

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2003 NOV 21 AM 8:47

TO: Office of the City Manager
ATTN: Deborah Edgerly, Interim City Manager
FROM: Oakland Public Library
DATE: December 2, 2003

RE: REPORT AND RESOLUTION SUBMITTING, ON THE COUNCIL'S OWN MOTION, TO THE ELECTORS AT THE MARCH 2, 2004 ELECTION, A PROPOSED ORDINANCE EXTENDING THE "LIBRARY SERVICES RETENTION AND ENHANCEMENT ACT OF 1994 AND AMENDING SECTION 2, USE OF PROCEEDS, IN ORDER TO EXPAND THE SERVICES FUNDED BY THE ACT; AMENDING SECTION 4, IMPOSITION OF PARCEL TAX, IN ORDER TO INCREASE THE PARCEL TAX LEVY; AMENDING SECTION 8, MINIMUM LIBRARY APPROPRIATION PREREQUISITE AT FISCAL YEAR 93-94 LEVEL, IN ORDER TO INCREASE THE MINIMUM GENERAL FUND APPROPRIATION LEVEL; AND AMENDING SECTION 9, TERM OF TAXATION, IN ORDER TO EXTEND COLLECTION OF THE TAX FOR AN ADDITIONAL 15 YEARS; DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND TO PROVIDE FOR NOTICE AND PUBLICATION IN ACCORDANCE WITH THE LAW; AND CONSOLIDATING THE ELECTION WITH THE STATEWIDE PRESIDENTIAL PRIMARY

SUMMARY

In June 1994, the electorate of Oakland approved, by more than a two-thirds majority, the Library Services Retention and Enhancement Act ("Measure O"). The act imposed a parcel tax on residential and non-residential parcels for the purpose of raising revenue necessary to retain and enhance library services. The term of the 1994 Measure O parcel tax is 15 years commencing December 1, 1994 with a sunset provision for 2009. Due to a number of economic and budgetary factors over the years, the revenue generated through Measure O can no longer maintain the basic library services and needs of the community.

As a result of concern expressed by members of the community, library staff began discussions with constituents, the City Manager and the Mayor, and conferred with the Council regarding the increasingly insufficient level of funding for the Library, and options for addressing it through a reauthorization of Measure O. As a result of those discussions, several scenarios of increased Measure O funding were investigated and tested with results indicating a strong base of support for a significant increase. Consequently, staff recommends that Council adopt a resolution to place a measure on the March 2, 2004 ballot in order to reauthorize, increase and extend the Measure O parcel tax.

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Staff recommends that in order to retain and enhance library services provided to the public, that Council approve the resolution at the \$75 per parcel tax level. At Council's request, other levels and resolutions are attached for consideration.

FISCAL IMPACT

During FY 2003-05, Council authorized \$12.2 million in appropriations from the Measure O fund for library services; however, new Measure O revenues during FY 2003-05 are projected at \$10.3 million.

In order to maintain minimum Library services, previous years' unexpended Measure O revenue (reserve) is being drawn down during FY 2003-05. At the current level of appropriation, the Measure O reserve will be depleted by the end of FY 2003-05 and will not be able to sustain the current level of services beyond that time without additional revenue.

The Measure O parcel tax generates approximately \$5.14 million annually to maintain library services in the City of Oakland. The current assessment is \$36.06 per residential property, \$18.47 per commercial property (based on a residential property equivalency formula calculated on square footage and frontage), and \$24.63 per unit for multiple-dwelling residential properties.

At the request of Council, staff has prepared three different scenarios that would increase the Measure O parcel tax. These scenarios also outline how the library would utilize additional funds received from an increase in Measure O. (**Attachment A**)

This amendment will have an affect upon the General Fund since it requires that for any year during which this tax is in effect, the City Council may collect this tax only if the General Fund appropriation for Library services is maintained at a level that is no lower than the General Fund appropriation for fiscal year 2000-01. The General Fund appropriation for Library services for fiscal year 2000-01 was \$9,059,989.

BACKGROUND

Since its passage in 1994, Measure O has provided the Oakland Public Library with additional funding that accounted for approximately 32% of the Library's total budget. The supplemental funding under Measure O prescribed that it be used for:

- Keeping the Main Library open 7 days per week and branches open 5 days per week;
- Increasing the library materials budget;
- Providing children's librarians in every library;
- Providing educational and cultural programs for youth;
- Expanding the literacy program; and
- Operating the African American Museum and Library at Oakland (AAMLO).

During FY 2002-2003, over 22 FTE positions and operational and book budget funding were reduced in order to help the City address the General Fund budget shortfall. These reductions have resulted in:

- Reduced public service hours at all branch libraries with elimination of 6-day, 2-night service at three branches.
- Considerable reductions in library materials (book) expenditures.
- Reduced library magazine and newspaper subscriptions by nearly 275 titles;
- Reduced public service positions at the Main Library in the Children's Room and Adult Services that translate into reduction in public programs for adults and children, longer materials check-out lines, and longer waits for assistance with general, reference, and computer questions.
- Reduced technical services positions at the Main Library that result in patrons waiting longer before new books get cataloged, processed and out on the shelf.
- Move of the 2nd Start Adult Literacy program from downtown Oakland to the West Oakland branch library in order to reduce Measure O rental expenditures.

Reauthorization of Measure O

In order to reverse the downward trend in customer service that has resulted from erosion of General Fund support and the growing inadequacy of Measure O funding, staff recommends that Council support increasing the parcel tax to \$75 per parcel for a single-family homeowner. This alternative, the highest of three parcel tax funding levels submitted, would significantly increase the crucial library and education services to the residents of Oakland by providing:

- Staff to keep Main open 7 days per week
- Staff to keep branches open 6 days per week
- Children's Librarians in each library
- Literacy staff for 2nd Start
- Staff to operate AAMLO
- Enhanced materials budget
- Restoration of staffing reductions in public services.
- Operational costs estimated for the 81st Avenue branch library
- Funding to provide for full-time liaison with OUSD
- Funding for the PASS after school tutoring program
- Funding for Teen programs
- Funding for full-time Literacy Coordinator
- Information Technology upgrade and enhancement
- 5% reserve requested by Council

Staff is also recommending that the reauthorization establish collection of the tax for an additional 15 years.

KEY ISSUES AND IMPACTS

If the reauthorization and increased Measure O tax rates are approved at the staff recommended level, the parcel tax will raise approximately \$10.7 million annually based on an assessment of \$75.00 per residential property, and \$51.24 per multi-dwelling residential property, and \$38.41 per commercial parcel (based on a residential property equivalency formula calculated on square footage and frontage).

The reauthorization does not make any significant further changes to the current Measure O ordinance other than 1) increasing the parcel tax; 2) changing the proceeds; 3) updating the minimum general fund commitment for library services to the FY 2000-01 appropriation level; 4) extending the term of taxation an additional 15 years; 5) establishing a citizen oversight commission; and 5) setting aside a 5% reserve as requested by Council.

The Measure O amendment will continue to allow apartment owners to reduce their assessment by 50% each year if they can demonstrate that a majority of their units have remained vacant for a period of 6 months or more during the assessment year.

The amendment will also continue to have a low-income exemption for property owners based on income and number of members within a household.

Otherwise, all other regulations and requirements under this reauthorization remain the same as it impacts on imposition of the tax, exemptions permitted, rate adjustments, term, annual audit, examination of books and records, collection of tax, board of review, and citizen's advisory commission.

SUSTAINABLE OPPORTUNITIES

Economic: The additional funding permitted under the reauthorization of Measure O will allow for additional job opportunities for Oakland residents. As well, the libraries returning to their additional hours and services before they were cut in the current budget will help to serve as hubs and anchors to attract residents and others to neighboring retail and business areas in close proximity.

Environmental: There are no environmental impacts known at this time.

Social Equity: The proposed project will provide opportunities to improve the quality of life for all Oakland residents, especially for individuals living in the neighborhoods most underserved in terms of current library services.

DISABILITY AND SENIOR CITIZEN ACCESS

All libraries include ADA access elements in their services and programs as well as ensuring improved accessibility for senior citizen communities. That commitment will continue as part of any increased funding under this measure.

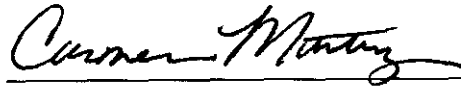
RECOMMENDATION(S) AND RATIONALE

It is recommended that the Council approve this staff report and resolution submitting, on Council's own motion, to the electors of the City of Oakland, at the March 2, 2004 election, a proposed ordinance extending the "Library Services Retention and Enhancement Act of 1994" at the \$75 level.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the Council approve this report and resolution.

Respectfully submitted,

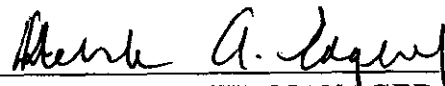


Carmen L. Martínez
Library Director

Prepared by:
Gerard G. Garzón
Administrative Librarian

Gene Tom
Chief Financial Officer

APPROVED AND FORWARDED TO THE
CITY OF OAKLAND COUNCIL:


OFFICE OF THE CITY MANAGER

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**Measure O Parcel Tax Rate Increase
 Scenario 1 - \$56.00**

Parcel Type	Current Parcel Rate	Proposed Increase	Proposed New Rates
Single Family Residential	\$36.06	\$19.94	\$56.00
Multiple Family Residential	\$24.63	\$13.63	\$38.26
Non-Residential	\$18.47	\$10.21	\$28.68
Estimated Annual Revenue Generated	\$5.14 million	\$2.85 million	\$7.99 million

Scenario 1 – Staff Recommended Programs to be Funded

Program/ Operation/ Service	Cost	Detail
Maintain current level of authorized staffing at OPL This maintains Measure O levels at minimum staffing to comply with ordinance	\$5.25 million	<ul style="list-style-type: none"> • Staff to keep Main open 7 days per week • Staff to keep branches open 5 days per week • Children’s Librarians in each library • Literacy staff for 2nd Start • Staff to operate AAMLO
Maintain current level of programming and operational support	\$160,000	<ul style="list-style-type: none"> • Programming supplies • Programming vendors
Maintain current level of authorized books and materials purchases	\$790,000	<ul style="list-style-type: none"> • The General Fund provides \$130,000 for books
<i>Increase the level of books and materials purchased</i>	<i>\$590,000</i>	<ul style="list-style-type: none"> • <i>Combined with current materials budget, equals \$1.51 million or 7.8% of operational budget – 4.2% below the national norm</i>
<i>Open all branch libraries 6 days per week</i>	<i>\$500,000</i>	<ul style="list-style-type: none"> • <i>Allows branch libraries to open 6 days per week</i>
<i>Increase joint educational activities with local schools</i>	<i>\$300,000</i>	<ul style="list-style-type: none"> • <i>Funding to provide 4 staff to liaison with OUSD</i>
<i>Set aside 5% Reserve (5% of \$7.99 million)</i>	<i>\$400,000</i>	<ul style="list-style-type: none"> • <i>5% reserve requested by Council</i>
Total	\$7.99 million	

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Scenario 1 (cont.) – Additional Programs to be Funded once 5% reserve is met

Program/ Operation/ Service	Cost	Detail
<i>Increase the level of books and materials purchased to meet 12% national norm</i>	<i>\$300,000</i>	<ul style="list-style-type: none">• <i>Combined with current materials budget, equals \$2.31 million or 12% of operational budget</i>
<i>Upgrade and enhance technology</i>	<i>\$100,000</i>	<ul style="list-style-type: none">• <i>Provide increased public access and support</i>

**Measure O Parcel Tax Rate Increase
 Scenario 2 - \$70.00**

Parcel Type	Current Parcel Rate	Proposed Increase	Proposed New Rates
Single Family Residential	\$36.06	\$33.94	\$70.00
Multiple Family Residential	\$24.63	\$23.19	\$47.82
Non-Residential	\$18.47	\$17.38	\$35.85
Estimated Annual Revenue Generated	\$5.14 million	\$4.85 million	\$9.99 million

Scenario 2 – Staff Recommended Programs to be Funded

Program/ Operation/ Service	Cost	Detail
Maintain current level of authorized staffing at OPL This maintains Measure O levels at minimum staffing to comply with ordinance	\$5.25 million	<ul style="list-style-type: none"> • Staff to keep Main open 7 days per week • Staff to keep branches open 5 days per week • Children’s Librarians in each library • Literacy staff for 2nd Start • Staff to operate AAMLO
Maintain current level of programming and operational support	\$160,000	<ul style="list-style-type: none"> • Programming supplies • Programming vendors
Maintain current level of authorized books and materials purchases	\$790,000	<ul style="list-style-type: none"> • The General Fund provides \$130,000 for books
<i>Increase the level of books and materials purchased</i>	\$1.25 million	<ul style="list-style-type: none"> • <i>Combined with current materials budget, equals \$2.17 million or 10.2% of operational budget – 1.8% below the national norm</i>
<i>Open all branch libraries 6 days per week</i>	\$500,000	<ul style="list-style-type: none"> • <i>Allows branch libraries to open 6 days per week</i>
<i>Increase joint educational activities with local schools</i>	\$300,000	<ul style="list-style-type: none"> • <i>Funding to provide 4 staff to liaison with OUSD</i>
<i>Reverse the system-wide staffing cuts that occurred in February 2003</i>	\$1.24 million	<ul style="list-style-type: none"> • <i>Restores services at the Main Library including: acquisitions, cataloging and processing</i> • <i>Restores children and teen services staffing reductions</i>
<i>Set aside 5% Reserve (5% of \$9.99 Million)</i>	\$500,000	<ul style="list-style-type: none"> • <i>5% reserve requested by Council</i>

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Total	\$9.99 million	
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Scenario 2 (cont.) – Additional Programs to be Funded once 5% reserve is met

Program/ Operation/ Service	Cost	Detail
<i>Increase the level of books and materials purchased to meet 12% national norm</i>	<i>\$370,000</i>	<ul style="list-style-type: none"> • <i>Combined with current materials budget, equals \$2.55 million or 12% of operational budget</i>
<i>Upgrade and enhance technology</i>	<i>\$130,000</i>	<ul style="list-style-type: none"> • <i>Provide increased public access and support</i>

Measure O Parcel Tax Rate Increase

Scenario 3 - \$75.00

Parcel Type	Current Parcel Rate	Proposed Increase	Proposed New Rates
Single Family Residential	\$36.06	\$38.94	\$75.00
Multiple Family Residential	\$24.63	\$26.61	\$51.24
Non-Residential	\$18.47	\$19.94	\$38.41
Estimated Annual Revenue Generated	\$5.14 million	\$5.56 million	\$10.7 million

Scenario 3 – Staff Recommended Programs to be Funded

Program/ Operation/ Service	Cost	Detail
Maintain current level of authorized staffing at OPL This maintains Measure O levels at minimum staffing to comply with ordinance	\$5.25 million	<ul style="list-style-type: none"> • Staff to keep Main open 7 days per week • Staff to keep branches open 5 days per week • Children’s Librarians in each library • Literacy staff for 2nd Start • Staff to operate AAMLO
Maintain current level of programming and operational support	\$160,000	<ul style="list-style-type: none"> • Programming supplies • Programming vendors
Maintain current level of authorized books and materials purchases	\$790,000	<ul style="list-style-type: none"> • The General Fund provides \$130,000 for books • 12% is national average which equals \$2.64 million
<i>Increase the level of books and materials purchased</i>	<i>\$1.71 million</i>	<ul style="list-style-type: none"> • <i>Combined with current materials budget, equals \$2.64 million or 12% of operational budget – national norm</i>
<i>Open all branch libraries 6 days per week</i>	<i>\$500,000</i>	<ul style="list-style-type: none"> • <i>Allows branch libraries to open 6 days per week</i>
<i>Reverse the system-wide staffing cuts that occurred in February 2003</i>	<i>\$1.24 million</i>	<ul style="list-style-type: none"> • <i>Restores services at the Main Library including: acquisitions, cataloging and processing</i> • <i>Restores children and teen services staffing reductions</i>
<i>Increase joint educational activities with local schools</i>	<i>\$300,000</i>	<ul style="list-style-type: none"> • <i>Funding to provide 4 staff to liaison with OUSD</i>

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<i>Upgrade and enhance technology</i>	<i>\$210,000</i>	<ul style="list-style-type: none"> • <i>Allows replacement rotation of computers every 5 years</i> • <i>Provide increased access and support</i>
<i>Set aside 5% Reserve (5% of \$10.7 million)</i>	<i>\$540,000</i>	<ul style="list-style-type: none"> • <i>5% reserve requested by Council</i>
Total	\$10.7 million	

Scenario 3 (cont.) – Additional Programs to be Funded once 5% reserve is met

Program/ Operation/ Service	Cost	Detail
<i>Operate the new East Oakland joint school-public library constructed with Proposition 14 funds (2007)</i>	<i>\$540,000</i>	<ul style="list-style-type: none"> • <i>Operational costs estimated for the 81st Avenue branch library- \$700,000</i> • <i>Shift part of Elmhurst staffing resources - \$160,000</i>

Approved as to form and legality
[Signature]
CITY ATTORNEY

INTRODUCED BY COUNCILMEMBERS JEAN QUAN AND JANE BRUNNER

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION SUBMITTING, ON THE COUNCIL’S OWN MOTION, TO THE ELECTORS AT THE MARCH 2, 2004 ELECTION, A PROPOSED ORDINANCE EXTENDING THE “LIBRARY SERVICES RETENTION AND ENHANCEMENT ACT OF 1994 AND AMENDING SECTION 2, USE OF PROCEEDS, IN ORDER TO EXPAND THE SERVICES FUNDED BY THE ACT; AMENDING SECTION 4, IMPOSITION OF PARCEL TAX, IN ORDER TO INCREASE THE PARCEL TAX LEVY; AMENDING SECTION 8, MINIMUM LIBRARY APPROPRIATION PREREQUISITE AT FISCAL YEAR 93-94 LEVEL, IN ORDER TO INCREASE THE MINIMUM GENERAL FUND APPROPRIATION LEVEL; AND AMENDING SECTION 9, TERM OF TAXATION, IN ORDER TO EXTEND COLLECTION OF THE TAX FOR AN ADDITIONAL 15 YEARS; DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND TO PROVIDE FOR NOTICE AND PUBLICATION IN ACCORDANCE WITH THE LAW; AND CONSOLIDATING THE ELECTION WITH THE STATEWIDE PRESIDENTIAL PRIMARY

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

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

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

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

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

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

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

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WHEREAS, the proposed amendments would increase the existing parcel tax rate for single family parcels from \$36.06 to \$56.00; for multi-unit residential parcels from \$24.63 to \$38.26; and for non-residential parcels from \$18.47 to \$28.68, in order to eliminate the projected revenue shortfall and to fund expanded operating hours, enhance book collections and materials, expand literacy programs; support joint programs with Oakland Public Schools, and upgrade library technology and computer access; and

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

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

NOW, THEREFORE, BE IT RESOLVED:

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

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

Section 2. USE OF PROCEEDS

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

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

9. to upgrade and enhance information technology in all libraries and improve access to computers and technology in the libraries;

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

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

Section 4. IMPOSITION OF PARCEL TAX

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

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

The tax hereby imposed shall be at the following rates:

- (A) For all single family Residential Parcels, the tax shall be at the annual rate of \$56.00 ~~\$29.28~~ per Parcel.
- (B) For all multiple unit Residential Parcels, the tax shall be at the annual rate of \$38.26 ~~\$20~~ per Residential Unit located on such Parcels, with the following exception: if a majority of the Residential Units have been vacant for 6 months or more, the rate shall be reduced by 50% to \$19.13 ~~\$10.00~~ per Residential Unit located on the Parcel.
- (c) For Non-Residential Parcels, the tax rate shall be at the annual rate of \$28.68 ~~\$15.00~~ for every Single Family Residential Unit Equivalent. Single Family Residential Equivalents will be based on square footage and frontage and by land use category as follows:

LAND USE CATEGORY	FRONTAGE (FT)	AREA (SF)
Commercial/Institutional	80	6,400
Industrial	100	10,000
Public Utility	1,000	100,000
Golf Course	500	100,000
Quarry	1,000	250,000

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

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<u>Frontage</u>	<u>Area</u>
160 FT	12,800 SF
80 FT/SFE = 2 SFE;	6,400 SF / SFE = 2 SFE
2 SFE + 2 SFE = 4 SFE	4 SFE x \$28.68 = \$114.72
4SFE x \$15 = \$60	

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

For any year during which this tax is in effect, the City Council may collect this tax only if the General Fund appropriation for Library services is maintained at a level that is no lower than the General Fund appropriation for fiscal year 2000-01 ~~1991-92~~. The General Fund appropriation for Library services for fiscal year 2000-01 ~~was \$9,059,989~~ ~~1991-92 was \$7.8 million.~~

Section 9. TERM OF TAX IMPOSITION

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

Section 10. ANNUAL AUDIT

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

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

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

SECTION 4. The City Council does hereby request that the Board of Supervisors of Alameda County include on the ballots and sample ballots the recitals and measure language

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contained in this resolution to be voted on by the voters of the qualified electors of the City of Oakland.

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

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

MEASURE _____

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

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

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION SUBMITTING, ON THE COUNCIL'S OWN MOTION, TO THE ELECTORS AT THE MARCH 2, 2004 ELECTION, A PROPOSED ORDINANCE EXTENDING THE "LIBRARY SERVICES RETENTION AND ENHANCEMENT ACT OF 1994 AND AMENDING SECTION 2, USE OF PROCEEDS, IN ORDER TO EXPAND THE SERVICES FUNDED BY THE ACT; AMENDING SECTION 4, IMPOSITION OF PARCEL TAX, IN ORDER TO INCREASE THE PARCEL TAX LEVY; AMENDING SECTION 8, MINIMUM LIBRARY APPROPRIATION PREREQUISITE AT FISCAL YEAR 93-94 LEVEL, IN ORDER TO INCREASE THE MINIMUM GENERAL FUND APPROPRIATION LEVEL; AND AMENDING SECTION 9, TERM OF TAXATION, IN ORDER TO EXTEND COLLECTION OF THE TAX FOR AN ADDITIONAL 15 YEARS; DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND TO PROVIDE FOR NOTICE AND PUBLICATION IN ACCORDANCE WITH THE LAW; AND CONSOLIDATING THE ELECTION WITH THE STATEWIDE PRESIDENTIAL PRIMARY

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

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

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

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

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

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

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

WHEREAS, the proposed amendments would increase the existing parcel tax rate for single family parcels from \$36.06 to \$70.00; for multi-unit residential parcels from \$24.63 to

\$47.82; and for non-residential parcels from \$18.47 to \$35.85, in order to eliminate the projected revenue shortfall and to fund expanded operating hours, enhance book collections and materials,

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

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

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

NOW, THEREFORE, BE IT RESOLVED:

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

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

Section 2. USE OF PROCEEDS

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

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

9. to upgrade and enhance information technology in all libraries and improve access to computers and technology in the libraries;

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

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

Section 4. IMPOSITION OF PARCEL TAX

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

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

The tax hereby imposed shall be at the following rates:

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

LAND USE CATEGORY	FRONTAGE (FT)	AREA (SF)
Commercial/Institutional	80	6,400
Industrial	100	10,000
Public Utility	1,000	100,000
Golf Course	500	100,000
Quarry	1,000	250,000

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

Frontage

Area

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

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

For any year during which this tax is in effect, the City Council may collect this tax only if the General Fund appropriation for Library services is maintained at a level that is no lower than the General Fund appropriation for fiscal year 2000-01 ~~1991-92~~. The General Fund appropriation for Library services for fiscal year 2000-01 was \$9,059,989 ~~1991-92~~ was ~~\$7.8 million~~.

Section 9. TERM OF TAX IMPOSITION

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

Section 10. ANNUAL AUDIT

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

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

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

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

#23
12/02/03

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

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

MEASURE _____

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

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

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

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

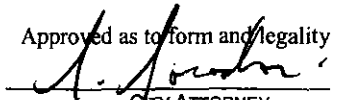
IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

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

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

#23
 12/02/03



CITY ATTORNEY
INTRODUCED BY COUNCILMEMBERS JEAN QUAN AND JANE BRUNNER**OAKLAND CITY COUNCIL**

RESOLUTION NO. _____ C.M.S.

RESOLUTION SUBMITTING, ON THE COUNCIL'S OWN MOTION, TO THE ELECTORS AT THE MARCH 2, 2004 ELECTION, A PROPOSED ORDINANCE EXTENDING THE "LIBRARY SERVICES RETENTION AND ENHANCEMENT ACT OF 1994 AND AMENDING SECTION 2, USE OF PROCEEDS, IN ORDER TO EXPAND THE SERVICES FUNDED BY THE ACT; AMENDING SECTION 4, IMPOSITION OF PARCEL TAX, IN ORDER TO INCREASE THE PARCEL TAX LEVY; AMENDING SECTION 8, MINIMUM LIBRARY APPROPRIATION PREREQUISITE AT FISCAL YEAR 93-94 LEVEL, IN ORDER TO INCREASE THE MINIMUM GENERAL FUND APPROPRIATION LEVEL; AND AMENDING SECTION 9, TERM OF TAXATION, IN ORDER TO EXTEND COLLECTION OF THE TAX FOR AN ADDITIONAL 15 YEARS; DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND TO PROVIDE FOR NOTICE AND PUBLICATION IN ACCORDANCE WITH THE LAW; AND CONSOLIDATING THE ELECTION WITH THE STATEWIDE PRESIDENTIAL PRIMARY

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

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

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

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

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

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

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

WHEREAS, the proposed amendments would increase the existing parcel tax rate for single family parcels from \$36.06 to \$75.00; for multi-unit residential parcels from \$24.63 to

\$47.82; and for non-residential parcels from \$18.47 to \$35.85, in order to eliminate the projected revenue shortfall and to fund expanded operating hours, enhance book collections and materials, expand literacy programs; support joint programs with Oakland Public Schools, and upgrade library technology and computer access; and

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

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

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Section 2. USE OF PROCEEDS

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

11. to support after-school homework programs; and

12. to support teen programs.

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

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

Section 4. IMPOSITION OF PARCEL TAX

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

The tax hereby imposed shall be at the following rates:

- (A) For all single family Residential Parcels, the tax shall be at the annual rate of \$75.00 ~~\$29.28~~ per Parcel.
- (B) For all multiple unit Residential Parcels, the tax shall be at the annual rate of \$51.24 ~~\$20~~ per Residential Unit located on such Parcels, with the following exception: if a majority of the Residential Units have been vacant for 6 months or more, the rate shall be reduced by 50% to \$25.62 ~~\$10.00~~ per Residential Unit located on the Parcel.
- (C) For Non-Residential Parcels, the tax rate shall be at the annual rate of \$38.41 ~~\$15.00~~ for every Single Family Residential Unit Equivalent. Single Family Residential Equivalents will be based on square footage and frontage and by land use category as follows:

LAND USE CATEGORY	FRONTAGE (FT)	AREA (SF)
Commercial/Institutional	80	6,400
Industrial	100	10,000
Public Utility	1,000	100,000
Golf Course	500	100,000
Quarry	1,000	250,000

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

<u>Frontage</u>	<u>Area</u>
160 FT	12,800 SF
80 FT/SFE = 2 SFE;	6,400 SF / SFE = 2 SFE
2 SFE + 2 SFE = 4 SFE	<u>4 SFE x \$38.41 = \$153.64</u>
4SFE x \$15 = \$60	

**Section 8. MINIMUM LIBRARY APPROPRIATION PREREQUISITE
AT FISCAL YEAR 2001-02 93-94 LEVEL**

For any year during which this tax is in effect, the City Council may collect this tax only if the General Fund appropriation for Library services is maintained at a level that is no lower than the General Fund appropriation for fiscal year 2000-01 ~~1991-92~~. The General Fund appropriation for Library services for fiscal year 2000-01 was \$9,059,989 ~~1991-92~~ was ~~\$7.8 million~~.

Section 9. TERM OF TAX IMPOSITION

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

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

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

#23
 12/10/2003