

**OAKLAND CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_ C.M.S.**

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**RESOLUTION: 1) ACCEPTING THE CERTIFICATION OF THE RESULTS OF THE EXAMINATION OF THE INITIATIVE PETITION PROPOSING AN ORDINANCE TO EXTEND AND INCREASE A PARCEL TAX AND PARKING TAX SURCHARGE TO FUND POLICE, FIRE, AND VIOLENCE PREVENTION SERVICES; 2) SUBMITTING THE PROPOSED ORDINANCE TO THE QUALIFIED ELECTORS AT THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION; AND 3) AUTHORIZING THE CITY CLERK TO TAKE ALL ACTIONS NECESSARY UNDER LAW TO SUBMIT THIS INITIATIVE TO THE VOTERS**

**WHEREAS**, an initiative petition proposing an ordinance to extend and increase a parcel tax and parking tax surcharge to fund police, fire, and violence prevention services was filed with the Office of the City Clerk and subsequently with the Alameda County Registrar of Voters within the statutory time limit for verification; and

**WHEREAS**, pursuant to the California Elections Code, if the petition is found sufficient, the elections official shall certify the results of the examination to the legislative body at the next regular meeting of the body; and

**WHEREAS**, attached hereto as Exhibit A is a copy of the Registrar of Voters Certificate to Petition; and

**WHEREAS**, the City Clerk certifies to the City Council that upon examination of the petition for the proposed ordinance to extend and increase a parcel tax and parking tax surcharge to fund police, fire, and violence prevention services, that the petition is signed by the requisite number of registered voters and hereby submits the City Clerk's Certificate on an Initiative Petition, attached hereto as Exhibit B; and

**WHEREAS**, the Alameda County Registrar of Voters requires a resolution from the City Council to place the initiative on the ballot; and

**WHEREAS,** such action by the City Council is mandatory and ministerial and not a discretionary act and not a statement that the City Council or its members are either for or against the initiative; now, therefore, be it

**RESOLVED:** That the City Council hereby accepts the Registrar of Voters Certification of Petition submitted with this resolution; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes and directs the City Clerk, at least 88 days prior to the general municipal election on November 5, 2024 to file with Alameda County certified copies of this resolution; and be it

**FURTHER RESOLVED:** That the City Council does hereby submit to the qualified voters at the November 5, 2024, General Municipal Election, a proposed ordinance that reads as follows:

# **OAKLAND COMMUNITY VIOLENCE AND EMERGENCY RESPONSE ACT OF 2024**

**The People of the City of Oakland do ordain as follows:**

## **PART 1. GENERAL PROVISIONS**

### SECTION 1. Title.

This Ordinance may be cited as the "Oakland Community Violence Reduction and Emergency Response Act of 2024" and may be referred to herein as "the Act", "this Ordinance" or "Measure".

### SECTION 2. Findings.

Violent crime is a very serious issue in our City. Most Oaklanders feel less safe today than a year or two ago with Oakland is facing an unprecedented wave of robberies, burglaries and break-ins. Oaklanders want City government to implement a results-driven approach to public safety which balances investments in community violence prevention and law enforcement strategies, and which is publicly accountable for achieving meaningful reductions in violent crime.

Oaklanders want City government to prioritize the use of local tax dollars to reduce gun violence and property crimes which threaten people's safety, improve response times to 911 emergency calls for service, and reduce human trafficking, including the sexual exploitation of minors. Oaklanders expect City government to be transparent and accountable to the general public for its strategic use of local tax dollars in achieving improvements in public safety.

The 2014 Oakland Public Safety and Services Violence Prevention Act and the parcel tax it authorized which provided over \$30 million each year for these purposes will expire at the end of 2024. The continuation of the services provided by that Act and the revenues it generates to support those services are critical to maintaining public safety in Oakland.

The chief purpose and intent of this measure is to raise revenue solely to pay for the development, implementation, and evaluation of a holistic, results-driven approach to the prevention and reduction of violent crime in Oakland. This approach balances investments in community violence prevention, police, and fire services; creates a citywide Community Violence Reduction Plan designed to achieve specific violence reduction targets; and empowers a citizens' planning and oversight commission and an independent budget auditor to monitor and account for the proper and effective use of revenue raised from this measure. The taxes imposed under this Ordinance are solely for these purposes and to pay for certain administrative expenses related to the funded programs.

### SECTION 3. Objectives.

The tax proceeds raised by the special taxes created by this Ordinance may be used only to pay for costs or expenses relating to or arising from efforts to achieve the following desired goals: (1) reduce homicides, robberies, car jackings and break-ins, domestic violence, and other gun-related violence; (2) reduce response time for 911 emergency calls for service, and improve the quality of response; and (3) reduce the incidence of human trafficking, including the sexual exploitation of minors.

### SECTION 4. Planning, Oversight, and Accountability.

A. Commission: Adoption of this Ordinance shall establish the Oakland Public Safety Planning and Oversight Commission ("Commission") which shall replace the existing Public Safety and Services Violence Prevention Oversight and Accountability Commission.

1. Composition: The Commission shall be composed of five (5) members who shall be appointed by the Mayor and confirmed by the Council pursuant to Section 601 of the Charter. The composition of the Commission should be reflective of the diversity of Oakland and shall include members who have expertise in criminal justice, public safety, public health, social services, emergency services, and community violence intervention and prevention programs and/or research, finance and evaluations in those areas. At least one member shall have lived experience with service-eligible populations, and one member shall have professional law enforcement experience, preferably at a command officer level, and/or academic expertise in law enforcement.
2. Conflicts of Interest: Each Commission member shall certify that the member and the member's immediate family members, business associates and employers have no financial interest in any program, project, organization, agency or other entity that is seeking or will seek funding approval under this Ordinance. Financial interest includes, without limitation, salaries, consultant fees, program fees, commissions, gifts, gratuities, favors, sales income, rental payments, investment income or other business income. A Commission member shall immediately notify the City Administrator and the Chair of the Commission of any real or possible conflict of interest between membership on the Commission and work or other involvement with entities funded by the taxes provided for in this Ordinance. Any dispute about whether a conflict of interest exists shall be resolved by the Public Ethics Commission.
3. Duties of the Commission: The Commission shall perform the following duties:
  - a. Develop and approve a Four Year Community Violence Reduction Plan.

- b. Recommend to the City Council the adoption of the Four Year Community Reduction Plan which the Council may approve or reject but not modify; if the Council rejects the Plan, it will return it to the Commission with recommended changes and the Commission will submit a new Plan to the Council which the Council may accept or reject but not modify.
- c. Evaluate the implementation and impact of the Community Violence Reduction Plan, and, at the Commission's discretion, retain an independent consultant to assist such evaluation.
- d. Review the seven hundred (700) floor number for sworn police officers, the eight hundred (800) number governing layoffs for police, and the four hundred eighty (480) number governing layoffs for firefighters set in Sections 5(A) and (B) below in 2029 for the City 2030 budget. Upon such review based upon the Four Year Community Reduction Plan, any analysis of the performance of the actions authorized by the Act and other crime factors and statistics, the Commission may recommend a different number for each category to the City Council and the Council may approve or reject the new number; if the Council rejects the recommendation, the number shall remain unchanged.
- e. Monitor the allocation and use of all revenues generated by this Act;
- f. Submit any policy recommendations to the Mayor and City Council to ensure the City of Oakland's compliance with the purpose and intent of this Act, including recommendations for corrective actions, if any.
- g. Review and provide comments on all non-confidential reports and recommendations concerning potential suspension and/or reduction of the number of law enforcement personnel and suspension of the tax.
- h. At least every three (3) years, the department head or his/her designee of each City department receiving and/or disbursing funds generated by this Act shall present to the Commission a priority spending plan for funds received from this Act. The priority spending plan shall include proposed expenditures, strategic rationales for those expenditures and intended measurable outcomes and metrics expected from those expenditures, all of which shall be incorporated into the Four Year Community Violence Reduction Plan. The first presentation shall occur within 120 days of the effective date of this Act. Twice each year, the Commission shall receive a report from a representative of each City department receiving funds from this Act on the status of the priority spending plans and the demonstrated progress towards the desired outcomes.
- i. Submit reports to the public that the Commission determines are appropriate to serve its purposes.

4. Community Violence Reduction Planning: All revenue, raised from this Act, after payment of the administrative fees described herein, shall be spent on direct services, programs, and strategies designed to achieve the violence reduction and public safety goals and metrics established in the Four-Year Community

Violence Reduction Plans developed by the Commission. The first Four-Year Plan will be effective July 1, 2026 and the second Four-Year Plan will be effective July 1, 2030. Each Four-Year Community Violence Reduction Plan shall describe:

- a. problems/needs to be addressed in this Act's three goal areas as stated herein, using multiple data sources;
- b. specific four-year impact goals and outcome metrics for each goal area;
- c. theory-of-change or strategy, informed by data and evidence-based practices, designed to achieve the specific four-year impact goals and outcome metrics;
- d. formal resource leveraging of and programmatic coordination with other city, county, school district, state, federal, and philanthropic resources to maximize the Four-Year Community Violence Reduction Plan's capacity to achieve four-year impact goals and outcome metrics;
- e. four-year budget and spending plan for the Community Violence Reduction Plan; and
- f. specific roles and relationships of the City's Violence Prevention Department, Police Department, Fire Department, and other City departments in the development and implementation of each Four-Year Community Violence Reduction Plan.

B. The Oakland Community Violence Reduction and Emergency Response Budget Auditor ("Budget Auditor") is hereby established in the Office of the City Auditor. The Budget Auditor shall perform an audit not less than every other year to ensure accountability and proper disbursement of all revenue collected by the City from the special tax imposed by this Ordinance, in accordance with the objectives stated herein and in compliance with provisions of State law. The Budget Auditor will also provide analysis to the Commission of current, past and potential expenditures by the departments funded by this Act, including use of overtime.

C. Annual Financial Report. The City's Finance Director or, at that Director's direction, the Budget Auditor, will make an annual report to the City Council and the Commission containing information about the amount of funds collected and expended pursuant to this Act, and the status of any project required or authorized to be funded pursuant to this Ordinance. At the discretion of the Commission, an independent audit may be performed annually to ensure accountability and proper disbursement of the proceeds of this tax in accordance with the objectives stated herein as provided by Government Code sections 50075.1 and 50075.3.

D. Joint Meetings of Relevant Commissions and City Council: The City Council, the Commission and other public safety-related boards and commissions shall conduct an annual joint special public informational meeting devoted to the subject of public safety. At each the meeting, the public, the Commission, boards, other commissions and City Council will hear reports from representatives of relevant departments, including the Chief of Police, concerning the progress of all of the City's efforts to reduce violent crime.

SECTION 5. Use of Proceeds for Community Violence Reduction Outcomes.

- A. Uses. Through Fiscal Year 2025-2026, all annual revenue from this Act shall be allocated in a manner that continues and extends the 2014 Oakland Public Safety and Services Violence Prevention Act funding allocations. In Fiscal Years 2026-2027 through 2033-2034, all annual revenue from this Act shall be allocated as follows:

Taxes collected pursuant to the special taxes imposed by this Ordinance shall be used only in connection with programs and services which further the objectives set forth in Part 1, Section 3, such as but not limited to the following:

1. Direct Services, Programs, and Strategies designed to achieve violent crime and emergency response reduction goals and metrics. Pursuant to each Four-Year Community Violence Reduction Plan, once passed, revenue raised from this Act may be used to pay for direct services, programs, and strategies such as, but not limited to:
  - a. 911 dispatch and emergency responders
  - b. community ambassadors
  - c. community policing
  - d. community reentry services
  - e. crime lab operations
  - f. crime reduction teams
  - g. domestic violence intervention and response
  - h. education, training and employment services
  - i. group violence intervention
  - j. hospital-based violence intervention
  - k. intensive case management
  - l. intelligence-based policing
  - m. mental health services
  - n. mentoring for vulnerable and justice-involved youth
  - o. non-sworn mobile crisis responders
  - p. police recruitment, retention, and training
  - q. public safety technology enhancements
  - r. victim services
  - s. violence interruption
  - t. violent crime and human-trafficking investigations
2. Administrative Expenses. Includes direct and indirect costs associated with these special taxes and the provision of the aforementioned services, such as but not limited to:
  - a. Paying any ancillary costs charged by County of Alameda to collect and remit these special taxes and other costs necessary to levy the special tax; and
  - b. Paying any costs related to supporting the Commission, the Budget

Auditor, costs to implement a performance tracking system, or to conduct an evaluation of the effectiveness of services or programs that are funded by the special taxes; and

- c. Paying administrative costs required to implement these services and programs.

B. Allocation. The proceeds of the special taxes shall be appropriated in the budget process or by resolution of the City Council. In the first fiscal year that funds from the Act are appropriated during the annual budget process:

1. Three percent (3%) of the total funds appropriated from these special taxes, net of any, audit, financial monitoring, collection and tax levy costs and fees, shall be appropriated for Administrative Expenses.
2. \$3 million of the total funds appropriated from these special taxes, net of any audit, financial monitoring collection and tax levy costs and fees, shall be appropriated for the Oakland Fire Department and associated administrative expenses. Starting in Fiscal Year 2025-26, this amount will increase annually by the same percentage established in Part 2, Section 4 below.
3. Of the amount remaining after the above allocations, net of any, audit, financial monitoring, collection and tax levy costs and fees, sixty percent (60%) shall be appropriated for police services as follows: Ten percent (10%) of the remaining amount shall be specifically allocated to costs associated with operations and functions by non-sworn personnel such as 911 dispatch, maintenance and investments in technology, and operations and functions of the crime lab and associated administrative expenses; and fifty percent (50%) of the remaining amount shall be allocated to costs associated with sworn police officers.
4. Of the amount remaining after the above allocations, net of any, audit, financial monitoring, collection and tax levy costs and fees, forty percent (40%) shall be appropriated for Violence Prevention Services and associated administrative expenses. At least seventy five percent (75%) of the total amount allocated herein for violence prevention services shall be spent on grants to and contracts with community-based service providers.
5. Future year appropriations of the Act's funds, net of any, audit, financial monitoring, collection and tax levy costs and fees, shall be in the same proportion as those funds appropriated in the first year, rounded to the nearest tenth of a percentage.

C. Authorized Uses of Tax Revenues. Except as otherwise expressly authorized by this Ordinance, the special taxes authorized and collected pursuant to this Ordinance shall be used only for the purposes set forth herein.

## SECTION 6. Use of Proceeds for Maintenance of Sworn Police and Fire Personnel.

A. Maintenance of Sworn Police Personnel: One intent of the augmented funding



provided by this Act is to maintain sufficient resources to allow for the implementation of comprehensive policing within the City's limited resources and to begin the process of restoring the staffing of the Police Department's sworn police personnel to appropriate levels to meet the Police Department's stated mission of providing the people of Oakland with an environment where they can live, work, play and thrive free from crime and from the fear of crime. To ensure the Department's progress toward this mission, the following shall apply:

1. Upon passage of this Ordinance, the City shall maintain a budgeted level of no fewer than seven hundred (700) sworn police personnel (including those sworn police personnel funded by this Ordinance) over the course of each fiscal year, subject to this number being modified as provided herein.
  2. The City shall hire and maintain no fewer than seven hundred (700) sworn police personnel as early as practicable after the passage of this Ordinance and at all times after July 1, 2026.
  3. The City is prohibited from laying off any police officers if such layoffs will result in a reduction of sworn police personnel to a level of less than eight hundred (800), subject to the review by the Commission as provided herein. Furthermore, the City is prohibited from laying off any \_police officers unless the City Council adopts a resolution containing factual findings that such layoffs are necessary.
- B. The City is prohibited from laying off any sworn firefighters if such layoffs will result in a reduction of sworn firefighters to a level of less than four hundred and eighty (480), subject to the review by the Commission as provided herein. Furthermore, the City is prohibited from laying off any firefighters unless the City Council adopts a resolution containing factual findings that such layoffs are necessary.
- C. If at any time the City fails to budget for the sworn police personnel staffing levels required by this Act for a fiscal year, the City shall suspend the levy and collection of the parcel tax provided for herein for any fiscal year during which it has failed to budget for a minimum of seven hundred (700) sworn police personnel, unless either of the following is true:
1. If special revenue, grant, or other dedicated restricted funding used to support sworn police personnel in FY 2023-24 outside of the General Purpose Fund declines or becomes unavailable after that fiscal year, the numeric requirements for budgeting and maintaining sworn police personnel shall be reduced by the number of sworn police personnel previously funded by such lost revenue source. Such a circumstance shall be clearly described in the Adopted Budget for each year in which it is applied. Such a description shall include the steps that were taken by the City to try to replace such funding and possible steps the City will take in the future to replace such funding.

2. If a severe and unanticipated financial or other event occurs which so adversely impacts the General Purpose Fund as to prevent the City from budgeting for the minimum number of sworn police personnel required by this Ordinance, the numeric requirements for budgeting and maintaining sworn police personnel shall be reduced by the numbers the City is unable to fund as a result of such event. The existence of a severe and unanticipated financial or other event must be established by the declaration of a state of extreme fiscal necessity via City Council Resolution for that annual or biennial cycle. Such a resolution shall also note the steps that were taken by the City to avoid the need to reduce the number of sworn police personnel and the steps that will be taken by the City in the future to restore sworn police personnel.

D. If at any time the City fails to budget for the sworn police personnel staffing levels required by this Act for a fiscal year and there has been no Council action establishing an exception as provided above, the City shall provide appropriate notice to all parking lot operators that collection of the parking tax surcharge provided for in this Ordinance shall be suspended for a period of twelve (12) months.

E. Minimum Officer Staffing: Upon passage of this Ordinance, the City shall hire and maintain no fewer than an annual average of seven hundred (700) sworn police personnel (including those sworn police personnel funded by this Ordinance) over the course of each fiscal year. The annual average shall be established by a reasonable method, such as the average number of filled sworn positions at the end of each calendar month, or similar methodology as determined by the City Administrator. To effectuate this requirement, in each fiscal year, as a component of its two-year policy budget or its mid-cycle budget adjustments, the City shall adopt a sworn police personnel staffing plan which indicates the estimated starting and ending number of sworn police personnel by month. The staffing plan will make use of assumptions that department attrition rates, recruiting success, academy yield and other relevant factors affecting the growth or shrinkage of the department's number of sworn personnel. The required annual average of hired and maintained of sworn personnel shall be reduced to the number of budgeted officers if a valid exception has been established per the previous Section for that fiscal year. 700 sworn police personnel or the lower number provided for above shall constitute the Minimum Average Staffing Number for that fiscal year.

F. If the annual average of sworn police personnel required by this Ordinance is projected to fall below the Minimum Average Staffing Number, the City Administrator shall report to the City Council concerning the reasons for the shortfall, the steps that should be taken to restore the sworn police personnel level, and the time frame for doing so. If appropriate, the City Council shall adopt a resolution modifying the staffing plan to provide for additional steps to be taken to restore the sworn police personnel level. The staffing plan in the subsequent budget following any such report by the City Administrator shall explicitly describe any changes to assumptions or policy taken to ensure a similar shortfall does not reoccur. Reports on the actual and projected sworn staffing shall be provided by

informational memorandum no less than 31 days following the end of the City's Fiscal quarters; however, the City Administrator may establish an alternate reporting timeline that is more frequent.

- G. If there has not been a relevant report by the City Administrator or Council action authorizing steps taken to restore the sworn police personnel within one hundred and twenty (120) days of the publication of a report showing the City is projected to fall below the Minimum Average Staffing Number, the City shall provide appropriate notice to all parking lot operators that collection of the parking tax surcharge provided for in this Ordinance shall be suspended for a period of twelve (12) months, and the City shall suspend the levy and collection of the Parcel tax provided for in this Ordinance for the subsequent fiscal year.
- H. The City Administrator may determine, in his or her reasonable discretion, any minimum amounts required to be appropriated for particular uses pursuant to this Section.
- I. The City Council may temporarily suspend the provisions of this Section by resolution to meet urgent and changing needs in the event of extreme fiscal necessity.

#### SECTION 7. Special Fund.

All funds collected by the City from the special tax imposed by this Ordinance shall be deposited into one or more special funds in the City treasury and appropriated and expended only for the purposes and uses authorized by this Ordinance.

#### SECTION 8. Effective Date.

The taxes imposed by this Act shall become effective upon passage.

#### SECTION 9. Term of Tax Imposition.

The taxes enacted by this Act shall be imposed and levied for a period of Nine (9) years. The City shall place delinquencies on subsequent tax bills.

#### SECTION 10. Savings Clause.

If any provision, sentence, clause, section or part of this Act is found to be unconstitutional, illegal or invalid, including but not limited to the ability of the City Council to increase, suspend, reduce or eliminate this special tax, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, clause, section or part of this Act and shall not affect any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intention of the City, that the City would have adopted this Act had such unconstitutional, illegal or invalid provision, sentence, clause section or part thereof not been included herein. If any tax or surcharge imposed by this Act, or any increase,

suspension, reduction or elimination of such a tax, is found to be unconstitutional, illegal or invalid, the amounts, services, programs and personnel required to be funded from such taxes and surcharges shall be reduced proportionately by any revenues lost due to such unconstitutionality, illegality or invalidity.

#### SECTION 11. Amendment.

Except as otherwise expressly provided herein, the tax rates set forth herein may not be increased by action of the City Council without the applicable voter approval - but the City Council may make any other changes to this Ordinance as are consistent with its purpose, except that the City Council may only change the allocations defined in Part 1, Section 4 Bas provided in that Section.

#### SECTION 12. Regulations.

The City Administrator may promulgate appropriate regulations to implement the provisions of this Act.

#### SECTION 13. Reimbursement.

At the discretion of the City Council, special tax revenues collected by the City pursuant to this Ordinance may be used to reimburse the City for costs incurred in connection with the election seeking voter approval of this Ordinance.

#### SECTION 14. Challenge to Tax.

Any action to challenge the taxes imposed by this ordinance shall be brought pursuant to Government Code section 50077.5 and Code of Civil Procedure section 860 et seq.

#### SECTION 15. Liberal Construction.

This Act shall be liberally construed to effectuate its purposes.

### **PART 2. Parcel Tax**

#### SECTION 1. Definitions.

For purposes of this Part 2 only, the following terms shall be defined as set forth below:

- A. "Building" shall mean any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word "Building" includes the word "structure."
- B. "City" shall mean the City of Oakland, California.
- C. "Family" shall mean one (1) or more persons related by blood, marriage, domestic partnership, or adoption, legal guardianship, 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.

- D. "Hotel" shall be as defined by Oakland Municipal Code Section 4.24.020.
- E. "Multiple Residential Unit Parcel" shall mean a parcel zoned for a Building, or those portions thereof, that accommodates or is intended to contain two (2) or more residential units, whether or not developed.
- F. "Non-Residential" shall mean all parcels that are not classified by this Act as Single Family Residential or Multiple Residential Unit Parcels, and shall include, but not be limited to, parcels for industrial, commercial and institutional improvements, whether or not developed.
- G. "Occupancy" shall be as defined by Oakland Municipal Code Section 4.24.020.
- H. "Operator" shall be as defined by Oakland Municipal Code Section 4.24.020.
- I. "Owner" shall mean the Person having title to real estate as shown on the most current official assessment role of the Alameda County Assessor.
- J. "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.
- K. "Person" shall mean an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination \_acting as a unit.
- L. "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.
- M. "Residential Unit" shall mean a Building or portion of a Building designed for or occupied exclusively by one Family.
- N. "Single Family Residential Parcel" shall mean a parcel zoned for single-family residences, whether or not developed.
- O. "Tax" shall mean the parcel tax created by this Act and further described in Part 2, Section 2 below.
- P. "Transient" shall mean any individual who exercises Occupancy of a Hotel or is entitled to Occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any individual so occupying space in a Hotel shall be deemed to be a Transient until the period of thirty (30) consecutive days has elapsed.

## SECTION 2. Imposition of Parcel Tax.

There is hereby imposed a special tax on all Owners of parcels in the City of Oakland for the privilege of using municipal services and the availability of such services. The special tax imposed by this Section shall be assessed on 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 is imposed as of July 1 of each year on the person who owned the parcel on that date. The tax shall be collected at the same time, by the same officials, and

pursuant to the same procedures as the one percent imposed pursuant to Article XIII A of the California Constitution. The Parcel Tax shall be imposed for a period of Nine (9) years.

The tax hereby imposed shall be set as follows subject to adjustment as provided herein:

- A. For owners of all Single-Family Residential Parcels, the tax shall be at the annual rate of \$198.00 per Parcel.
- B. For owners of all Multiple Residential Unit Parcels, the tax shall be at the annual rate of \$132.00 per Residential Unit.
- C. The tax for Non-Residential Parcels is calculated using both frontage and square footage measurements to determine total single-family residential unit equivalents (SFE). A frontage of eighty (80) feet for a commercial institutional parcel, for example, is equal to one (1) single family residential unit equivalent. (See matrix.) An area of six thousand four hundred (6,400) square feet for the commercial institutional parcel is equal to one (1) single family residential unit equivalent. For tall buildings (more than five (5) stories), the single-family residential unit equivalent computation also includes one (1) single family residential unit equivalent for every five thousand (5,000) square feet of net rentable area. The tax is the annual rate \$198.00 multiplied by the total number of single-family residential unit equivalents (determined by the frontage and square footage).

<b>LAND USE CATEGORY</b>	<b>FRONTAGE</b>	<b>AREA (SF)</b>	<b>BUILDING AREA (SF)</b>
Commercial/Institutional	80	6,400	<i>NIA</i>
Industrial	100	10,000	<i>NIA</i>
Public Utility	1,000	100,000	<i>NIA</i>
Golf Course	500	100,000	<i>NIA</i>
Quarry	1,000	250,000	<i>NIA</i>
Tall Buildings > 5 stories	80	6,400	5,000

Example: assessment calculation for a Commercial Institutional Parcel with a Frontage of 160 feet and an Area of 12,800 square feet:

$$\text{Frontage } 160 \text{ feet} + 80 = 2 \text{ SFE}$$

$$\text{Area } 12,800 \text{ square} + \text{feet } 6,400 = 2 \text{ SFE}$$

$$2 \text{ SFE} + 2 \text{ SFE} = 4 \text{ SFE}$$

$$4 \text{ SFE} \times \$198.00 = \$792 \text{ tax}$$

- A. The tax imposed by this Act shall be imposed on each Hotel within the City as follows:
1. Residential Hotels. Rooms in a Hotel occupied by individuals who were not Transients for eighty percent (80%) or more of the previous fiscal year shall be deemed Residential Units and the parcel on which they are located shall be subject to the Parcel tax imposed on Multiple Residential Unit Parcels. The remainder of the Building shall be subject to the applicable tax computed in accordance with the single-family residential unit equivalent formula set forth in Part 2, Section 2(c) of this Act.
  2. Transient Hotels. Notwithstanding paragraph (1) of this subdivision, if eighty percent (80%) or more of the Operator's gross receipts for the previous Fiscal Year were reported as rent received from Transients on a return filed by the Operator in compliance with Section 4.24.010 of the Oakland Municipal Code (commonly known as the Uniform Transient Occupancy Tax of the City of Oakland), such Hotel shall be deemed a Transient Hotel. The entire Building shall be deemed a Non-Residential Parcel, categorized as commercial/institutional, and shall be subject to the applicable tax computed in accordance with the single-family residential unit equivalent formula set forth in Part 2 Section 2(c) of this Act, and the parcel tax imposed on Multiple Residential Units shall not apply.

### SECTION 3. Exemptions.

- A. Very-Low income household exemption. The following is exempt from this tax: an Owner of a Single-Family Residential Unit (1) who resides in such unit and (2) whose combined family income, from all sources for the previous year, is at or below the income level qualifying as sixty percent (60%) of area median 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.), or successor legislation, for such year. The Director of Finance shall set forth procedures for annual applications from Owners for the exemption, which may require information such as federal income tax returns and W-2 forms of owner occupants eligible for the exemption, or procedures for an alternative process.
- B. Senior household exemption. The following is exempt from this tax: an Owner of a single family residential unit (1) who resides in such unit, (2) who is sixty-five (65) years of age or older and (3) whose combined family income, from all sources for the previous year, is at or below the income level qualifying as eighty percent (80%) of area median 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.), or successor legislation, for such year. The Director of Finance shall set forth procedures for annual applications from Owners for the exemption, which may require information such as federal income tax returns and W-2 forms of owner occupants eligible for the exemption, or procedures for an alternative process.

- C. Fifty percent reduction for affordable housing projects. Rental housing owned by nonprofit corporations and nonprofit-controlled partnerships for senior, disabled and low-income households that are exempt from ad valorem property tax pursuant to California Revenue and Taxation Code 214(f), (g) and (h) shall be liable for only fifty percent (50%) of the parcel tax. The exemption shall apply in the same proportion that is exempted from ad valorem property tax. -
- D. Rebate to tenants in foreclosed single-family homes. The City will provide a rebate of one-half (1/2) of the tax and subsequent increases thereto to tenants in single family homes that have been foreclosed upon who have paid a passed through Parcel Tax. To qualify for this rebate, a tenant must: (1) have lived in the unit before foreclosure proceedings commenced; and (2) be at or below the income level qualifying as sixty percent (60%) of area median 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.), or successor legislation, for such year. The City will provide this rebate for every month that the tax was applied and the tenant occupied the unit. The City will provide this rebate at the end of each year, or when the tenant vacates the unit, whichever is earlier. The City Administrator will promulgate regulations to effectuate this subdivision.
- E. Real property owned by a religious organization or school that is exempt from property taxes under California law is exempt from this tax. To qualify for this exemption, each religious organization or school seeking such exemption shall submit such information required to determine eligibility for such exemption.

#### SECTION 4. Adjustment of Tax Rate.

- A. Subject to paragraph (B) of this section, 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 suspended, reduced or eliminated by the City Council to the full extent allowed by the California Constitution.
- B. Beginning for the Fiscal Year 2025-2026, and each year thereafter, the City Council may increase the tax imposed herein up to the percentage change in the cost of living in the immediate San Francisco Bay Area, as determined by the twelve-month (12) Annual Percentage Change in the Consumer Price Index (CPI) for all items in the San Francisco Bay Area as published by the U.S. Department of Labor Statistics.

#### SECTION 5. Duties of the Director of Finance; Notice of Decisions.

It shall be the duty of the Director of Finance to collect and receive all taxes imposed by this Act. The Director of Finance is charged with the enforcement of this Act and may adopt rules and regulations relating to such enforcement.

#### SECTION 6. Examination of Books, Records, Witnesses; Penalties.



The Director of Finance or the Director of Finance's 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 Act.

The Director of Finance or the Director of Finance's designee is hereby authorized to examine the books, papers and records of any person subject to the tax imposed by this Act, including any person who claims an exemption, 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 the Director of Finance's 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 Act and for this purpose may compel the production of books, papers and records, whether as parties or witnesses, whenever the Director of Finance 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 Act and of the Oakland Municipal Code and subject to any and all remedies specified therein.

#### SECTION 7. Collection of Tax; Interest and Penalties.

The tax shall be delinquent if the City does not receive it on or before the delinquency date set forth in the notice mailed to the Owner's address as shown on the most current assessment roll of the Alameda County Tax Collector; and the tax shall be collected in such a manner as the City Council may decide. The City may place delinquencies on a subsequent tax bill.

A one-time penalty at a rate set by the City Council, which in no event shall exceed twenty-five percent (25%) of the tax due per fiscal year, is hereby imposed by this Act on all taxpayers who fail to timely pay the tax provided by this Act. In addition; the City Council may assess interest at the rate of one percent (1%) per month on the unpaid tax and the penalty thereon.

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

The City may authorize the County of Alameda to collect the taxes imposed by this Act in conjunction with and at the same time and in the same manner as the County collects property taxes for the City. If the City elects to authorize the County of Alameda to collect the tax, penalties and interest shall be those applicable to the nonpayment of property taxes.

Nothing in this Ordinance is intended to preclude owners from recovering the tax from the occupant. Whether the occupant is charged depends on the occupancy agreement and the requirements of the Residential Rent Adjustment Program. Moreover, non-payment will not be a lien on the property but a personal obligation of the occupant or owner.

## SECTION-8. Collection of Unpaid Taxes.

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

## SECTION 9. 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 Act 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 written claim for refund, stating the specific ground upon which such claim is founded, is received by the Director of Finance within one (1) year of the date of payment. The claim shall be filed by the person who paid the tax or such person's guardian, conservator, or the executor of her or his estate. No representative claim may be filed on behalf of a taxpayer or a class of taxpayers. The claim shall be reviewed by the Director of Finance and shall be made on forms provided by the Director of Finance. If the claim is approved by the Director of Finance, the excess amount collected or paid may be refunded or may be credited against any amounts then due and payable from the person from whom it was collected or by whom paid, and the balance may be refunded to such person, or such person's administrators or executors. Filing a claim shall be a condition precedent to legal action against the City for a refund of the tax.

## **PART 3. Parking Tax**

### SECTION 1. Extension of Parking Tax Surcharge.

Section 4.16.031 of the Municipal Code is hereby amended to read as follows:

Imposition of Surcharge. Subject to the provisions for the collection of taxes and definitions in this chapter, there shall be an additional tax of ten percent (10%) imposed on the rental of every parking space in a parking station in the City for nine (9) years starting on January 1, 2025.

## **Part 4. Miscellaneous Provisions**

### SECTION 1. Conflicting Measures.

A. This measure is intended to be comprehensive. It is the intent of the people of Oakland that in the event this measure and one or more measures relating to funding for police and fire services or violence prevention and intervention strategies appear on the same ballot, whether placed on the ballot through a citizens initiative or by the City Council, the provisions of the other measure or measures shall be deemed to be in conflict with this measure.

- B. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.
- C. If this measure is approved by a majority of the voters but does not receive a greater number of affirmative votes than any other measure appearing on the same ballot regarding business taxes, provisions of this measure shall take effect to the extent that they are not in conflict with other said measure or measures.
- D. If this measure is approved by the voters but superseded by law by any other conflicting measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.

#### SECTION 2. Construction.

This measure shall be liberally construed to effectuate its purposes.

#### SECTION 3. Municipal Affairs.

The People of Oakland hereby declare that providing funding for police and fire services and violence prevention and intervention through a parcel tax and parking tax constitutes a municipal affair. The People hereby further declare their desire for this measure to coexist with any similar tax measures adopted at the City, county or state levels.

#### SECTION 4. Severability and Savings Clause.

- A. If any provision, sentence, word, clause, section, or part of this measure is found to be unconstitutional, illegal, or invalid by a court of competent jurisdiction, including but not limited to the ability of the City Council to increase, suspend, reduce or eliminate the tax, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, word, clause, section, or part of this measure and shall not affect or impair any of the remaining provisions, sentences, words, clauses, sections, or parts. It is hereby declared that it is the intent of the voters and the City that this measure would have been adopted had such unconstitutional, illegal, or invalid provision, sentence, word, clause, section, or part not been included.
- B. If any tax imposed by this measure, or any increase, suspension, reduction or elimination of such tax, is found to be unconstitutional, illegal or invalid, the amounts, services, programs and personnel required to be funded from such taxes and surcharges or such increases shall be reduced proportionately by any revenues lost due to such unconstitutionality, illegality or invalidity.
- C. No provision, sentence, word, clause, section, or part of this measure shall be construed as requiring the payment of any tax which would be in violation of City, state or federal law.

## SECTION 5. Statement of Facts.

This true and impartial Statement of Facts explicitly and affirmatively identifies each tax in this measure and the specific limitation on how the revenue therefrom can be spent. This measure establishes a parcel tax and a parking tax for police and fire services and violence protection and intervention strategies at the rates outlined herein. The funds derived from the taxes imposed by this measure shall be used only for the purposes set forth in Part 1, Sections 3, 5, and 6.

## SECTION 6. Legal Defense.

The People of Oakland desire that this measure, if approved by the voters and thereafter challenged in court, be defended by the City. The People, by approving this measure, hereby declare that the proponent {s} of this measure have a direct and personal stake in defending this measure from constitutional or statutory challenges to the measure's validity or implementation. In the event the City fails to defend this measure, or the City fails to appeal an adverse judgment against the constitutionality, statutory permissibility or implementation of this measure, in whole or in part, in any court of law, the measure's proponents shall be entitled to assert their direct personal stake by defending the measure's validity and implementation in any court of law and shall be empowered by the People through this measure to act as agents of the People. The City shall indemnify the proponents for reasonable expenses and any losses incurred by the proponents, as agents, in defending the validity and/or implementation of the challenged measure. The rate of indemnification shall be no more than the amount it would cost the City to perform the defense itself.

## SECTION 7. Home Rule.

The authority to pass this measure is derived from Oakland's home rule powers outlined in the City Charter and Article XI, section 5 of the California Constitution. The People of Oakland declare their intent that this citizen initiative be enacted, and the business tax be collected, if this measure is approved by a simple majority of the voters pursuant to California Cannabis Coalition v. City of Upland (2017) 3 Cal.5th 924 and subsequent court cases affirming its holding. To the extent that the California Constitution or state law is amended on or after the date that this measure is passed by the voters to change or create additional voting requirements in order to implement or to continue to implement this measure, the People of Oakland declare their intent that such amendments should be applied prospectively only and not apply to, or in any way affect, this tax or this measure.

## SECTION 8. Findings.

This measure is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA"), since in accordance with CEQA Guidelines section 15061, subdivision (b)(3), it can be seen with certainty that there is

no possibility that the activity authorized herein may have significant effect on the environment.

#### SECTION 9. Appropriations Limit.

To the extent that the revenue from the tax is in excess of the spending limit for the City, as provided for in applicable provisions of the California Constitution and state law, the approval of this measure by the voters shall constitute approval to increase the City's spending limit in an amount equal to the revenue derived from the tax for the maximum period of time as allowed by law.

**FURTHER RESOLVED:** That in accordance with applicable law, the City Clerk shall fix and determine a date for submission of arguments for or against said proposed initiative, and said date shall be posted in accordance with legal requirements; and be it

**FURTHER RESOLVED:** That in accordance with the Elections Code and Chapter 3.08 of the Oakland Municipal Code, the City Clerk shall provide for notice and publication as to said proposed initiative in the manner provided by law; and be it

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

**PROPOSED ORDINANCE TO EXTEND AND INCREASE PARCEL TAX AND PARKING TAX SURCHARGE FOR A PERIOD OF NINE YEARS TO FUND POLICE AND FIRE SERVICES AND REPLACE EXISTING PUBLIC SAFETY AND SERVICES VIOLENCE PREVENTION COMMISSION WITH A SMALLER OAKLAND PUBLIC SAFETY PLANNING AND OVERSIGHT COMMISSION**

Measure ____ [ _____ ]	<b>Yes</b>	
[BALLOT QUESTION SUBJECT TO CITY ATTORNEY APPROVAL]		
	<b>No</b>	

; and be it

**FURTHER RESOLVED:** That the City Attorney, in accord with the City Attorney’s powers and duties is hereby authorized to insert the final ballot question into this resolution after adoption by the Council so that the ballot question constitutes a true and impartial synopsis of the final proposed measure, and to make any changes to the texts of the measure as described herein to conform to any legal requirements or requirements of the County Registrar; and be it

**FURTHER RESOLVED:** That the City Clerk and the City Administrator are hereby authorized and directed to take any and all action necessary under law to prepare for and conduct the November 5, 2024 election, consistent with law; 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 foregoing recitals and measure language to be voted on by the voters of the qualified electors of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND PRESIDENT FORTUNATO BAS

NOES –  
 ABSENT –  
 ABSTENTION –

ATTEST: \_\_\_\_\_  
 ASHA REED  
 City Clerk and Clerk of the Council of the  
 City of Oakland, California