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Sec. 1: TITLE.

National City Street Repair & Parks Improvement Measure

Sec. 2: FINDINGS.

The people of National City hereby find and declare the following:

- (1) National City residents deserve the same safe, clean, well-maintained streets, sidewalks and parks that other communities in San Diego County have had for years,
- (2) National City's budget for street repairs and parks maintenance has lagged behind, resulting in poor road conditions and delay of critical infrastructure improvements
- (3) There is a great need for infrastructure upgrades throughout National City, including streets, sidewalks, neighborhood lighting and aging parks and recreational facilities
- (4) Approximately 20% of alleys in National City remain unpaved, reducing property values and leading to persistent problems like flooding and illegal dumping
- (5) Pothole-riddled streets force residents to pay increased costs for car repairs and gas, and are a source of constant frustration,
- (6) Every family in every neighborhood needs clean and safe parks for recreation, fitness and a great quality of life,
- (7) Reliable street lighting is essential to ensuring safe neighborhoods, reducing car accidents and keeping our communities livable and welcoming,
- (8) To make National City better and safer for all our residents, we need to invest in infrastructure repairs, filling potholes, and improving our city's parks, especially in neighborhoods without convenient access to open space,
- (9) The time is now to upgrade existing parks, add modern new playgrounds for kids, expand park services for sports, fitness and health and add new parks every city resident can enjoy

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- (10) This measure is focused on urgent improvements to city streets, infrastructure and parks that will make life better for all our residents now and for years to come,
- (11) This measure's funding includes ironclad guarantees that the funds will go directly to fixing National City streets and sidewalks, and upgrading National City's parks - nothing else. The funds go directly into a lockbox account and the politicians can't misuse the money for any other purpose,
- (12) Independent audits will ensure funds are spent responsibly and a citizens' taxpayer oversight committee will blow the whistle on political corruption and waste.

Sec. 3: PURPOSE.

A. Uses of Funds Collected by this Measure. The purpose of this chapter is to raise critically needed funds by assessing an annual parcel tax on property owners, and to use the proceeds of the tax solely to provide funding for the upgrading, renovating, repairing, updating and/or constructing of the following parks and recreation projects and programs, including to:

- (1) Fix potholes, repair sidewalks, repave streets, improve pedestrian safety and upgrade street lighting in every neighborhood in National City;
- (2) Pave unimproved dirt alleys that continue to blight neighborhoods across National City;
- (3) Improve city parks with new and upgraded playgrounds, welcoming and drought-tolerant landscaping, clean and sanitary facilities and additional recreational services and amenities for all residents, especially seniors and children;
- (4) Add new city parks in neighborhoods that do not have adequate access to open space, playgrounds and recreational facilities;
- (5) Assess National city property owners, subject to an approval by a majority vote of the National City voters, an annual parcel tax to provide funding for the above purposes;
- (6) Keep the ordinance in place until National City voters choose to end it; and
- (7) Protect taxpayers with strong accountability provisions, including independent audits and citizens' oversight, to ensure funds are spent wisely as intended.

B. Proportions of funds between purposes. As is detailed in Section 7 below, the City shall have the right to be reimbursed for its costs of collecting the taxes called for by this measure, enforcing this measure, and administering this measure. It is the people of National City's intent that after the subtraction of city costs, the remaining funds be spent in such a manner that in any 60-month period:

- (1) Spending on street and sidewalk repairs, street lighting and pedestrian safety improvements, and alleyway improvement shall be no less than 50% of the funds raised by this measure;

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- (2) Spending on improvement, maintenance and programming at existing parks, playgrounds, open space and tot lots shall be no less than 20% of the funds raised by this measure; and
- (3) Spending on construction, development and programming of new parks, playgrounds, open space and tot lots shall be no less 15% of the funds raised by this measure; and
- (4) After ten years from the effective date of this initiative, and every ten year period thereafter, the City with the consultation and advice of the Citizen Oversight Committee may reallocate percentages between the categories described in subsections (B)(2)-(3) to better meet the changing needs of National City and its residents.

C. Funds are to be Supplemental and NOT a replacement of existing funding. It is the people of National City's intent that the funds provided by this measure supplement, and not supplant, existing city funding for street and infrastructure repairs and parks maintenance, improvement, and expansion. The people find and declare that streets and parks in National City require additional resources than are currently being provided by the City.

Sec. 4: IMPOSITION OF PARCEL TAX.

There is hereby imposed a tax on all Owners of parcels in National City for the privilege of using municipal services and the availability of such services. The tax imposed by this chapter shall be assessed on the Owner unless the Owner is by law exempt from taxation, in which case, the tax imposed shall be assessed on the holder of any Possessory Interest in such parcel, unless such holder is also by law exempt from taxation. The tax is imposed as of July 1 of each year on the person who owned the parcel or possessory interest on that date, except as otherwise provided for herein.

A. Base Amount of Tax. The tax hereby imposed shall be set as follows, subject to exemption as provided in Section 5, below:

- (1) For owners of Single-Family Residential Parcels, the tax shall be at the annual rate of \$75.00 per parcel.
- (2) For owners of Multiple Residential Unit Parcels that contain two to four Residential Units, the tax shall be at the annual rate of \$150.00 per parcel.
- (3) For owners of Multiple Residential Unit Parcels that contain five to fifteen Residential Units, the tax shall be at the annual rate of \$425.00 per parcel.
- (4) For owners of Multiple Residential Unit Parcels that contain sixteen or more Residential Units, the tax shall be at the annual rate of \$500.00 per parcel.
- (5) For owners of Unimproved Residential Parcels, the tax shall be at the annual rate of \$1,000.00 per parcel.
- (6) For owners of Mobile Home Unit Parcels, the tax shall be at \$52.00 per parcel.
- (7) For owners of Condominium Unit Parcels, the tax shall be at \$99.00 per parcel.
- (8) For owners of Commercial Parcels, the tax shall be at the annual rate of \$365.00 per parcel.

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(9) For owners of Unimproved Commercial Parcels, the tax shall be at the annual rate of \$1,000.00 per parcel.

(10) For owners of Industrial Parcels, the tax shall be at the annual rate of \$365.00 per parcel.

(11) For owners of Agricultural Parcels, the tax shall be at the annual rate of \$52.00 per parcel.

(12) Miscellaneous Parcels, the tax shall be at the annual rate of \$150.00 per parcel.

Sec. 5: EXEMPTIONS.

A. Private, Parochial, and/or Special Schools. Private Schools, Parochial Schools and Special Schools are exempt from the taxes imposed by this chapter if their Owners complete and submit to the City on a timely basis a Private, Parochial, and/or Special School Parcel Tax Exemption Claim form, with the required documentation, which form will be developed and provided by the City.

B. Senior Citizens. Senior Citizens are exempt from the taxes imposed by this chapter if they own and occupy a single-family residence, or condominium unit and complete and submit to the City on a timely basis a Senior Citizen Parcel Tax Exemption Claim form, with the required documentation, which form will be developed and provided by the City.

C. Affordable Housing Projects. Affordable Housing Projects are exempt from 50 percent (50%) of the taxes otherwise imposed by this chapter if their Owners complete and submit to the City on a timely basis an Affordable Housing Project Parcel Tax Exemption Claim form, with the required documentation, which form will be developed and provided by the City. The exemption shall apply in the same proportion that the Affordable Housing Project is exempted from ad valorem property taxes.

D. Religious Institution Parcels. Religious Institution Parcels are exempt from the taxes imposed by this chapter if their Owners complete and submit to the City on a timely basis a Religious Institution Parcel Tax Exemption Claim form, with the required documentation, which form will be developed and provided by the City.

E. Governmental Parcels. Governmental Parcels are exempt from the taxes imposed by this chapter if their Owners complete and submit to the City on a timely basis a Governmental Parcel Tax Exemption Claim form, with the required documentation, which form will be developed and provided by the City.

F. Common Areas. Common Areas are exempt from the taxes imposed by this chapter if their Owners complete and submit to the City on a timely basis a Common Area Parcel Tax Exemption Claim form, with the required documentation, which form will be developed and provided by the City.

G. Non-profit service organizations which provide services to traditionally underserved community members are exempt from the taxes imposed by this chapter if they complete and submit to the City on a timely basis a Parcel Tax Exemption Claim form, with the required documentation, which form will be developed and provided by the City.

Sec. 6: ACCOUNTABILITY MEASURES.

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A. CITIZEN OVERSIGHT COMMITTEE.

An advisory citizen oversight committee of five (5) members shall be appointed by the City Council.

The Oversight Committee will review the expenditures funded by the tax in order to ensure that the funds are spent exclusively for the purposes approved by the voters. The Committee will be comprised of National City residents who are payers of this tax and who are not employees or elected officials of the City or members of any other City Committee or Board.

The Oversight Committee will report annually to the City Council on how the parcel tax funds have been spent. The Oversight Committee's meetings and records shall be open to the public in accordance with the Ralph M. Brown Act, California Government Code section 54950 and following, and the California Public Records Act, California Government Code section 6250 and following.

The City Manager shall provide administrative support to the Oversight Committee and shall provide quarterly status reports to the Committee on the projects funded by the proceeds of the parcel tax. Proceeds from the parcel tax may be used to pay for costs incurred in providing support to the Oversight Committee.

B. INDEPENDENT ANNUAL REVIEW.

The City Treasurer shall prepare an annual report no later than January 1 of each year, setting forth the amount of funds collected and expended, and the status of any project or program required or authorized to be funded by the proceeds of this parcel tax. The annual report shall be filed with the City Council, posted on the City's website, and provided to the Oversight Committee. Proceeds from the parcel tax may be used to pay for this annual report.

C. ANNUAL AUDIT.

The City Treasurer shall cause an independent audit to be performed annually of the expenditure of the proceeds of the tax imposed by this chapter.

D. SPECIAL ACCOUNT.

The City shall deposit all funds collected from the taxes imposed by this chapter into a special account and shall appropriate and expend such funds only for the specific purposes authorized by this chapter.

Sec. 7: DUTIES OF CITY.

A. It shall be the duty of the City to oversee the collection and receipt of all taxes imposed by this chapter. The City is charged with the administration and enforcement of this chapter, and shall create forms and other materials as required to administer this chapter and may adopt rules and regulations relating to such administration and enforcement. Proceeds from the parcel tax may be used to pay for the City's costs of collection, receipt, administration and enforcement of taxes imposed by this chapter, as well as the City's costs of administration and execution of the chapters purposes, including but not limited to the administration of specific construction and maintenance projects taken up under this chapter.

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B. The City shall ensure that taxes collected under this chapter are spent as prescribed in this chapter.

C. The City may authorize San Diego County to collect the taxes imposed by this chapter in conjunction with and at the same time and in the same manner as the County collects property taxes for the City. If the City elects to authorize San Diego County to collect the tax, penalties and interest shall be those applicable to the nonpayment of property taxes. Proceeds from the parcel tax may be used to pay for any charges assessed by San Diego County for collection of the taxes imposed by this chapter.

D. The City, or its designee, is hereby authorized to examine assessment rolls, property tax records, and records of San Diego County and of National City deemed necessary in order to determine ownership of Parcels and computation of the taxes imposed by this chapter.

E. The City, or its designee, is hereby authorized to examine the books, papers and records of any person subject to the tax imposed by this chapter for the purpose of verifying the accuracy of any petition, claim or return filed and to ascertain the tax due. The City, or its designee, is hereby authorized to examine any person, whether as parties or witnesses, under oath, for the purpose of verifying the accuracy of any petition, claim or return filed or to ascertain the tax due under this chapter, whenever it believes such persons have knowledge of such matters, and for this purpose may compel the production of books, papers, and records. The refusal of such examination by any person subject to the tax shall be deemed a violation of this chapter and of this code and subject to any and all remedies specified herein.

Sec. 8: COLLECTION OF TAX.

A. The tax levied and imposed by this chapter shall be due and payable in the calendar year which follows the year for which the tax is imposed. As such the first payment of this tax will begin in the fiscal year following the certification of the ordinance as called for by section 9217 of the California Code of Elections. Each year's payment may be paid in two installments due at the same time the County of San Diego collects installments of tax payers per valorem property taxes.

B. The tax shall be delinquent if the City does not receive it on or before the delinquency date set forth in the notice mailed to the Owner's address as shown on the most current assessment roll of the San Diego County Auditor-Controller-Treasurer-Tax Collector, and the tax shall be collected in such a manner as the City may decide. The City may place delinquencies on a subsequent tax bill.

C. Penalties invoked for failure to pay this tax shall be consistent, both in amount and means of collection, with penalties enforced for all similar taxes as determined by the City.

D. The amount of any tax, penalty, and interest imposed under the provisions of this chapter shall be deemed a debt to the City. Any person owing money under this chapter shall be liable to the City in an action brought in the name of the City for the recovery for such amount.

E. Whenever the amount of any tax, penalty, or interest imposed by this chapter has been paid more than once, or has been erroneously or illegally collected or received by the City, it may be

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refunded provided a verified claim in writing, stating the specific ground upon which such claim is founded, is filed with the City within one year of the date of payment.

The claim shall be filed by the Person who paid the tax or such person's guardian, conservator or the executor of her or his estate. No claim may be filed on behalf of other taxpayers or a class of taxpayers. Such claims shall be on forms and in the manner and time set forth in procedures established by the City, and shall be reviewed by the City Manager.

If the claim is approved by the City Manager, the excess amount collected or paid may be refunded or may be credited against any amounts then due and payable from the Person from whom it was collected or by whom paid, and the balance may be refunded to such Person, his/her administrators or executors. Filing a claim shall be a condition precedent to legal action against the City for a refund of the tax.

Sec. 9: EFFECTIVE DATE.

In accordance with California Elections Code section 9217, after completion of the canvass by the City Clerk and certification of the election results to the City Council showing that a majority of National City voters voted in favor of this chapter, this chapter shall be considered as adopted upon the City Council's declaration of the election results, and shall go into effect 10 days later.

Sec. 10: ROLE OF CITY COUNCIL.

A. The City Council is hereby authorized to promulgate such regulations as it shall deem necessary in order to implement the provisions of this chapter, as long as they are consistent with the chapter's purpose.

B. The tax rates may not be increased by action of the City Council without voter approval, but the City Council may make any other changes to this chapter as are consistent with its purpose as defined in section 3.

Sec. 11: SAVINGS CLAUSE.

If any provision, sentence, clause, section or part of this chapter is found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, clause, section or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this chapter. It is hereby declared that the voters would have adopted this chapter had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

If any tax imposed by this chapter is found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, the amounts, services, programs and personnel required to be funded from such tax shall be reduced proportionately by any revenues lost due to such unconstitutionality, illegality or invalidity

Sec. 12: LIBERAL CONSTRUCTION.

The provisions of this chapter shall be liberally construed to effectuate its purposes.

Sec. 13: CONFLICTING BALLOT MEASURES.

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In the event that this chapter and another measure or measures relating to the same subject matter appear on the same City-wide ballot, the provisions of the other measure or measures shall be deemed in conflict with this chapter. In the event that this chapter receives a greater number of affirmative votes than the other measure or measures, the provisions of this chapter shall prevail over conflicting provisions in any other measure, and the conflicting provisions of the other measure or measures shall be null and void.

Sec. 14: DEFINITIONS.

"Affordable Housing Project" shall mean a project for very low, low, or moderate income housing in accordance with California Health and Safety Code section 33334.2 that is owned and operated by a nonprofit organization recognized as such by the United States Internal Revenue Service and the State of California Franchise Tax Board, or otherwise exempt from taxation pursuant to California Revenue and Taxation Code section 214, and which is subject to resale restrictions and/or a rental regulatory agreement approved by the City.

"Agricultural Parcel" shall mean a parcel that is used primarily for agricultural purposes.

"Commercial Parcel" shall mean a parcel that is used for commercial, as opposed to residential or other purposes.

"Unimproved Commercial Parcel" shall mean a parcel that is intended to be used for commercial, as opposed to residential or other purposes, but which is not improved. For purposes of this definition, improved means lawfully occupied or built upon for the purpose of enhancing value.

"Common Area" shall mean an area of land that is available for use by a group of people and their guests, such as tenants in an apartment complex, owners in a condominium complex, or owners in a gated community. Examples of common areas include lobbies, corridors, stairways, elevators, parking lots, driveways, laundry rooms, swimming pools, and tennis courts.

"Family" shall mean one or more persons related by blood, marriage, domestic partnership, or adoption, and all unrelated persons who are living together in a single residential unit and maintaining a common household.

"Governmental Parcel" shall mean a parcel that is owned by the Federal, State, Local, or other government entity.

"Industrial Parcel" shall mean a parcel that is used for industrial, as opposed to residential or other purposes.

"Mobile Home Parcel" shall mean a parcel which is intended for use for a mobile home or mobile homes as defined by section 798.3 of the California Civil Code.

"Miscellaneous Parcel" shall mean a parcel that is not otherwise defined herein.

"Multiple Residential Unit Parcel" shall mean a parcel zoned for a Building, or those portions thereof, which accommodates or is intended to contain two or more residential units.

"Non-Residential" shall mean all parcels that are not classified by this chapter as Residential Parcels, and shall include, but not be limited to, parcels for industrial, commercial and institutional improvements, whether or not currently developed.

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"Owner" shall mean the Person having title to real estate as shown on the most current official assessment role of the San Diego County Auditor-Controller-Treasurer-Tax Collector.

"Parcel" shall mean a unit of real estate in National City as shown on the most current official assessment role of the San Diego County Auditor-Controller- Treasurer-Tax Collector.

"Parochial School" shall mean a school that is not a public school and that is owned by one or more religious institutions.

"Person" shall mean an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

"Possessory Interest" shall mean possession of, claim to, or right to the possession of, land or improvements and shall include any exclusive right to the use of such land or improvements.

"Private School" shall mean a school that is neither a parochial school, a public school nor a special school and that is owned by one or more private owners.

"Religious Institution Parcel" shall mean a parcel owned by a religious institution such as a church, synagogue, temple or mosque.

"Residential Unit" shall mean a Building or portion of a Building designed for or occupied exclusively by one Family.

"Unimproved Residential Parcel" shall mean a parcel that is intended to be used for residential as opposed to commercial or other purposes, but which is not improved. For purposes of this definition, improved means lawfully occupied or built upon for the purpose of enhancing value.

"Senior Citizen" shall mean an individual person aged 65 or older as of January 1st of the year to which the senior citizen exemption is to apply to.

"Single Family Residential Parcel" shall mean a parcel zoned for single family residences, whether or not developed.

"Special School" shall mean a school that is neither a public school nor a private school and that primarily serves special needs students.

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