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OFFICE OF THE CITY CLERK
OAKLAND

2003 NOV 20 PM 2:11

CITY OF OAKLAND
Council Agenda Report

TO: Office of the City Manager
ATTN: Deborah Edgerly
FROM: Vice Mayor Nancy J. Nadel
DATE: December 2, 2003

RE: REPORT RECOMMENDING THE SUBMISSION OF A RESOLUTION SUBMITTING, ON THE COUNCIL'S OWN MOTION, TO THE ELECTORS AT THE MARCH 2, 2004 SPECIAL ELECTION, A PROPOSED ORDINANCE CREATING A SPECIAL TAX TO FUND YOUTH, FAMILY AND VIOLENCE PREVENTION PROGRAMS;

SUMMARY

This proposed ballot measure would submit to the voters a parcel tax to fund youth, family and violence prevention programs in Oakland. These programs have been identified based on Oakland's Violence Prevention Plan, best practices research and input from City and County departments, local experts and community members.

FISCAL IMPACT

Ballot measure would place a parcel tax in the amount of \$90 per single family parcel, and with multiple unit buildings with 2-4 units paying \$135 and multiple unit buildings with more than five units paying \$180. Industrial and commercial parcels would pay \$135. This measure would raise approximately \$11.1 million per year for much needed programs and services in the city of Oakland.

BACKGROUND

In November, 2002, in response to the dramatic increase in the murder rate in Oakland, Mayor Brown submitted a ballot measure to be voted on by the citizens of Oakland to place a temporary surcharge on a variety of taxes fund more police officers. The increase in taxes was rejected by voters, but Councilmember Nadel, with support for the Mayor's Office, initiated a dialogue between groups that had supported and groups that had opposed the measures. These groups agreed that action needed to be taken to help prevent violent crime in Oakland, and have been working together to come up with a balanced solution that, if funded, could make a significant impact in decreasing violent crime in Oakland. At the same time, the Oakland Department of Human Services developed a comprehensive Violence Prevention Plan, adopted by the City Council in

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July of 2003. Councilmember Nadel's working group built on the thorough and comprehensive work of the Violence Prevention Plan, and came up with a proposal that combines short term and long term solutions including youth programs, services and jobs for people most at risk of committing and being victims of violent crime, and increased enforcement.

KEY ISSUES AND IMPACTS

The proposed measure provides a balanced, best practices approach to violence prevention, and will build on successful local and national programs. Local models include Safe Passages, which provides programs that target at risk young people, and Project Choice, a program that with parolees who return to Oakland from prison. Nationally identified best practices are being reviewed as well; examples include truancy programs in Richmond, and collaborative police efforts in Boston. The draft potential ballot measures read as follows:

“Shall Oakland fund youth, family, and violence prevention programs expanding: 1. job training and employment opportunities for young adults; 2. counseling and mentoring for at-risk youth; 3. after school, parent involvement, and violence prevention programs in schools; 4. early childhood intervention for children exposed to violence at home; 5. community based policing programs; by authorizing a special parcel tax for youth, family, and violence prevention programs and establishing a Citizen's Oversight Committee to audit expenditures?”

The types of programs funded would potentially include:

- Program: Pathways to Change
 - Goals
 - Expanding counseling and mentoring programs for at-risk youth
 - Expanding job training and employment opportunities for young adults
 - Description - the Pathways to Change program, run by Oakland's Safe Passages, works with young people in the juvenile justice system by pairing them with mentors and case managers to link them to resources such as tutoring and job training, alcohol and drug treatment, counseling, and peer support groups. In the initial phase of this program, recidivism decreased to 10% from a county average of 72%. This funding will allow this program to be expanded to all Oakland youth who enter the juvenile justice system.
- Program: Project Choice
 - Goal
 - Providing job training, employment opportunities, and other support services to parolees

- Description - Oakland's Project Choice program is an innovative partnership between the Oakland Police, State Corrections and social service providers to provide support services to parolees who are released into Oakland. This intensive program provides training and mentoring both before and after prisoners are released, and the increased funding could assure that participants would be able to get jobs – a key component to returning to life as a productive member of society.
- Program: Middle/High school violence prevention strategy
 - Goals
 - Expanding after-school alternatives for middle and high school students;
 - Expanding violence prevention programs in the Oakland schools;
 - Expanding truancy enforcement programs to keep kids in schools;
 - Description – Middle and early high school aged students are at a key point of development, and two Oakland programs have been shown to help these youth move on a path towards successful adulthood. First, Safe Passages has successfully developed programs in middle schools including suspension alternatives, violence prevention curriculum, increased parental involvement, after-school activities and individualized plans to get students back on track. This increased funding would allow these successful programs to be expanded to scale in other middle schools. Second, Project Yes is a program to provide positive alternatives to high school aged youth, and this funding would allow expansion of this type of program in other areas as well.
- Program: Domestic Violence Intervention
 - Goals
 - Expanding early childhood intervention program for children exposed to violence in the home at an early age;
 - Expanding community-based specialist teams within the Oakland Police Department trained to deal with mental health, domestic violence, and conflict resolution
 - Description – The Oakland Police Department has created a specialized team of advocates - the Family Violence Intervention Unit,

- that follows officers to the scene of a domestic crime and provides crisis services to children and parents in need. This program would provide more continuous coverage for this program, and help leverage funding for a violence prevention curriculum in Oakland's pre-schools.

- Program: Targeted, Community Based Policing
 - Goal
 - Expanding programs to get Oakland police out of their squad cars and walking beats;
 - Expanding specialized police teams to target crime hot-spots and target drug trafficking;
 - Expanding police teams that work with parolees;
 - Description – The Oakland Police Department has assigned community oriented problem solving officers to each police service area, to address long standing problems in neighborhoods, and coordinate efforts of specialized teams. This coordinated effort has been shown to decrease crime in targeted areas. OPD has also developed a very successful program of meeting with parolees as they get out of jail, to inform them of their rights and responsibilities, as well as services available to them. These police programs are limited in scope because of recent cuts in the police department, and this funding would allow a more complete implementation of these programs.

The proposed spending breakdown for the funds raised by this measure would be 40% for social service programs, 20% for jobs and job training and 40% for police enforcement. The measure would establish a Citizen's Oversight Committee, and yearly performance measures for each program. The Citizen's Committee would be appointed by the City Council. The funded programs would submit detailed performance evaluations each year based on the performance measures, and those that do not meet minimum standards would not be renewed. The performance measure will be developed by staff with the Oversight Committee, and approved by the City Council.

RECOMMENDATION

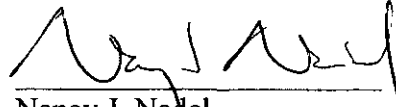
It is recommended that the City Council approve this recommendation to submit, on the council's own motion, to the electors of the City of Oakland, at the March 2, 2004 election, a proposed ordinance for the "Youth, Family and Violence Prevention Act of 2004."

An alternative recommendation would be to place this measure on the November 2004 general election; however, because of the timing of property tax bills, this six month

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delay would delay the funding and implementation an entire year, until early 2006 for these urgently needed services.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nancy J. Nadel", written over a horizontal line.

Nancy J. Nadel
Vice Mayor

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OFFICE OF THE CITY CLERK
CITY OF OAKLAND
INTRODUCED BY COUNCILMEMBER _____

2003 NOV 20 PM 2:36

APPROVED AS TO FORM AND LEGALITY
Michelle S. ...
CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION SUBMITTING, ON THE COUNCIL'S OWN MOTION, TO THE ELECTORS AT THE MARCH 2, 2004 SPECIAL ELECTION, A PROPOSED ORDINANCE CREATING A SPECIAL TAX TO FUND YOUTH, FAMILY AND VIOLENCE PREVENTION PROGRAMS; CONSOLIDATING THE SPECIAL ELECTION WITH THE STATEWIDE PRESIDENTIAL PRIMARY; AND DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND PROVIDE FOR NOTICE AND PUBLICATION IN ACCORDANCE WITH THE MARCH 2, 2004, STATEWIDE PRESIDENTIAL PRIMARY.

WHEREAS, the citizens of the City of Oakland (the "City") are concerned about the future for children and youth, and are concerned about preventing violence in Oakland; and

WHEREAS, innovative programs exist in Oakland that have been proven to help young people get on the right track and turn their lives around, and help those young people at risk of committing crimes to get on the path towards being productive members of society; and

WHEREAS, the unemployment rate in Oakland is currently more than 10% and Oakland has a population of over 3,000 people on parole, many of whom have difficulty finding work; and

WHEREAS, the City of Oakland has partnered with the State of California to work with parolees, to make sure they have an opportunity for successful reentry into society, including job opportunities; and

WHEREAS, currently these programs are limited in scope by funding constraints; and

WHEREAS, the homicide rate in Oakland rose 40% jump in 2002, and has increased even more in 2003; and

WHEREAS, increasing the scale of programs for children, youth and people in the criminal justice system, combined with increased law enforcement, would reduce the violent crime in Oakland; and

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WHEREAS, the City would need to raise \$10,000,000 to fully implement these services and significantly decrease crime in Oakland, while providing better opportunities for our youth; and

WHEREAS, the imposition of a temporary special tax is necessary in order to fund these programs and services; and

WHEREAS, at the general election of November 5, 1996, the voters of the State of California amended the state constitution, adding Article XIII C, which requires that all new or increased special taxes be submitted to the voters prior to becoming effective,

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 ordinance, which shall be as follows:

Section 1. TITLE AND PURPOSE.

(A) Title. This ordinance may be cited as the "Youth, Family and Violence Prevention Act of 2004."

(B) Purpose. The tax imposed under this ordinance is solely for the purpose of raising revenue necessary to retain and enhance services and programs for youth, jobs and community police in the City of Oakland.

This special tax is not an ad valorem tax on real property, nor a transaction tax, nor sales tax on the sale of real property.

Section 2. USE OF PROCEEDS

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

1. Expanding counseling and mentoring programs for at-risk youth;
2. Expanding after-school programs in the Oakland schools;
3. Expanding parent involvement programs in the Oakland schools;
4. Expanding violence prevention programs in the Oakland schools;
5. Expanding truancy enforcement programs to keep kids in schools;
6. Expanding early childhood intervention program for children exposed to violence in the home at an early age;

7. Expanding programs to get Oakland police out of their squad cars and walking beats;
8. Expanding specialized undercover police sting operations to target crime hot-spots and target drug dealing and gang activities;
9. Expanding the Oakland Police Department's Drug Taskforce to crack down on drug dealing and the violence that it creates;
10. Establishing community-based specialist teams within the Oakland Police Department trained to deal with mental health, domestic violence, and conflict resolution;
11. Providing job training, employment opportunities, and other support services to parolees;
12. Expanding job training and employment opportunities for young adults;

A Citizen's Oversight Committee will be established by the City Manager to conduct an annual audit of expenditures to guarantee that all funds are spent on youth, family, and violence prevention programs and services as delineated above.

Section 3. DEFINITIONS.

For purposes of this ordinance only, the following terms shall be defined as set forth below:

(A) "Family" shall mean one or more persons related by blood, marriage or adoption, who are living together in a single residential unit and maintaining a common household. Family shall also mean all unrelated persons who live together in a single Residential Unit and maintain a common household.

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

(C) "Owner" shall mean the Person having title to real estate as shown on the most current official assessment role of the Alameda County Assessor.

(D) "Parcel" shall mean a unit of real estate in the City of Oakland as shown on the most current official assessment role of the Alameda County Assessor.

(E) "Person" shall include individuals, and for-profit and nonprofit organizations, including, but not limited to, corporations, partnerships, business associations and trusts.

(F) "Possessory Interest" as it applies to property owned by any agency of the government of the United States, the State of California, or any political subdivision thereof, 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.

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

Section 4. IMPOSITION OF PARCEL TAX.

There is hereby imposed a special tax on all parcels in the City of Oakland. 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 any 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 \$90 per Parcel, subject to annual adjustment as provided in Section 6.

(B) All Parcels other than Single Family Residential Parcels shall be taxed at rates adjusted as follows:

Small Multiple Residential (2-4 units)	\$135
Large Multiple Residential (5 or more)	\$180
Commercial	\$135
Industrial	\$135
Rural	\$90
Institutional	\$90

The rates for these land uses shall be adjusted at the same percentage change as for Single Family Residential Parcels.

Section 5. EXEMPTIONS.

(A) Low income household 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 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 provided

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.

Section 6. REDUCTION IN TAX; RATE ADJUSTMENT.

(A) Subject to paragraph (B) of this Section 4, the tax rates imposed by this ordinance are maximum rates and may not be increased by the City Council above such maximum rates. The tax imposed by the ordinance may be reduced or eliminated by the City Council for a subsequent fiscal year upon a vote of the City Council on or before June 30th in any year in which the City Council determines that after such reduction or elimination there will be sufficient revenues available to balance the City Council's Adopted Policy Budget and provide the services and programs described in Section 2 above. Such reduction or elimination shall be effective for the fiscal year following such vote.

(B) Beginning in Fiscal Year 2004-2005, and each year thereafter, the City Council may increase the tax imposed hereby only upon a finding that the cost of living in the immediate San Francisco Bay Area, as shown on the Consumer Price Index (CPI) for all items in the San Francisco Bay Area as published by the U.S. Department of Labor Statistics, has increased; the increase of the tax imposed hereby shall not exceed such increase, using Fiscal Year 2003-2004 as the index year. It is further provided that in no event shall the tax rate adjustment imposed hereby exceed, on an annual basis, five percent (5%) of the tax rates imposed by the City of Oakland pursuant to this ordinance during the immediately preceding fiscal year.

Section 7. 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.

Section 8. DUTIES OF THE DIRECTOR OF FINANCE; NOTICE OF DECISIONS.

It shall be the duty of the Director of the Finance to collect and receive all taxes imposed by this ordinance, and to keep an accurate record thereof.

The Director of Finance is charged with the enforcement of this ordinance, except as otherwise provided herein, and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this ordinance, including provisions for the re-examination and correction of returns and payments. The Director of Finance may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

Upon disallowing any claims submitted pursuant to this ordinance, the Director of Finance shall mail written notice thereof to the claimant at his/her address as shown on the Alameda County Assessor's property tax rolls.

Section 9. EXAMINATION OF BOOKS, RECORDS, WITNESSES; PENALTIES.

The Director of Finance, or his/her designee, is hereby authorized to examine assessment rolls, property tax records, records of the Alameda County Recorder and any other records of the County of Alameda deemed necessary in order to determine ownership of Parcels and computation of the tax imposed by this ordinance.

The Director of Finance or his/her designee is hereby authorized to examine the books, papers and records of any person subject to the tax imposed by this ordinance for the purpose of verifying the accuracy of any petition, claim or return filed and to ascertain the tax due. The Director of Finance, or his/her designee, is hereby authorized to examine any person, under oath, for the purpose of verifying the accuracy of any petition, claim or return filed or to ascertain the tax due under this ordinance and for this purpose may compel the production of books, papers and records before him/her, whether as parties or witnesses, whenever s/he believes such persons have knowledge of such matters. The refusal of such examination by any person subject to the tax shall be deemed a violation of this ordinance.

Section 10. COLLECTION OF TAX; INTEREST AND PENALTIES.

The City Council of the City of Oakland is authorized to have the taxes imposed by this ordinance collected by the County of Alameda in conjunction with the County's collection of property tax revenues for the City of Oakland. In the event that the County of Alameda collects the taxes imposed by this ordinance, the imposition of penalties, additional fees and interest upon persons who fail to remit any tax imposed by this ordinance, or who fail to remit any delinquent remittance under this ordinance, shall be subject to and governed by the rules, regulations, and procedures utilized by the County of Alameda in its collection of property taxes for the City of Oakland and its collection of this additional tax for the City of Oakland.

In addition to any other penalties otherwise imposed, a one-time penalty at a rate set by the City Council, which in no event shall exceed 25% of the tax due per year, is hereby imposed by this ordinance on all taxpayers who fail to timely pay the tax provided by this ordinance; in addition, interest shall be assessed at the rate of 1% per month on the unpaid tax and the penalty thereon.

Every penalty imposed and such interest as accrues under the provisions of this ordinance shall become a part of the tax herein required to be paid.

Section 11. COLLECTION OF UNPAID TAXES.

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

Section 12. REFUND OF TAX, PENALTY, OR INTEREST PAID MORE THAN ONCE; OR ERRONEOUSLY OR ILLEGALLY COLLECTED.

Whenever the amount of any tax, penalty, or interest imposed by this ordinance has been paid more than once, or has been erroneously or illegally collected or received by the City it may be refunded provided a verified claim in writing therefore, stating the specific ground upon which such claim is founded, is filed with the Director within one (1) year from the date of payment. The claim shall be reviewed by the Director of Finance and shall be made on forms provided by the Director. If the claim is approved by the Director, the excess amount collected or paid may be refunded or may be credited against any amounts then due and payable from the Person from who it was collected or by whom paid, and the balance may be refunded to such Person, his/her administrators or executors.

Section 13. SAVINGS CLAUSE.

The provisions of this ordinance shall not apply to any Person, or to any property as to whom or which it is beyond the power of the City of Oakland to impose the tax herein provided. If any provision, sentence, clause, section or part of this ordinance is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, clause, section or part of this ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared to be the intention of the City of Oakland, that this ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

Section 14. MISDEMEANOR VIOLATION.

Any Person who fails to perform any duty or obligation imposed by this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than \$1,000 or by imprisonment for a period of not more than one year, or by both such fine and imprisonment.

The penalties provided in this section are in addition to the several remedies provided in this ordinance, or as may otherwise be provided by law.

Section 15. BOARD OF REVIEW.

Any person dissatisfied with any decision of the Director adversely affecting the rights or interests of such Person made by the Director under the authority of this ordinance, may appeal therefrom in writing to the Business Tax Board of Review (the "Board") within sixty (60) days from the date of mailing such decision by the Director. All filings with the Board relating to appeals or otherwise shall be made to the Chairperson of the Business Tax Board of Review in care of the Revenue Department, 250 Frank Ogawa Plaza, 1st Floor, Oakland, CA 94612. The Board may affirm, modify or reverse such decision or dismiss the appeal therefrom, as may be just, and shall prescribe such rules and regulations relating to appeals as it may deem necessary. The Board's decision on

appeal will become final upon mailing notice thereof to the Person appealing the Board's decision at such Person's last known address shown on the Tax Records.

Any tax, penalty or interest found to be owed is due and payable at the time the board's decision becomes final.

The Board shall approve, modify or disapprove all forms, rules and regulations prescribed by the Director in administration and enforcement of this tax; such forms, rules and regulations shall be subject to and become effective only on such approval.

All decisions rendered by the board shall be final, and no further administrative appeal of these decisions is provided or intended.

Section 16. REGULATIONS.

The City Council is hereby authorized to promulgate such regulations as it shall deem necessary in order to implement the provisions of this ordinance.

Section 17. NO AMENDMENT.

This ordinance may not be amended by action of the City Council without the applicable voter approval.

and be it

RESOLVED: That the City Council of the City of Oakland does hereby request that the Board of Supervisors of Alameda County order the consolidation of the Oakland Municipal election with the statewide presidential primary election of March 2, 2004, consistent with provisions of State Law; and be it

FURTHER RESOLVED: That 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; and be it

FURTHER RESOLVED: That 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; and be it

FURTHER RESOLVED: That the City Clerk is hereby directed to cause the posting, publication and printing of notices, pursuant to the requirements of the Charter of the City of Oakland, the Government Code and the Elections Code of the State of California; and be it

FURTHER RESOLVED: Each ballot used at said municipal election shall have printed therein, in addition to any other matter required by law the following:

PROPOSED ORDINANCE

**CREATING A SPECIAL TAX TO FUND YOUTH, FAMILY
AND VIOLENCE PREVENTION PROGRAMS**

MEASURE _____

Measure _____. Shall Oakland fund youth, family, and violence prevention programs by authorizing a special parcel tax to expand: (1) job training and employment opportunities for young adults; (2) counseling and mentoring for at-risk youth; (3) after-school, parent involvement, and violence prevention programs in schools; (4) early childhood intervention for children exposed to violence in the home; and (5) community-based policing programs; and establishing a Citizen's Oversight Committee to audit expenditures?	Yes	
	No	

and be it

FURTHER RESOLVED: That the City Council does hereby request that the Registrar of Voters of the County of Alameda perform necessary services in connection with said election; and be it

FURTHER RESOLVED: That the City Clerk is hereby directed to obtain printing, supplies and services as required; and be it

FURTHER RESOLVED: That the City Clerk is hereby authorized to provide such other services and supplies in connection with said election as may be required by the Statutes of the State of California and the Charter of the City of Oakland: and be it

FURTHER RESOLVED: That in accordance with the Elections 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 proposed ordinance, and said date shall be posted in the Office of the City Clerk; and be it

FURTHER RESOLVED: That the City Clerk and City Manager are hereby authorized and directed to take any and all actions necessary under law to prepare for and conduct the 2004 special election and appropriate all monies necessary for the City Manager and City Clerk to prepare and conduct March 2, 2004 special election, consistent with law.

In Council, Oakland, California, December __, 2003

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, 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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