

OFFICE OF THE CITY CLERK
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INTRODUCED BY COUNCIL MEMBERS JEAN QUAN AND JANE BRUNNER

REVISED OPTION 2

Approved as to form and legality
A. Forth
CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

REVISED

RESOLUTION SUBMITTING, ON THE COUNCIL'S OWN MOTION, TO THE ELECTORS AT THE MARCH 2, 2004 ELECTION, A PROPOSED ORDINANCE EXTENDING THE "LIBRARY SERVICES RETENTION AND ENHANCEMENT ACT OF 1994 AND AMENDING SECTION 2, USE OF PROCEEDS, IN ORDER TO EXPAND THE SERVICES FUNDED BY THE ACT; AMENDING SECTION 4, IMPOSITION OF PARCEL TAX, IN ORDER TO INCREASE THE PARCEL TAX LEVY; AMENDING SECTION 8, MINIMUM LIBRARY APPROPRIATION PREREQUISITE AT FISCAL YEAR 93-942000-01 LEVEL, IN ORDER TO INCREASE THE MINIMUM GENERAL FUND APPROPRIATION LEVEL; AND AMENDING SECTION 9, TERM OF TAXATION, IN ORDER TO EXTEND COLLECTION OF THE TAX FOR AN ADDITIONAL 15 YEARS; DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND TO PROVIDE FOR NOTICE AND PUBLICATION IN ACCORDANCE WITH THE LAW; AND CONSOLIDATING THE ELECTION WITH THE STATEWIDE PRESIDENTIAL PRIMARY

WHEREAS, in 1994, Oakland voters approved, by more than a two-thirds majority, Measure O, the Library Services Retention and Enhancement Act (the "Act"); and

WHEREAS, the Act imposes a parcel tax on residential and non-residential parcels for the purpose of raising revenue that will be used solely for the purpose of retaining and enhancing library services; and

WHEREAS, operating and labor costs for library services have escalated at a pace far greater than the revenues generated by the Act; and

WHEREAS, the City anticipates a \$1.1 million dollar revenue shortfall for programs funded by the Act during fiscal year 2004/05; and

WHEREAS, such shortfall, if realized, will impact library hours, book collections and programs; and

WHEREAS, the City values its public library system and its commitment and significant contributions to community education programs, literacy programs, lifelong learning, information technology and the literary heritage of our City; and

WHEREAS, the City Council on its own motion, desires to submit to the qualified electors of the City a proposed ordinance amending certain sections of the Act and extending the sunset date of the Act; and

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WHEREAS, the proposed amendments would increase the existing parcel tax rate for single family parcels from \$36.06 to \$70.00; for multi-unit residential parcels from \$24.63 to \$47.82; and for non-residential parcels from \$18.47 to \$35.85, in order to eliminate the projected revenue shortfall and to fund expanded operating hours, enhance book collections and materials,

expand literacy programs; support joint programs with Oakland Public Schools, and upgrade library technology and computer access; and

WHEREAS, all revenues received from the Act, as amended, will be expended exclusively for library services; and

WHEREAS, Section 23300, et seq. of the Elections Code of the State of California allows for the Oakland Municipal election of March 2, 2004, to be consolidated with the statewide presidential primary election to be held on the same date;

NOW, THEREFORE, BE IT RESOLVED:

That the City Council of the City of Oakland does hereby submit to the voters at the March 2, 2004 special election the text of the proposed amendments to the Library Services Retention and Enhancement Act of 1994, which shall read as follows:

SECTION 1. The Library Services Retention and Enhancement Act of 1994 is hereby amended to add, delete, or modify Sections 2, 4, 6, 8 and 9 as set forth below (section numbers and titles are indicated in **bold type**; additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~; portions of the regulations not cited or not shown in underscoring or strike-through type are not changed).

Section 2. USE OF PROCEEDS

The proceeds of this tax may only be used in accordance with the following objectives:

1. to keep neighborhood libraries open a minimum of ~~5~~ six days per week and increase weekend hours;
2. to retain availability of library services at the Main Library 7 days per week
3. to enhance and expand library collections, including the acquisition of new books and materials;
4. to continue to provide educational and cultural programs for youth in every library, including after school tutoring and literacy and children's programs;
5. to expand library-based programs in support of literacy, lifelong learning and information technology;
6. to operate an African-American museum and library program; ~~and~~

- 7. to increase joint educational activities with local schools including librarian services;
- 8. to retain children’s librarians in every library facility;
- 9. to upgrade and enhance information technology in all libraries and improve access to computers and technology in the libraries;

The City shall establish a Reserve Fund and maintain therein the “Reserve Fund Requirement.” The Reserve Fund Requirement shall be calculated by the City on each January 1 and shall be, as of the date of calculation, five percent (5%) of the total amount of parcel tax collected by the City in the previous fiscal year. The Reserve Fund shall be funded from proceeds collected under this ordinance.

Amounts on deposit in the Reserve Fund may be expended only for the purposes set forth in this ordinance and upon appropriation by the City Council expressly from the Reserve Fund.

Section 4. IMPOSITION OF PARCEL TAX

There is hereby imposed a special tax on all parcels in the City of Oakland, except where the parcels are otherwise exempt from taxation by Section 6 of this Ordinance. All funds collected by the City from the imposition of the tax shall be deposited into a special fund in the City treasury and appropriated and expended only for the purposes authorized by this Ordinance.

The tax imposed by this Section shall be assessed to the Owner unless the Owner is by law exempt from taxation, in which case, the tax imposed shall be assessed to the holder of the Possessory Interest in such parcel, unless such holder is also by law exempt from taxation.

The tax hereby imposed shall be at the following rates:

- (A) For all single family Residential Parcels, the tax shall be at the annual rate of \$70.00 ~~\$29.28~~ per Parcel.
- (B) For all multiple unit Residential Parcels, the tax shall be at the annual rate of \$47.82 ~~\$20~~ per Residential Unit located on such Parcels, with the following exception: if a majority of the Residential Units have been vacant for 6 months or more, the rate shall be reduced by 50% to \$23.91 ~~\$10.00~~ per Residential Unit located on the Parcel.
- (c) For Non-Residential Parcels, the tax rate shall be at the annual rate of \$35.85 ~~\$15.00~~ for every Single Family Residential Unit Equivalent. Single Family Residential Equivalents will be based on square footage and frontage and by land use category as follows:

LAND USE CATEGORY	FRONTAGE (FT)	AREA (SF)
Commercial/Institutional	80	6,400

Industrial	100	10,000
Public Utility	1,000	100,000
Golf Course	500	100,000
Quarry	1,000	250,000

Example: assessment calculation for a commercial or institutional parcel with a frontage of 160 feet and an area of 12,800 sq. ft.:

<u>Frontage</u>	<u>Area</u>
160 FT	12,800 SF
80 FT/SFE = 2 SFE;	6,400 SF / SFE = 2 SFE
2 SFE + 2 SFE = 4 SFE	<u>4 SFE x \$35.85 = \$143.40</u>
4SFE x \$15 = \$60	

Section 6. EXEMPTIONS

The tax imposed by this Ordinance shall be subject to the exemptions set forth in this section.

(A) Low-Income Homeowner Exemption. Exempt from this tax are owners of single-family Residential Units in which they reside whose combined Family income, from all sources for the previous calendar year, is at or below the income level qualifying as "very low-income" for a Family of such size under Section 8 of the United States Housing Act of 1937 42 U.S.C.A. Sections 1437 et. seq., for such year. Owners must apply for the exemption provided for in this section annually by petition to the Director of The Finance and Management Agency of the City of Oakland ("Director of Finance") in the manner and at the time set forth in procedures established by the Director of Finance. Such petitions shall be on forms provided by the Director of Finance and shall provide such information as the Director of Finance shall require, including, but not limited to, federal income tax returns and W-2 forms of owner-occupants eligible for this exemption.

(B) Low-Income Residential Hotel Exemption. Notwithstanding the apportionment requirements of Section 5.1 above, there are exempt from the tax imposed by this Ordinance Owners and Operators of Residential Hotels owned and operated by Exempt Organizations or by limited partnerships in which the controlling general partner is an Exempt Organization. This exemption shall only apply if the Residential Hotel is subject to a recorded regulatory agreement between the Owner and the State of California or a federal or local public agency, and if, pursuant to such regulatory agreement, the Owner is obligated to maintain rents in the Residential Hotel at "affordable" levels and rent to "low income" persons as such terms are defined in the applicable regulatory agreement. Owners must apply for this exemption to this tax annually by petition to the Director of Finance of the City of Oakland in the manner and at the time set forth in procedures established by the Director of Finance.

Section 8. MINIMUM LIBRARY APPROPRIATION PREREQUISITE AT FISCAL YEAR 2000-01 ~~93-94~~ LEVEL

For any year during which this tax is in effect, the City Council may collect this tax only if the General Fund appropriation for Library services is maintained at a level that is no lower than the General Fund appropriation for fiscal year 2000-01 ~~1991-92~~. The General Fund

appropriation for Library services for fiscal year 2000-01 was \$9,059,989 ~~1991-92 was \$7.8 million.~~

Section 9. TERM OF TAX IMPOSITION

The tax imposed by the Library Services Retention and Enhancement Act of 1994 may be imposed by the City until June 30, 2024. ~~shall become effective on December 1, 1994 and shall continue in effect for 15 years thereafter.~~ The tax imposed by this Ordinance shall be deemed extended for an additional 15-year period if on or before June 30th of 2024 ~~2009~~, the City Council submits an ordinance to the voters of the City of Oakland extending this tax, and the voters approve such extension. The tax imposed by this Ordinance shall remain in full force and effect during the pendency of such election if it is held subsequent to June 30th of 2024 ~~2009~~. In the event that this Ordinance is extended as provided in this section, this Ordinance shall be deemed extended for all purposes and such extension shall relate back to the original passage of this Ordinance and shall not constitute a reimposition of the tax imposed by this Ordinance.

Section 10. ANNUAL AUDIT

The City Auditor will perform an annual audit to assure accountability and the proper disbursement of the proceeds of this tax in accordance with the objectives stated herein. The City Council shall designate or appoint a body composed of Oakland citizens to make recommendations and review the expenditures of the funds.

SECTION 2. The City Council does hereby request that the Board of Supervisors of Alameda County order the consolidation of the City of Oakland special election with the statewide presidential primary election of March 2, 2004, consistent with the provisions of State law.

SECTION 3. The City Council hereby authorizes and directs the City Clerk of the City of Oakland (the "City Clerk") at least 88 days prior to March 2, 2004, to file with the Alameda County Clerk certified copies of this resolution.

SECTION 4. The City Council does hereby request that the Board of Supervisors of Alameda County include on the ballots and sample ballots the recitals and measure language contained in this resolution to be voted on by the voters of the qualified electors of the City of Oakland.

SECTION 5. The City Clerk is hereby directed to cause the posting, publication and printing of notices of this Resolution and proposed ordinance, pursuant to the requirements of the Charter of the City of Oakland, and the Government and Elections Codes of the State of California.

SECTION 6. Each ballot used at said election must have printed thereon, in addition to any other matter required by law, the following:

MEASURE _____

<p>MEASURE _____ :</p> <p>Shall Oakland fund neighborhood libraries by increasing the existing parcel tax for the purpose of (1) maintaining and expanding neighborhood library services, days, and hours, (2) maintaining after school tutoring, (3) maintaining literacy and children's programs, (4) increasing library services to schools, (5) increasing access to computers and technology and (6) acquiring new books and materials, and (7) establishing a citizen's oversight committee to recommend and review expenditures?</p> <p>LIBRARY AND EDUCATION SERVICES RETENTION AND ENHANCEMENT ACT. For the purpose of: (1) maintaining and expanding neighborhood branch library services, days, and hours; (2) maintaining after school homework and tutoring programs; (3) maintaining literacy and children's programs; (4) increasing librarian services to schools; (5) increasing computer and technology access and (6) acquiring new books and materials; shall the City of Oakland extend and increase the existing library parcel tax, subject to independent audits and citizen's oversight commission?</p>	<p>YES</p>	<p>NO</p>
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SECTION 7. The City Council does hereby request that the Registrar of Voters of the County of Alameda perform necessary services in connection with said election.

SECTION 8. The City Clerk is hereby directed to obtain printing supplies and services as required.

SECTION 9. The City Clerk is hereby authorized to provide such other services and supplies in connection with said election as may be required by the laws of the State of California and the Charter of the City of Oakland.

SECTION 10. In accordance with the Election Code and Chapter 11 of the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission of arguments for or against said measure, and said date shall be posted in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, MAYNE, NADEL, REID, SPEES, WAN AND PRESIDENT DE LA FUENTE
 NOES-
 ABSENT-
 ABSTENTION

ATTEST: _____
 CEDA FLOYD
 City Clerk and Clerk of the Council
 of the City of Oakland, California

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