the approval of the SLPPC.

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