

ARTICLE XIIB APPROPRIATIONS LIMIT Fiscal Year 2022-23

Article XIIB of the California Constitution was created by the passage of Proposition 4 in November 1979 and establishes a limit on the amount of tax revenue which can be appropriated by government jurisdictions. This limit is popularly known as the Gann Limit. Each year, the limit is recalculated by multiplying the previous year's limit by adjustment factors for population growth and inflation. Proposition 111, passed in June 1990, gave cities the option of using their own growth or the growth of the entire county in which the city is located as the population adjustment factor. Cities were also given the option of using the increase in California Per Capita Income or the increase in the assessed valuation of non-residential property in the City as the inflation adjustment factor. Cities have the option each year of deciding which factor to use. For 2022-23 Oakland is using the population growth of the County of Alameda and the increase in California Per Capita Income. These adjustment factors must be applied to retroactively recalculate the appropriations limit for 1987-88 (i.e., the base year) and each year thereafter in order to arrive at the limit for 2022-23.

In March 2020, City of Oakland voters passed Measure S, which increased the City's appropriations limit until March 3, 2024 to allow the City to continue to spend tax revenue from voter-approved local tax measures, including Measure M (The Emergency Medical Services Retention Act of 1997), Measure N (The Paramedic Services Act of 1997), Measure Q (The Library Services Retention and Enhancement Act of 2004), Measure C (Transient Occupancy Tax - Hotel Tax), Measure Z (The 2014 Public Safety and Services Violence Prevention Act), Measure HH (Sugar Sweetened Beverage Distribution Tax), Measure D (The 2018 Oakland Public Library Preservation Act), and Measure W (Oakland Vacant Property Tax Act).

FY 2021-22 Appropriations Limit \$729,160,017

FY 2022-23 Adjustment Factors

County of Alameda Population Change = -1.0062 (-0.62%)
 California Per Capita Income Change = 1.0755 (7.55%)
 Combined Change = (-1.0062) x 1.0755 = 1.0688

FY 2022-23 Appropriations Limit
(After Adjustment for Growth Factor of 1.0688) \$779,326,226

Appropriations Limit Override (Measure S Restorations):
 \$75,774,962

Emergency Medical Services (Measure M)	2,428,283
Paramedic Services (Measure N)	1,933,936
Library Services (Library Measure Q)	18,724,130
Hotel Tax (Measure C)	6,541,894
Public Safety and Violence Prevention Services (Measure Z)	19,598,935
Sugar Sweetened Beverages (Measure HH)	6,911,494
Public Libraries Preservation (Measure D)	14,257,902
Vacant Properties (Measure W)	5,378,388

TOTAL Appropriation Limitation with Override \$855,101,188

Not all City appropriations are subject to the limitation of Article XIII B. The intent of Proposition 4 was to restrict only the appropriation of “proceeds of taxes.” Determining which appropriations are subject to the limit requires classifying each funding source as either proceeds of taxes or non-proceeds of taxes. Property tax and local taxes are subject to limitation. State taxes that are subvented to the City count against the City’s limit if their use is unrestricted, as in the case of sales tax and motor vehicle in lieu. State subventions that are restricted in use are applied against the State’s limit rather than the City’s, so they are considered non-proceeds of taxes for the City’s calculation. This includes Measure B sales tax, gas tax, and state grants and state-mandated cost subventions included in the Grants and Subsidies category. Interest income is prorated so that the interest earned on tax revenue is included as proceeds of taxes.

Most of the City’s other revenue sources are classified as non-proceeds of taxes: franchise fees, Landscape and Lighting Assessments (special benefit assessment districts are excluded from the limitation), fines and penalties, license and permit fees, service charges, rentals and concessions, federal grants, Oakland Redevelopment Agency reimbursements (redevelopment agencies are exempt from Article XIII B), internal service revenues, and other miscellaneous revenues. Enterprise funds – sewer service charges and golf course revenues – are also exempt from the limitation. Fund transfers are re-appropriations of revenue received in previous years; these funds were included in the calculation of appropriations subject to limitation in the year they were received and are not counted twice.

**REVISED FY 2022-23
ARTICLE XIII B - APPROPRIATIONS LIMIT**

Revenue	Total	Proceeds of Taxes	Non Proceeds of Taxes
PROPERTY TAX	\$454.66	\$454.66	
STATE TAX			
Sales Tax	92.47	62.60	29.87
Gas Tax	22.44		22.44
Subtotal, State Taxes	\$114.90	\$62.60	\$52.30
LOCAL TAXES			
Business License Tax	111.88	111.88	
Utility Consumption Tax	54.40	54.40	
Real Estate Transfer Tax	112.20	112.20	
Transient Occupancy Tax	30.53	30.53	
Parking Tax	21.99	21.99	
Sugar Sweetened Beverage Tax	6.91	6.91	
Special Taxes	129.50	129.50	
Subtotal, Local Taxes	\$467.41	\$467.41	
LANDSCAPE & LIGHTING ASSESSMENT	19.16		19.16
INFRASTRUCTURE BOND	120.39		120.39
OTHER LOCAL FEES	48.63		48.63
SERVICE CHARGES	224.79		224.79
GRANTS & SUBSIDIES	182.65	44.15	138.50
MISCELLANEOUS	143.26		143.26
FUND TRANSFERS	479.67		479.67
SUBTOTAL REVENUES	\$2,255.52	\$1,028.82	\$1,226.69
INTEREST (Prorated)	0.59	0.48	0.10
TOTAL REVENUE	\$2,256.10	\$1,029.31	\$1,226.79
EXEMPTIONS*		(174.20)	
APPROPRIATIONS SUBJECT LIMITATION		\$855.10	
APPROPRIATIONS LIMITATION WITH OVERRIDE		855.10	
AMOUNT OVER/(UNDER) LIMIT		\$0.00	

* Property tax revenue appropriated to service voter-approved debt is exempted.