

CITY OF LOS ANGELES

CALIFORNIA

KAREN E. KALFAYAN
City Clerk



ANTONIO R. VILLARAIGOSA
MAYOR

Office of the
CITY CLERK

Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
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Fax: (213) 978-1040

CLAUDIA M. DUNN
Chief, Council and Public Services Division

www.cityclerk.lacounty.org

When making inquiries
relative to this matter,
please refer to the Council
File No.

08-1800-S3

July 18, 2008

Honorable Antonio Villaraigosa, Mayor
All Councilmembers
City Attorney
Chief Legislative Analyst
City Administrative Officer
Controller, Room 300
Accounting Division, F&A
Disbursement Division

City Clerk
Elections Division
Executive Office

RE: CALLING A SPECIAL ELECTION TO BE HELD TUESDAY, NOVEMBER 4, 2008, FOR THE PURPOSE OF
SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF LOS ANGELES A CERTAIN ORDINANCE
PROPOSITION AND TO CONSOLIDATE THIS SPECIAL ELECTION WITH THE STATE GENERAL
ELECTION TO BE HELD ON THE SAME DATE - CITY OF LOS ANGELES SPECIAL GANG AND YOUTH
VIOLENCE PREVENTION, AFTER-SCHOOL AND JOB TRAINING TAX

At the meeting of the Council held July 11, 2008, the following action was taken:

Attached report adopted
Attached verbal motion (Hahn - Rosendahl) adopted X
Attached resolutions adopted X
FORTHWITH
Mayor concurred 07-15-08
To the Mayor FORTHWITH X
Motion adopted to approve communication recommendation(s)
Motion adopted to approve committee report recommendation(s)
Ordinance adopted X
Ordinance number 180020
Publication date 07-21-08
Effective date 07-21-08
Mayor vetoed
Mayor approved 07-15-08
Mayor failed to act - deemed approved
Findings adopted
Negative Declaration adopted
Categorically exempt
Exemption approved X

Karen E. Kalfayan
City Clerk
bjw

TIME LIMIT FILES
ORDINANCES

Mayor's Time Stamp
OFFICE OF THE MAYOR
RECEIVED
2008 JUL 14 PM 2:52
CITY OF LOS ANGELES

FORTHWITH

RECEIVED
City Clerk's Time Stamp
CITY CLERK'S OFFICE
2008 JUL 14 PM 2:49
CITY CLERK
BY _____ DEPUTY

COUNCIL FILE NUMBER 08-1800-S3 COUNCIL DISTRICT _____

COUNCIL APPROVAL DATE July 11, 2008 LAST DAY FOR MAYOR TO ACT JUL 21 2008

ORDINANCE TYPE: Ord of Intent Zoning Personnel General

Improvement LAMC LAAC CU or Var Appeals - CPC No. _____

SUBJECT MATTER: CALLING A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF LOS ANGELES A CERTAIN ORDINANCE PROPOSITION AND TO CONSOLIDATE THIS SPECIAL ELECTION WITH THE STATE GENERAL ELECTION TO BE HELD ON THE SAME DATE

	APPROVED	DISAPPROVED
PLANNING COMMISSION	_____	_____
DIRECTOR OF PLANNING	_____	_____
CITY ATTORNEY	X	_____
CITY ADMINISTRATIVE OFFICER	_____	_____
CITY CLERK	X	_____

RECEIVED
CITY CLERK'S OFFICE
2008 JUL 15 PM 4:22
BY _____ CITY CLERK
DEPUTY

DATE OF MAYOR APPROVAL, DEEMED APPROVED OR *VETO JUL 15 2008
(*VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 250(b) (c))

(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)

DATE RECEIVED FROM MAYOR JUL 15 2008 ORDINANCE NO. 180020

DATE PUBLISHED JUL 21 2008 DATE POSTED J EFFECTIVE DATE JUL 21 2008

ORD OF INTENT: HEARING DATE _____ ASSESSMENT CONFIRMATION _____

ORDINANCE FOR DISTRIBUTION: YES NO

et

JUL 17 2008

OFFICE OF THE MAYOR
Mayor's Time Stamp
RECEIVED
2008 JUL 14 PM 2:51
CITY OF LOS ANGELES

RECEIVED
City Clerk's Time Stamp
CITY CLERK'S OFFICE
2008 JUL 14 PM 2:49
CITY CLERK
BY _____ DEPUTY

FORTHWITH

SUBJECT TO THE MAYOR'S APPROVAL

COUNCIL FILE NO. 08-1800-S3

COUNCIL DISTRICT _____

COUNCIL APPROVAL DATE July 11, 2008

RE: CALLING A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF LOS ANGELES A CERTAIN ORDINANCE PROPOSITION AND TO CONSOLIDATE THIS SPECIAL ELECTION WITH THE STATE GENERAL ELECTION TO BE HELD ON THE SAME DATE

LAST DAY FOR MAYOR TO ACT JUL 21 2008
(10 Day Charter requirement as per Charter Section 341)

DO NOT WRITE BELOW THIS LINE - FOR MAYOR USE ONLY

APPROVED

/

*DISAPPROVED

*Transmit objections in writing pursuant to Charter Section 341

DATE OF MAYOR APPROVAL OR DISAPPROVAL JUL 15 2008



MAYOR

et

CITY CLERK'S OFFICE
CITY CLERK
BY _____ DEPUTY
2008 JUL 15 PM 4:24

VERBAL MOTION

I HEREBY MOVE that Council ADOPT the recommendations below relative to calling a Special Election to be held on Tuesday, November 4, 2008, for the purpose of submitting to the qualified voters of the City of Los Angeles a certain ordinance proposition and to consolidate this Special Election with the State General Election to be held on the same date on today's Council agenda (Item No. 23, CF 08-1800-S3), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that adoption of the Ordinance calling the Special Election does not constitute approval of a project for purposes of compliance with the California Environmental Quality Act, and submission of a proposal to a vote of the people of the City of Los Angeles is also exempt under the provisions of the City's Environmental Quality Act Guidelines, Article II, Section 2g; and, DIRECT staff to file a notice of exemption with the County Clerk.
2. PRESENT and ADOPT the accompanying ORDINANCE calling a Special Election to be held on Tuesday, November 4, 2008, for the purpose of submitting to the qualified voters of the City of Los Angeles a certain ordinance proposition and to consolidate this Special Election with the State General Election to be held on the same date.
3. ADOPT the accompanying RESOLUTION providing that a certain proposal to adopt an ordinance be submitted to the qualified voters of the City of Los Angeles.
4. ADOPT the accompanying BALLOT TITLE RESOLUTION, as follows:

CITY OF LOS ANGELES SPECIAL GANG AND YOUTH VIOLENCE PREVENTION, AFTER-SCHOOL AND JOB TRAINING PROGRAMS TAX. PROPOSITION ____.

To address gang violence through prevention and job training programs; preventing students from dropping out of school; funding supervised after-school programs, tutoring/mentoring, vocational/apprenticeship programs, expanded graffiti removal; requiring Controller audits, citizen oversight; funding proven programs; shall the City of Los Angeles levy an annual \$36 gang prevention tax, with discounts for low-income seniors, on each real property parcel?

5. ADOPT the accompanying RESOLUTION requesting the Board of Supervisors of the County of Los Angeles to consolidate with the State General Election to be held on November 4, 2008, a Special Election for the purpose of submitting to the qualified voters of the City of Los Angeles the City of Los Angeles Special Gang and Youth Violence Prevention, After-School and Job Training Programs Tax Ordinance, as described above.
6. AUTHORIZE the TRANSFER of \$3,600,000 from the Reserve Fund to the Unappropriated Balance, and APPROPRIATE therefrom to the City Clerk Fund No. 100/14, Account No. 4170 to pay for the cost of the Special Election.

Fiscal Impact Statement: The City Clerk reports that adopting the Resolution of Consolidation will result in a General Fund expenditure of \$3,600,000 for one measure, to reimburse the County of Los Angeles for conducting the election and to pay for the production and distribution of a Voter Information Pamphlet. The cost for each additional measure is estimated to be \$200,000 per measure.

TIME LIMIT FILE - JULY 16, 2008

(LAST DAY FOR COUNCIL ACTION - JULY 16, 2008)

PRESENTED BY _____
JANICE HAHN
Councilmember, 15th District

SECONDED BY _____
BILL ROSENDAHL
Councilmember, 11th District

July 11, 2008

CF 08-1800-S3

Motion, Resolutions, Ordinance
ADOPTED

JUL 11 2008

LOS ANGELES CITY COUNCIL

Exemption approved
TO THE MAYOR FORTHWITH

RESOLUTION

WHEREAS, the Council of the City of Los Angeles has ordered a Special Election to be held in the City of Los Angeles on November 4, 2008, for the purpose of submitting to the qualified voters of the City a certain City of Los Angeles Special Gang and Youth Violence Prevention, After-School and Job Training Programs Tax Ordinance, and to consolidate that Special Election with the State of California General Election to be held on the same date.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That the Council of the City of Los Angeles respectfully requests the Board of Supervisors of the County of Los Angeles to consolidate with the State General Election to be held on November 4, 2008, a Special Election for the purpose of submitting to the qualified voters of the City of Los Angeles the following City of Los Angeles Special Gang and Youth Violence Prevention, After-School and Job Training Programs Tax Ordinance:

CITY OF LOS ANGELES SPECIAL GANG AND YOUTH VIOLENCE PREVENTION, AFTER-SCHOOL AND JOB TRAINING PROGRAMS TAX. PROPOSITION ____.

To address gang violence through prevention and job training programs; preventing students from dropping out of school; funding supervised after-school programs, tutoring/mentoring, vocational/apprenticeship programs, expanded graffiti removal; requiring Controller audits, citizen oversight; funding proven programs; shall the City of Los Angeles levy an annual \$36 gang prevention tax, with discounts for low-income seniors, on each real property parcel?

Sec. 2. That the Board of Supervisors be requested to fix the costs to be paid by the City of Los Angeles for conducting the Special Election and that the City of Los Angeles will reimburse the County of Los Angeles for the costs incurred in conducting the Special Election.

Sec. 3. That the Board of Supervisors be requested to issue instructions to the County Registrar-Recorder to take any and all steps necessary on the part of the County of Los Angeles to hold the Special Election.

Sec. 4. That the City Clerk be instructed to cooperate with the County Registrar-Recorder and to perform or cause to be performed those functions preliminary to the conduct of the Special Election as may be agreed upon with the County Registrar-Recorder.

Sec. 5. That the City Attorney and the City Clerk be directed to take any and all steps necessary on the part of the City of Los Angeles to hold the consolidated Special Election.

Sec. 6. That the Board of Supervisors be hereby authorized to canvass the returns of the Special Election for which consolidation is requested.

Sec. 7. That the City Clerk file a duly certified copy of this resolution forthwith with the Board of Supervisors of the County of Los Angeles and to provide a copy of the resolution to the County Registrar-Recorder.

I hereby certify that the foregoing resolution was adopted by the Council of the City of Los Angeles at its meeting held on July 11, 2008.



KAREN E. KALFAYAN, City Clerk

By Sharon Sin
Deputy

Council File No. 08-1800-S3

RESOLUTION

WHEREAS, the Council of the City of Los Angeles has adopted a resolution to place an ordinance on the ballot at the November 4, 2008 Special Election to be consolidated with the State General Election, to be held on the same date, for the purpose of placing a proposed ordinance before the qualified voters of the City of Los Angeles; and

WHEREAS, the City Election Code requires the City Attorney to prepare and present a ballot title consisting of an impartial statement of the measure; and

WHEREAS, the City Attorney has presented the following ballot title for the proposed measure:

CITY OF LOS ANGELES SPECIAL GANG AND YOUTH VIOLENCE PREVENTION, AFTER-SCHOOL AND JOB TRAINING PROGRAMS TAX. PROPOSITION ____ .

To address gang violence through prevention and job training programs; preventing students from dropping out of school; funding supervised after-school programs, tutoring/mentoring, vocational/ apprenticeship programs, expanded graffiti removal; requiring Controller audits, citizen oversight; funding proven programs; shall the City of Los Angeles levy an annual \$36 gang prevention tax, with discounts for low-income seniors, on each real property parcel?

NOW, THEREFORE, BE IT RESOLVED that the ballot title presented by the City Attorney be adopted by the City Council.

I hereby certify that the foregoing Resolution was adopted by the Council of the City of Los Angeles at its meeting held on JUL 1 1 2008.

KAREN E. KALFAYAN, Clerk



Sharon Sin
Deputy

1200-53
C.F. No. 08-1637

RESOLUTION

Resolution providing that a certain proposal to adopt an ordinance be submitted to the qualified voters of the City of Los Angeles.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LOS ANGELES AS FOLLOWS:

Section A. There be submitted to the voters of the City of Los Angeles for adoption by two-thirds of the qualified voters at a Special Election to be called on November 4, 2008, and consolidated with the State General Election to be held on the same date, the following ordinance:

ORDINANCE NO. _____

An ordinance amending Chapter II of the Los Angeles Municipal Code by adding a new Article 1.18 to provide funding for gang prevention, intervention, job training and after-school programs through the imposition of a gang prevention parcel tax on all properties in the City.

WHEREAS, all residents of the City of Los Angeles deserve communities that are free from intimidation and violence; and

WHEREAS, gang violence results in senseless loss of life and intolerable living conditions in many parts of our City; and

WHEREAS, the lack of job opportunities and training and healthy and productive options for the City's youth result in a sense of hopelessness and despair, and are the root causes of the growth of gang violence; and

WHEREAS, the Los Angeles Police Department estimates there are currently 400 gangs and 38,000 gang members within the City of Los Angeles; and

WHEREAS, if the root causes of the gang culture are left unchecked, gangs will continue to expand, increasingly more of our community members and children will experience violence and intimidation in their daily lives, and another generation of our youth will be abandoned to the cycle of violence and hopelessness that affects all residents of the City of Los Angeles; and

WHEREAS, studies have shown, and the City Council concurs, that any comprehensive anti-gang violence action plan must contain job training, gang prevention and intervention and after school components which have been shown to reduce truancy, help young people develop marketable skills and provide young people with positive alternatives to gang involvement; and

WHEREAS, because of the competing demands for scarce resources, the City of Los Angeles cannot adequately fund its gang prevention, intervention, after school and job training programs without diverting funds from other essential City services; and

WHEREAS, the Council of the City of Los Angeles (City Council) has determined that the voters of the City of Los Angeles should have the opportunity to decide whether they wish to finance an increase of gang prevention, intervention, after school and job training programs, and associated costs; and

WHEREAS, any funds raised as a result of voter approval would not in any way supplant monies that the City currently spends on gang prevention and intervention efforts;

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Article 1.18 is added to Chapter II of the Los Angeles Municipal Code to read:

**ARTICLE 1.18
SPECIAL GANG AND YOUTH VIOLENCE PREVENTION,
AFTER-SCHOOL AND JOB TRAINING PROGRAMS TAX**

SEC. 21.18.1. DEFINITION.

As used in this article, a Parcel shall mean a unit of real property as shown on the last equalized assessment roll of Los Angeles County.

**SEC. 21.18.2. SPECIAL GANG AND YOUTH VIOLENCE PREVENTION,
AFTER-SCHOOL AND JOB TRAINING PROGRAMS TAX.**

(a) There is hereby imposed a Special Gang and Youth Violence Prevention, After-School and Job Training Programs Tax (Special Tax) on each Parcel of real property within the City of Los Angeles. The Special Tax shall be for each fiscal year, commencing with the fiscal year 2009-10.

(b) This Special Tax is enacted under the authority of Los Angeles City Charter Section 101, other authority of California Government Code Sections 53970-53979 and California Government Code Sections 50075-50077.7, inclusive of Sections 50075.1, 50075.3 and 50075.5 (the Local Agency Special Tax and Bond Accountability Act).

SEC. 21.18.3. PURPOSE.

The purpose of this Special Tax is to fund gang prevention, intervention, after-school and job training programs that demonstrate comprehensive, neighborhood-based strategies to tailor prevention and intervention programs to

unique community needs as identified through community-based needs assessments. Funding shall be used for:

(i) apprenticeship programs with local businesses and industries to provide job skills, employment training and work experience for at-risk and gang-involved youth;

(ii) after-school and community-based programs designed to provide youth with alternatives to gang involvement, opportunities to develop basic life skills and experiences in neighborhood improvement projects such as cleanup of graffiti;

(iii) programs designed to keep students from dropping out of school;

(iv) community-based gang intervention programs that reduce violence by providing integrated services to gang-involved young people and families and re-entry skills for those rejoining their communities;

(v) Programs designed to ensure that students are provided with safe passage to and from school in high crime and gang impacted areas;

(vi) expansion of after school homework assistance and tutoring/mentoring programs to improve math, reading and science skills;

(vii) grants to certified local community based organizations with proven track-records of successful gang intervention and prevention programs;

(viii) establishing new and expanding hours, including late night hours, in schools, recreation centers and community centers, including summer and weekend programming, designed to reduce the numbers of unsupervised youth and provide alternatives to gang involvement; and

(ix) pursuant to Section 21.18.10, annual performance and fiscal audits, semi-annual progress reports performed by the City Controller which look at measurable outcomes of the overall program process and each of the individual programs.

SEC. 21.18.4. EXPENDITURE PLAN; EXPENDITURES.

The Mayor shall develop and propose to the City Council, and the City Council shall, by Ordinance, establish procedures for the selection and funding of programs and activities eligible under this article (the Expenditure Plan). The Expenditure Plan will remain in effect until amended by Ordinance. The Expenditure Plan shall include at a minimum:

(i) an evaluation model detailing the specific services and goals offered by each program which shall be evaluated based on measurable outcomes, including but not limited to the ability of programs to successfully reduce risk-factors for joining gangs and have long-term impacts on youth participating in the programs;

(ii) consistent with the City Charter, annual audits, semi-annual progress reports and annual evaluations beyond contract compliance of programs receiving grant funding, by the City Controller;

(iii) provisions that only those programs certified as successful by the Mayor and the Council, pursuant to Section 21.18.10(c), shall be eligible for future grant funding;

(iv) annual submission by the Office of Gang Reduction and Youth Development (or such successor office having primary oversight of gang prevention and intervention and after school program issues) of a strategic plan for expenditures of funds in targeted areas, the locations of which shall be determined by a community-based needs assessment and by analyzing community data factors including, but not limited to: school attendance, truancy and drop-out rates; school performance, levels of gang violence and other violent crime, poverty levels, unemployment rates and numbers of youth on parole or probation;

(v) provisions for a collaborative, community-based process seeking input from community groups, neighborhood councils, faith based groups, non-profit organizations and other governmental agencies, including but not limited to the Los Angeles Unified School District, the County Departments of Children and Family Services, Mental Health, and Public Health, and other relevant County and law enforcement entities;

(vi) provisions (as shown in Sec. 21.18.4, iv) for distribution of funds throughout the various neighborhoods of the City, including the San Fernando Valley and other regions, based on measurable and objective historic and current indicators of young people at-risk for joining a gang and gang activity; and

(vii) review of any funding recommendations by a Citizens Advisory Oversight Committee, prior to the submission of funding recommendations to the City Council;

The City Council, with the concurrence of the Mayor, shall approve all expenditures from the Special Gang Prevention, Intervention, After-School and Job Training Programs Tax Fund, subject to the purposes delineated in Section 21.18.3 of the Ordinance, and provide authority to the administrative department to implement the program.

SEC. 21.18.5. MAINTENANCE OF EFFORT.

Proceeds from the Special Tax may not be used to supplant the level of funding previously committed for the programs to be funded with the Special Tax (the Maintenance of Effort Requirement). For any fiscal year, the City may only levy the Special Tax if the Maintenance of Effort Requirement has been met; provided however, that the Maintenance of Effort Requirement shall be reduced in direct amount for any loss of previously allocated state and/or federal grant funding. For Fiscal Year 2008-09 approximately \$24 million has been budgeted for programs comparable in purpose to those which will be funded with the Special Tax. The Maintenance of Effort Requirement shall be defined as \$24 million for Fiscal Year 2008-09 and shall adjust for each fiscal year thereafter by the percentage change to the general fund.

SEC. 21.18.6. TAX RATE.

(a) The tax imposed on each Parcel of real property shall be \$36.00 dollars per fiscal year.

(b) The maximum tax rate established in Subsection (a) may be adjusted annually, commencing with the fiscal year 2009-10, based on the formula set forth in Subsection (c) below.

(c) For any fiscal year, the City Council may, by ordinance, adjust the tax rate below the maximum amount authorized by this section. This reduction shall not prevent a subsequent levy of taxes for any succeeding fiscal year up to the limits set forth in this section.

(d) The tax rate established in Subsection (a) shall be adjusted for qualifying low income property owners (the Low-Income Rate) and senior citizen and disabled citizen property owners (the Lifeline Rate). The Low Income Rate and Lifeline Rate shall be established by ordinance and shall not exceed a discount rate of 50% of the tax rate established in Subsections (a) through (c).

SEC. 21.18.7. EXEMPTIONS.

(a) Nothing in this article shall be construed as imposing a tax upon any person when imposition of that tax upon that person would be in violation of either the Constitutions of the United States or the State of California.

(b) The tax imposed by this article shall not be levied upon the federal government, the state government, any state agency, or any local government agency.

(c) The tax imposed by this article shall not be levied upon a parcel of property or improvement that is owned and used by an organization described in

Sections 501(c), 501(d) or 401(a) of Title 26 of the United States Code. All sections of the United States Code shall mean those sections as they exist on the effective date of this article and as they may be amended thereafter.

SEC. 21.18.8. GANG AND YOUTH VIOLENCE PREVENTION, AFTER-SCHOOL AND JOB TRAINING PROGRAMS SPECIAL TAX FUND.

(a) There is hereby established a special fund in the City Treasury entitled Gang and Youth Violence Prevention, After-School and Job Training Programs Special Tax Fund (Special Tax Fund). The funds collected pursuant to this article shall be placed in the Special Tax Fund to be used exclusively for the purpose for which the tax is imposed, and for no other purpose. Funds deposited in this Special Tax Fund shall not be subject to reversion to the Reserve Fund, established under Charter Section 302. Nothing in this section shall prevent the use of these funds to reimburse the General Fund when money is advanced from the General Fund to pay for the uses provided for in this article. All interest earnings generated by funds on deposit in the Special Tax Fund shall remain in the Special Tax Fund to be used only for the purpose of the Special Tax Fund.

(b) If at the end of any fiscal year, any unencumbered money raised by the Special Tax remains, it may be used in a succeeding fiscal year for the purposes stated in this article.

SEC. 21.18.9. CITIZENS ADVISORY OVERSIGHT COMMITTEE.

There is hereby established a Citizens Advisory Oversight Committee, to oversee and make recommendations to the Mayor and the City Council on the expenditure of revenues received under the provisions of this article and to monitor the implementation and performance of programs and activities funded by revenues received under the provisions of this article. All appointees to the Committee shall have demonstrated expertise in one or more areas such as child development, education, research and policy development related to children and family services, social services, public health, mental health, gang prevention, community-based gang intervention, neighborhood economic development, juvenile justice or public safety. The Committee shall work with the Mayor and the City Council in the establishment of definitions for each program category.

The Committee shall be comprised of nine (9) members appointed as follows: Four (4) members shall be appointed by the Mayor, one (1) from each of the following regions of the City: the San Fernando Valley, South Los Angeles/Harbor, West Los Angeles and East Los Angeles; three (3) members shall be appointed by the President of the City Council, one (1) of these appointees shall have accounting experience and one (1) shall represent the City's business community; one (1) member, who shall have demonstrated experience with gang prevention and/or intervention services, shall be appointed

by the Chair of the Ad Hoc Committee on Gang Violence and Youth Development or such successor City Council committee having primary oversight of gang prevention and intervention and after school program issues; and one (1) member shall be appointed by Chief of the Los Angeles Police Department.

SEC. 21.18.10. ANNUAL AUDIT, PROGRAM EVALUATION AND CERTIFICATION.

(a) The City Controller shall prepare annual performance and fiscal audits consistent with the City Charter. At least one percent (1.0%) of the annual proceeds from the Special Tax may be used for the purposes of this Section 21.18.10.

(b) Programs will be evaluated according to how effectively they accomplish the purpose of this Special Tax, measured according to evaluation metrics developed by the Mayor, City Council and the Citizen's Advisory Committee, which may include, as applicable to each program type: the number of young people who exit gangs; improved school attendance and increased graduation rates in each service zone; the degree of service integration; accessibility and availability of services; and improved employment outcomes such as job creation and increased employment rates in each service zone. The reports from the City Controller pursuant to Section 21.18.10(a), shall be used during the evaluation process.

(c) Only programs which have been certified successful according to the specific criteria adopted by the City Council with the concurrence of the Mayor shall be eligible for continued funding.

SEC. 21.18.11. ANNUAL REPORT.

The City Administrative Officer, as the chief fiscal officer of the City of Los Angeles, shall file a report with the City Council no later than January 1, 2010, and each year thereafter, which report shall contain: (i) the amount of Special Tax funds collected and expended; and (ii) the status of any program funded in part or in whole by Special Tax Funds.

SEC. 21.18.12. ADJUSTMENTS AND REFUNDS.

(a) Requests for adjustments involving imposition of this tax may be filed with the Office of Finance. Upon sufficient evidence of error in the computation of the tax, the Office of Finance shall cause the tax to be recalculated, and shall so advise the Los Angeles County Tax Assessor or other appropriate official.

(b) Whenever it is alleged that the amount of any tax has been overpaid or paid more than once or has been erroneously or illegally collected or received by the City under this article, the refund procedure shall be as follows:

(i) No claim for refund shall be allowed in whole or in part unless filed with the Office of Finance within a period of one year from the date of the claimed overpayment, and each claim for refund of the amount of the overpayment must be filed on forms furnished, and in the manner prescribed, by the Office of Finance. Refunds may be made from the Special Tax Fund.

(ii) In the event the Office of Finance or the City Council denies the claim, the Office of Finance shall notify the claimant pursuant to California Government Code Section 913.

(c) The Office of Finance shall have the same power to compromise claims involving the Special Tax, and the same power to accept and record underpayments or overpayments of the tax, as is granted to the Office of Finance under Subsections (f) and (g) of Section 21.15 of the Los Angeles Municipal Code with respect to Business Taxes. The Office of Finance shall have the same authority to make refunds of this tax as is provided in Section 22.13 of the Los Angeles Municipal Code.

(d) If the County of Los Angeles does not attempt to collect any tax due under this article, then the Office of Finance shall have the power and duty to enforce all of the provisions of this article. In that case, the Office of Finance may make an assessment for taxes not paid against the owner of a Parcel in the manner provided in Section 21.16 of the Los Angeles Municipal Code.

(e) The Special Tax shall be due in two equal installments in accordance with the collection procedures of the Los Angeles County Tax Collector with the first installment due November 1st and the second installment due February 1st in each fiscal year. The owner of a Parcel at the time set forth in California Revenue and Taxation Code Section 405, shall have a personal obligation to the City of Los Angeles until the tax is paid for each fiscal year.

SEC. 21.18.13. SUBMISSION TO VOTERS.

The ordinance enacting this article shall be submitted to the voters of the City of Los Angeles. The taxes determined and proposed by this article shall be levied only if the ordinance is approved by a vote of not less than two-thirds of the voters voting. If the ordinance is approved by the requisite number of voters, the article shall thereafter be considered a part of the Los Angeles Municipal Code. Amendments to procedural provisions of this article may be made by ordinance adopted by the City Council.

SEC. 21.18.14. SEVERABILITY CLAUSE.

If any provision of this article is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Sec. B. The City Clerk is hereby authorized and directed to publish a notice containing the proposed ordinance proposition, specifying the date of November 4, 2008 as the date the measure is to be voted upon by the qualified voters of the City of Los Angeles. The notice shall be published once in a newspaper of general circulation in the City of Los Angeles, and in each edition thereof during that day of publication. The City Clerk is authorized and directed to prepare and keep in the City Clerk's office a sufficient supply of copies of the proposed ordinance proposition and to distribute the proposed ordinance proposition to any and all persons requesting a copy. Further, the City Clerk is authorized and directed to mail copies of the proposed ordinance proposition to each of the qualified voters of the City of Los Angeles.

Sec. C. The City Clerk is hereby authorized and directed to cause a notice to be published once in a newspaper of general circulation that copies of voter information pamphlets containing the proposed ordinance proposition may be obtained upon request in the City Clerk's office.

Sec. D. The City Clerk shall file a duly certified copy of this Resolution forthwith with the Board of Supervisors and with the Registrar-Recorder of the County of Los Angeles.

I hereby certify that the foregoing Resolution was adopted by the Council of the City of Los Angeles at its meeting held on JUL 11 2008.

KAREN E. KALFAYAN, City Clerk



Arnon Gin

Deputy

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By *Marilyn L. Garcia*
MARILYN L. GARCIA
Assistant City Attorney

Date July 9, 2008

1800-53
C.F. No. 08-1637