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# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Jason Mitchell  
Director, Public Works

**SUBJECT:** Supplemental Report on Adoption of  
Legislation to Place a Parcel Tax for  
Parks Maintenance and to Address  
Homelessness on the March 3, 2020  
Ballot

**DATE:** November 11, 2019

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City Administrator Approval

Date: **November 12, 2019**

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## RECOMMENDATION

**Staff Recommends The City Council Adopt A Resolution On The City Council's Own Motion Submitting To The March 3, 2020 Statewide Primary Election, A Proposed Ordinance To Adopt A Special Parcel Tax To Maintain and Improve City Of Oakland Parks and Recreational Facilities, Provide Services to Unhoused/Unsheltered Persons, And To Provide, Maintain, and Improve Other Municipal Services As The City Council May Deem Appropriate; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The March 3, 2020 Statewide General Election.**

## REASON FOR SUPPLEMENTAL

At the October 31, 2019 Rules and Legislation Committee Meeting, staff was requested to return with additional information regarding the proposed bond measure. This supplemental report and revised resolution has been prepared in response to that request.

## EXECUTIVE SUMMARY

As part of the Fiscal Year (FY) 2019-21 Adopted Policy Budget, the City Council approved one-time funding for ballot measure development. During a number of public meetings, staff was advised to develop a ballot measure in time for the March 3, 2020 Statewide General Election Ballot. In Summer 2019, the City engaged a consulting firm who then conducted a community survey to assess voter interests in such a measure.

During the November 7 Rules and Legislation Committee, staff was directed to revise elements of the ballot measure. In this report, staff will provide a revised draft seventy-five (75) word ballot measure statement, and draft enabling legislation for the proposed parcel tax (**Attachment A**). As previously stated, the objectives of the parcel tax include, but are not

Item: \_\_\_\_\_  
City Council  
November 14, 2019

limited to, the equitable distribution of maintenance services to parks and recreational facilities throughout Oakland in order to decrease disparities in life outcomes of marginalized communities and to facilitate equity of opportunity throughout Oakland, and increasing direct services to unhoused/unsheltered persons, with an emphasis on those living in the City of Oakland's parks, to reduce homelessness its impacts to public health. Staff has prepared a presentation (**Attachment B**), which provides an overview of the Ballot Measure.

## **BACKGROUND AND LEGISLATIVE HISTORY**

The Landscape Lighting Assessment District (LLAD), Fund 2310, is a parcel tax that was approved by the Oakland City Council in 1989, and currently generates approximately twenty million dollars (\$20.0 million) in revenue annually (including delinquency assessments from prior years) and provides funding to maintain grounds and landscaped medians, tree maintenance, tot lots, open space, pools, and custodial services at about one hundred and thirty (130) park and recreation facilities, fifty thousand (50,000) acres of fields, forty-four (44) stand-alone restrooms, community gardens and ball fields, and many other recreation-related buildings and infrastructure in the City of Oakland. The LLAD was not indexed for inflation and so revenues have remained flat for thirty (30) years. During that time the costs for personnel, materials, and utilities have increased. If the LLAD did have an inflationary elevator, it is estimated that revenues collected would equal approximately forty million dollars (\$40.0 million) per year.

As a result of proposed staffing reductions to parks maintenance staff proposed in the fiscal year (FY) 2019-21 Budget, which included the one year funding of eight and a half (8.5) full time equivalent (FTE) positions in the Oakland Public Works, Parks and Tree Division for FY 2019-20, and the potential for staff reductions slated for the FY 2020-21 Budget, and in recognition of the need for increased funding for parks maintenance as well as the need to fund projects to reduce wildfire threats and to improve storm water infrastructure, the City Council approved seventy-five thousand dollars (\$75,000) in the FY 2019-21 Adopted Policy Budget to explore a potential ballot measure.

At the October 3, 2019 Rules and Legislation, and October 8, 2019 Public Works and Life Enrichment Committee meetings, staff presented its work to date on the proposed parcel tax measure which included: issuance of a request for proposal (RFP); selected a consultant team comprised of CliffordMoss and EMC Research; and met with the consultant team to develop polling and survey questions. CliffordMoss and EMC did conduct the poll and analyzed the data received. At the October 31, 2019 Rules and Legislation Committee, staff presented data from a second poll/survey, a draft ballot measure and seventy-five (75) word ballot measure statement.

At the aforementioned meetings, City Council members and members of the public provided feedback on the concept of a parcel tax, and advised on next steps. At the October 31, 2019 meeting staff was directed to review the various revisions put forward by members of the Council and members of the public and to prepare a revised draft for Council to review and consider at the Special City Council meeting on November 14, 2019.

## **ANALYSIS AND POLICY ALTERNATIVES**

At the November 7, 2019 Rules and Legislation Committee meeting, revisions to the draft ballot measure that was submitted by the City Administrator were prepared by the following persons: Council President Kaplan and Councilmember Thao; Councilmember Kalb; and local parks advocates. At that meeting, staff was directed to merge these changes into a single document and to present these changes to Council at the Special City Council meeting on November 14, 2019. The following section provides an overview of the changes included in the revised draft of the proposed ballot measure:

- Several edits were made to ensure that grammar with the proposed ballot measure (primarily verb tense and usage) were consistent.
- Adds language in the recitals (also known as “whereas”) section of the ballot measure to state that proceeds from the parcel tax should be directed toward improving “social and environmental inequities”. It should be noted that Section 3(A) prioritizes equity as an outcome of the measure. The text states that the funds shall be used to *“[s]upport the equitable distribution of maintenance services to parks and recreational facilities throughout Oakland in order to decrease disparities in life outcomes of marginalized communities and to facilitate equity of opportunity throughout Oakland.”* In addition, recitals were added regarding the need for the City to comply with National Pollutant Discharge Elimination System (NPDES) requirements and which describes need for funds to combat homelessness.
- Changes the title of the proposed ballot measure to the “2020 Oakland Parks and Recreation Preservation, Litter Reduction, and Homelessness Support Act.”
- Clarifies uses of parcel tax proceeds, such as the frequency of mowing that will occur in parks, trash removal and restroom cleaning services, and that the proceeds may be used for non-structural improvements to parks and recreational facilities. In addition, the revised ballot measure states that maintenance and custodial services must not only be maintained; but also enhanced under the measure. The revisions include a definition of “major” parks that is consistent with the City’s General Plan, increases the number of allowable uses to address homelessness, and efforts to improve water quality through trash and litter reduction.
- Adds a section titled “Maintenance of Effort” to preserve and retain parks maintenance and landscape services for the duration of the parcel tax. This clause will ensure that the majority of new parcel tax revenues will be used to augment the City’s current level of funding for services to parks, stormwater quality and homelessness. This clause is also estimated to require General Fund expenditure reductions for other City services, as the language included by Council Members and advocates does not fully implement recently established City Council policy to fix the LLAD’s structural deficit. Based on current revenue projections, the proposed language is expected require millions of dollars of reductions of other City services.
- Exempts expenditures of the parcel tax from the City’s Central Services Overhead fees, which in turn ensures that the funds go towards the uses specified in the ballot measure.

Item: \_\_\_\_\_  
City Council  
November 14, 2019

Sabrina B. Landreth, City Administrator

Subject: Supplemental Report on Adoption of Legislation to Place a Parcel Tax for Parks Maintenance and to Address Homelessness on the March 3, 2020 Ballot

Date: November 11, 2019

Page 4

Failure to provide the City Council with the opportunity to use any of these funds to support central services for the next two decades may limit the City from being able to adequately provide administrative support (e.g., financial, human resources) to the services funded by this measure.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends The City Council Adopt A Resolution On The City Council's Own Motion Submitting To The March 3, 2020 Statewide Primary Election, A Proposed Ordinance To Adopt A Special Parcel Tax To Maintain and Improve City Of Oakland Parks and Recreational Facilities, Provide Services to Unhoused/Unsheltered Persons, And To Provide, Maintain, and Improve Other Municipal Services As The City Council May Deem Appropriate; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The March 3, 2020 Statewide General Election.

For questions regarding this report, please contact ANGELA ROBINSON PIÑON, STRATEGY & PLANNING MANAGER at (510) 238-3707 or [arobinsonpinon@oaklandca.gov](mailto:arobinsonpinon@oaklandca.gov).

Respectfully submitted,

  
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Jason Mitchell  
Director, Oakland Public Works

Prepared by:  
Angela Robinson Piñon  
Oakland Public Works

Attachment (1):

- A. Resolution on a Proposed Ordinance to Adopt a Special Parcel Tax and Ordinance – Oakland 2020 Parks and Recreation Preservation, Litter Reduction and Homelessness Support Act
- B. Staff Presentation - The 2020 Oakland Parks and Recreation Preservation, Litter Reduction and Homelessness Support Act

Item: \_\_\_\_\_  
City Council  
November 14, 2019



# The 2020 Oakland Parks and Recreation Preservation, Litter Reduction and Homelessness Support Act

Presented by Oakland Public Works Staff

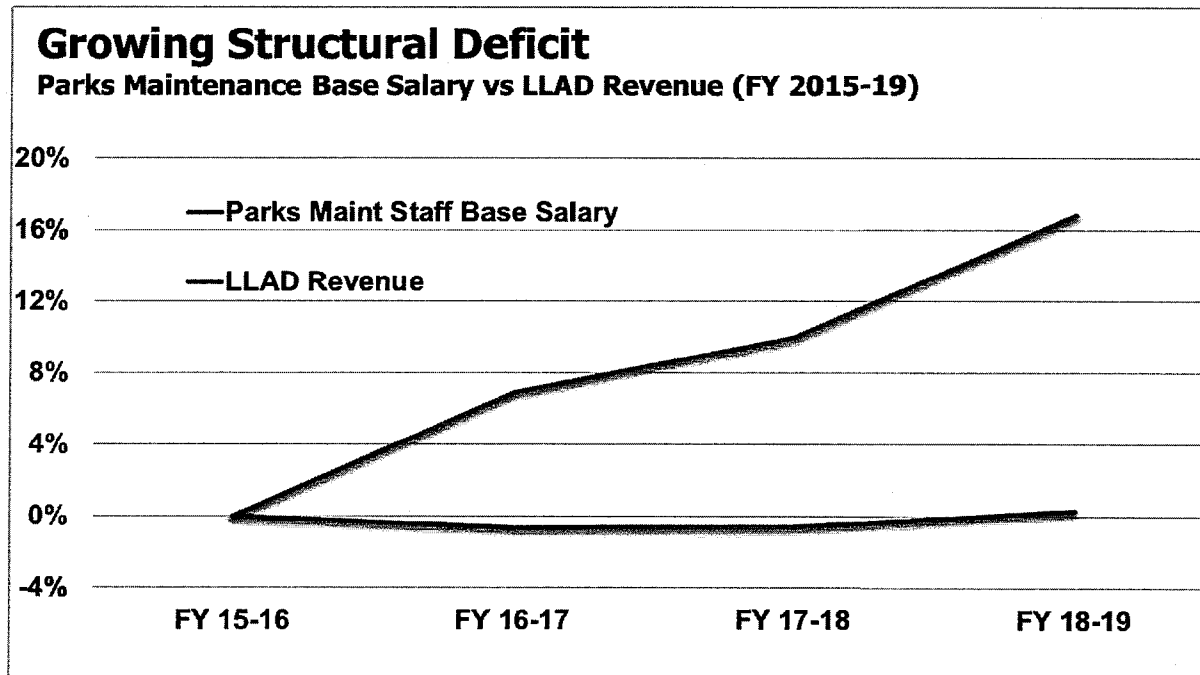
November 14, 2019

## Issue Overview

- ▶ Oakland's parks and recreational facilities are an essential City function that provides enormous value to the community.
- ▶ Park maintenance is essential to the success of our park system and the ability of our parks to serve everyone in Oakland. More fundamentally, park maintenance shapes the livability and image of Oakland itself.
- ▶ Oakland, along with many other communities in this country, is facing a humanitarian crisis of neighbors who find themselves homeless.
- ▶ Many of the people who are unhoused, are living in and along public right-of-ways, medians and parks in Oakland. Parks advocates cited this issue in their 2018 Report in the status of the City's parks, and housing affordability/homeless has been cited as most pressing issue facing Oakland.
- ▶ Oakland, like every community in the U.S. is subject to the Clean Water Act. The objective of the Act is to require that communities take the necessary actions to maintain or restore water quality.

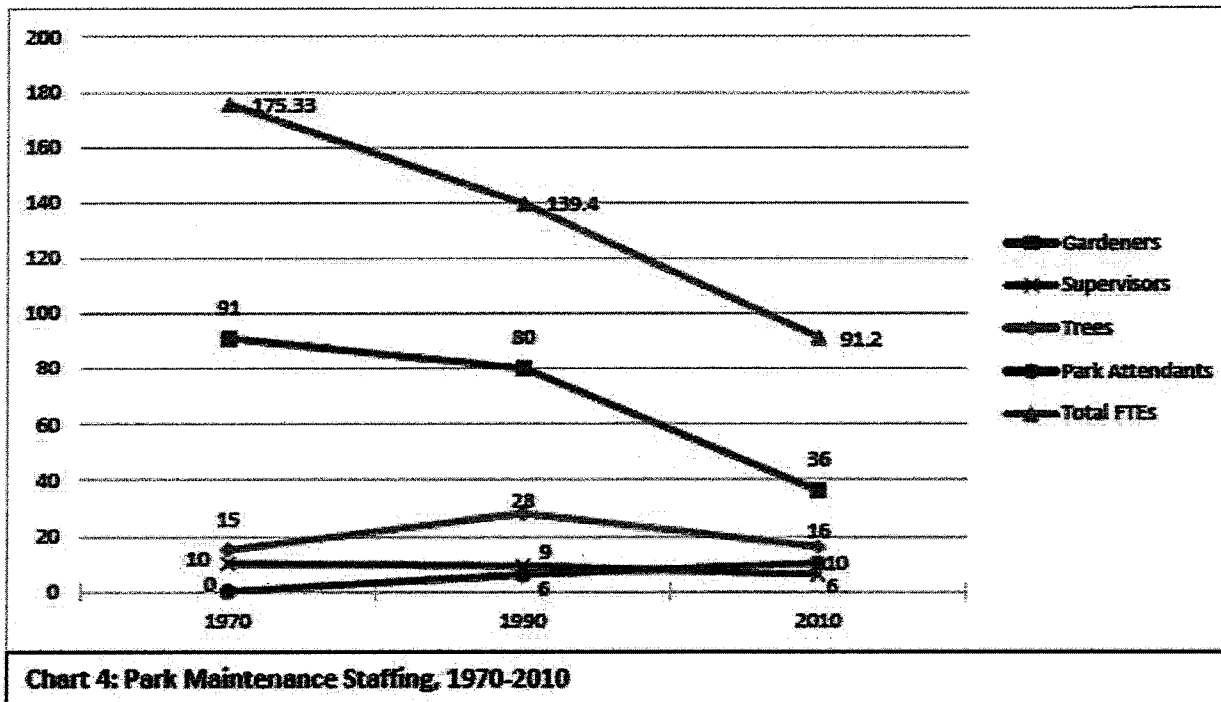
# Why this Ballot Measure?

Increases in expenditures over the years with no corresponding increase in revenues have resulted in an on-going structural deficit.



# Why this Ballot Measure?

Increasing Demand, Declining Parks Maintenance Staff



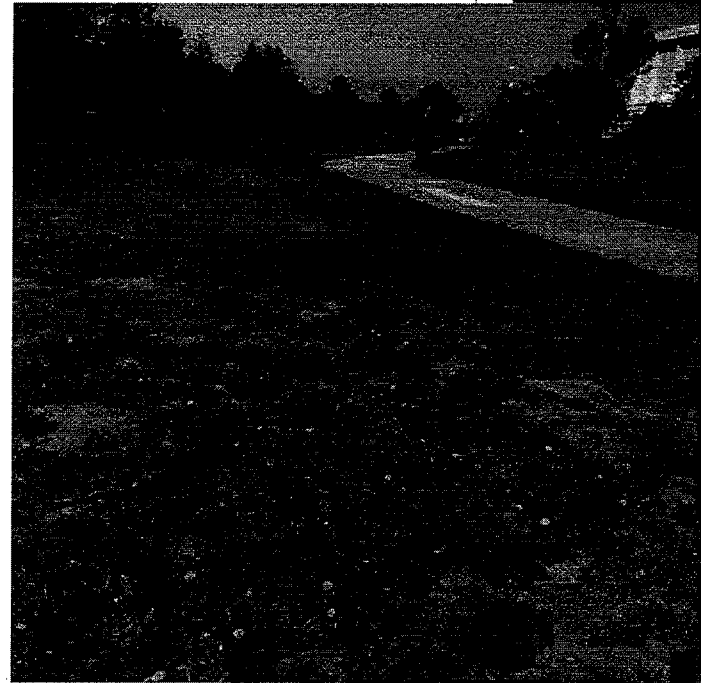


# Why this Ballot Measure

Declining conditions of parks, recreational facilities and open space



**Wade Johnson Park** - overflowing trash and illegal dumping

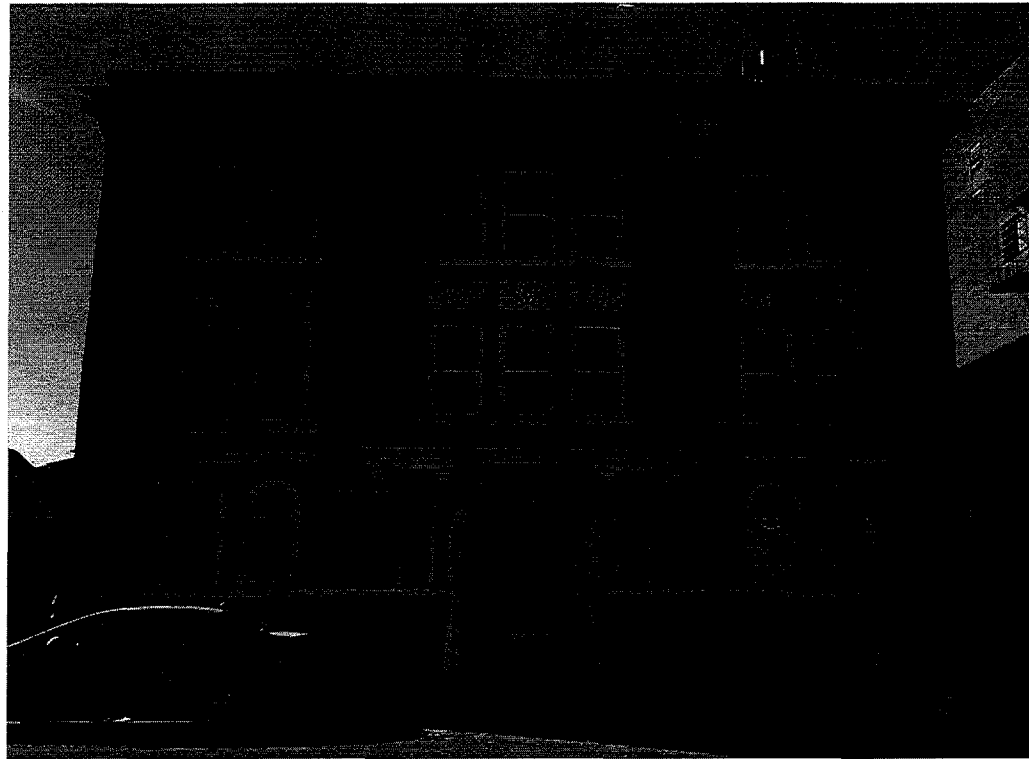


**South Prescott Park** - bare spots, weeds, gopher holes

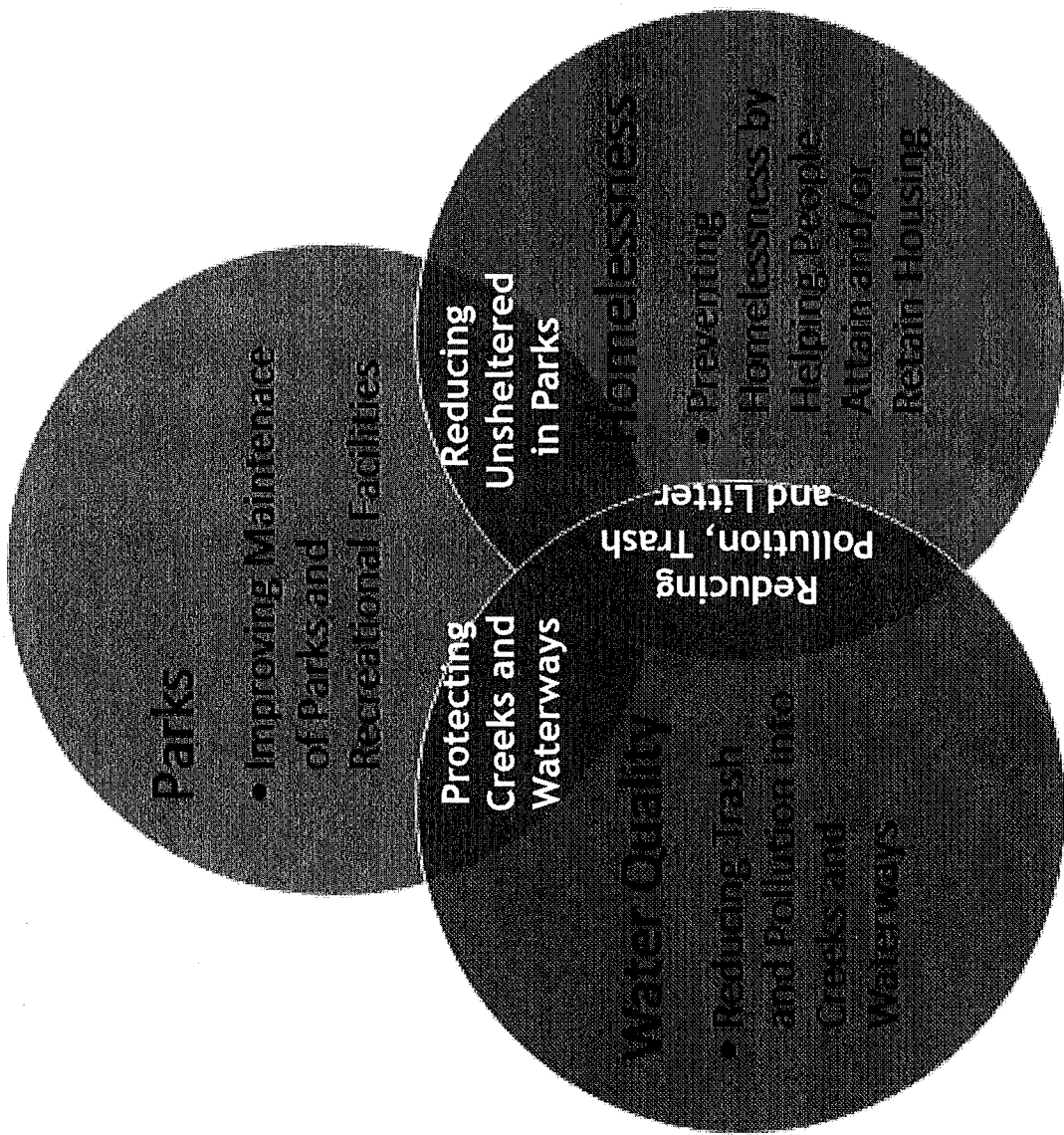
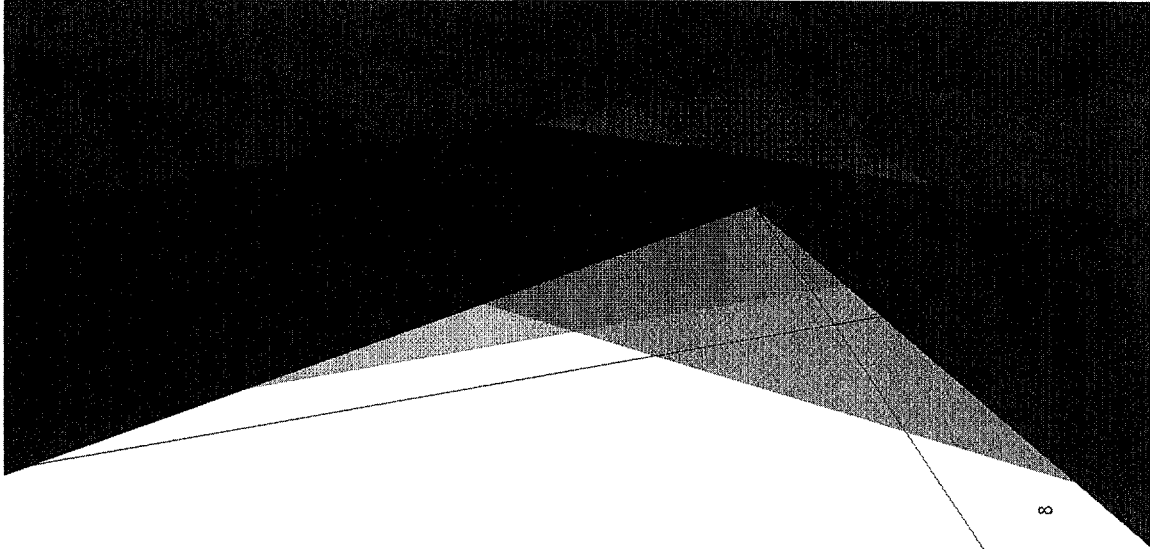


# Why this Ballot Measure?

Need for housing and supportive services.



BACS Holland



# Highest Ranking Priorities

- ▶ Protecting local water quality
- ▶ Providing programs to help homeless individuals move out of parks and into shelters and housing
- ▶ Providing homeless support services
- ▶ Removing trash and debris from city parks
- ▶ Reducing homelessness in parks

# Principles and Objectives for Proposed Parks Parcel Tax

- ▶ Equity
- ▶ Community Engagement
- ▶ Transparency and Accountability
- ▶ Retain and enhance existing services

# How Could Funds be Used?

- ▶ The following list provides some potential uses for parcel tax proceeds:
  - ▶ Remove trash and debris from city parks
  - ▶ Keeping restrooms at parks and recreational centers clean by attending to them more than once a day
  - ▶ Housing prevention services, such as counseling to those at risk of losing their homes.
  - ▶ Supportive services to allow recently of formerly unhoused persons to retain housing.
  - ▶ Servicing of stormwater collection and trash capture systems.

# Financial Components

- ▶ The parcel tax shall be levied for twenty (20) years
- ▶ The parcel tax shall be established at \$148.00 per parcel and provide approximately \$21.0 million annually
- ▶ Maintenance of effort provision



# Parks Parcel Tax Ballot Measure Development Timeline

1. **November 14, 2019:** City Council Review Proposed Ballot Measure.
2. **November 19, 2019:** Enabling Legislation Presented to City Council for approval.
3. **November 22, 2019:** City Attorney Submits Text of Measure to City Clerk.
4. **December 6, 2019:** 88 Day Deadline to County.

# Questions

