

**From:** Brad Malamud [REDACTED]  
**Sent:** Wednesday, July 17, 2024 7:24 AM  
**To:** Campagnolo, Laura <CampagnoloL@san-clemente.org>  
**Subject:** Fwd: Sales tax

Please add to packet and or documents for public disclosure.

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**Brad Malamud**  
Sent from my gmail account:

----- Forwarded message -----

From: **Brad Malamud** [REDACTED]  
Date: Wed, Jul 17, 2024 at 6:26 AM  
Subject: Sales tax  
To: Cabral, Victor <cabralv@san-clemente.org>, Duncan, Chris <Duncanc@san-clemente.org>, Elizabeth A. Mitchell <emitchell@bwslaw.com>, Enmeier, Mark <enmeierm@san-clemente.org>, Hall, Andy <halla@san-clemente.org>, Knoblock, Steve <knoblocks@san-clemente.org>, Rick Loeffler <loefflerr@san-clemente.org>

I am listing below a few crucial points, which have either been ignored or not considered in the agenda report and which I hope the council the city attorney Mitchell, and Mr. Hall will discuss tonight

No grandfather clause is included in the proposed sales tax increase

No discussion of lesser alternatives, including one quarter percent, what half percent, or even 3/4 of a percent

No ability to reallocate funds from the percentages set in the proposal

No discussion that the tax amounts to over \$200 per resident and \$500 per residence at a time with many residents and taxpayers have little or no additional funds to spend at the end of each month

Does the council really believe that individuals are willing to spend \$200 or \$500 per year for a nebulous and virtually undescribed expenditure(s)?

I would venture to say that if this proposal stated instead that each individual in the city of San Clemente would be required to pay \$200 per year and that each residence would be required to pay \$500 per year. Member would vote in favor of that proposal and none of the residents would likely vote in favor, let alone obtain majority of said residents

Lack of transparency, and last minute approval. Why did Council crab this through at the last minute especially given the magnitude of the tax increase

Why didn't the agenda report state that revenue increases, new taxes, Will result to an 18% increase in taxes and revenue.

Why did the agent report state that the city has constantly stated that it lives with its means under the current tax structure?

No discussion of what other local cities are taxing, I.e., Most cities are not imposing additional sales tax and Live within means

No discussion of how quickly the replacement said will last on the beach or what it will be made for sand retention versus replacement

The fact that the survey was from a company that promotes that government can usually obtain any results at once if it hires this company to perform surveys

That the raw data from the survey Was not provided to the public

That the survey was only provided to the public on Monday after a former council member and a current council member demanded that the city release the survey to the public

That the survey appears to be critically, accurate, including a statement that half the residents of the city of San Clemente attend the beach at least once a week. Long-term resident knows that during nine months of the year of few residents go to the beach.

Further, because the questions were not provided by the survey, each going could include walking on the trail, which is not a beach use, but instead a trail use

That the agenda report is simply inadequate and would obtain an F grade. If the assignment to the 11th grade civics class was to create an agenda report for proposed one percent sales tax in the city of San Clemente. In fact, the city staff and city manager should be ashamed that the agenda report lacks any Background and information on a sales tax that will cost so much from the local residence and taxpayers.

Apparently, the city manager and the staff we're not concerned with providing the council members, critical background, statistics, and pros and cons regarding the proposed sales tax.

That's such a critical and expensive proposal did not necessitate a special meeting. That was well publicized so that the public could provide needed input instead, appears that only had full of local advocates for sad replenishment were targeted with information.

Most importantly, no legal opinion was provided to the public and instead apparently was only provided orally to the council and close session about why this proposal skirts the 2/3 requirement for passage.

Nor was there a written opinion, provided to the public from the city attorney on the restrictions that will be placed on any revenue, resulting from a passage of this sales tax, such as the ability of the council to allocate the funds, the ability to eliminate the sales tax if the money is no longer needed or is proved to be ineffectively spent, etc.

Why weren't these issues fully vetted by the city Attorney and provided writing to the council and the public before the vote tonight?

I Could go on, but it is a parent that the council and the city manager have abdicated critical analysis on this very substantial expensive proposal

Finally, I asked this counsel to obtain written responses to all of these issues and to on that basis reschedule this agenda item for a future council meeting and if necessary, a special council meeting, which is well publicized by the city, including if possible in the local newspaper and they press release to the local local newspapers and placement of the date time and subject matter on the city social media

One week delay should not create a hardship for the city council that is asked to vote on this proposal without adequate information both factual ad legal

Because I dictated this on my phone today given the urgency of time please excuse typographical grammatical mistakes

Please do the right thing and demand further analysis from the city staff and the city Attorney and return the side to a future special noticed and publicized council meeting

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