

CITY OF OAKLAND



ONE FRANK OGAWA PLAZA • 2ND FLOOR • OAKLAND, CALIFORNIA 94612

Noel Gallo
City Council Member, District 5

(510) 238-7005
FAX (510) 238-6129
TTY/TDD (510) 839-6451

TO: PUBLIC SAFETY COMMITTEE
FROM: COUNCILMEMEBR NOEL GALLO
DATE: MARCH 11, 2014
RE: ITEM 4 – INFORMATIONAL REPORT ON PUBLIC SAFETY BALLOT MEASURES

Colleagues –

For purposes of guiding the discussion on the development of the 2014 Public Safety Ballot Measure, I'd like to present to you some summarized information regarding the following:

- The Current Measure Y
- Measure Y Revenue and Expenditures (FY 2013-2014 Budget)
- Polling Information

Additionally, I have included the following as attachments to this memo:

- Measure BB of 2010
- Measure Y of 2004
- Ballot Measure Deadlines for the November 4, 2014 Election
- Supplemental Report to Ballot Measure Deadlines for the November 4, 2014 Election

EXPLANATION OF CURRENT MEASURE Y WITH MEASURE BB CHANGES:

What is the Current Measure Y?

The current Violence Prevention and Public Safety Act of 2004 (Measure Y) with the 2010 Measure BB amendments, provides for the collection of dedicated parcel taxes and a parking tax surcharge to fund police staffing, enhance fire safety, and expand violence prevention programs. The measure services receive annual evaluation through the Measure Y Oversight Committee and a third party independent auditor. Measure Y passed in 2004 with 70 percent of the vote. The taxes became effective in January 2005 and expire in January 2015.

ITEM: 4
Public Safety Committee
March 11, 2014

Measure BB, passed in 2010 with 71 percent of the vote, altered the original 2004 Measure Y. The specific changes to Measure Y, imposed by the Measure BB amendments, include

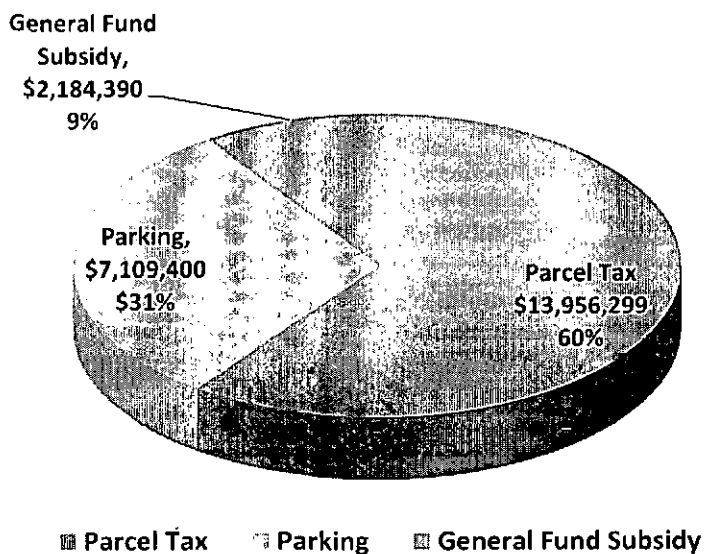
- Expanding the funding for a variety of violence prevention services from the limited list of prevention services in the original measure
- Allows the City to operate "up to" 25 fire engine companies and 7 truck companies
- Adds administrative cost covering into the Measure Y tax expenditures
- Allows the City to collect or get reimbursed for costs for services during any period that the City did not collect taxes for Measure Y
- Removed the minimum policing staffing appropriation requirement from July 1, 2010-- July 1, 2015
- Made small specific collections amendments that only applied to fiscal year FY 2010-2011

For the full text of Measure BB, read Attachment 1, which shows amendments to the original Measure Y text (Attachment 2).

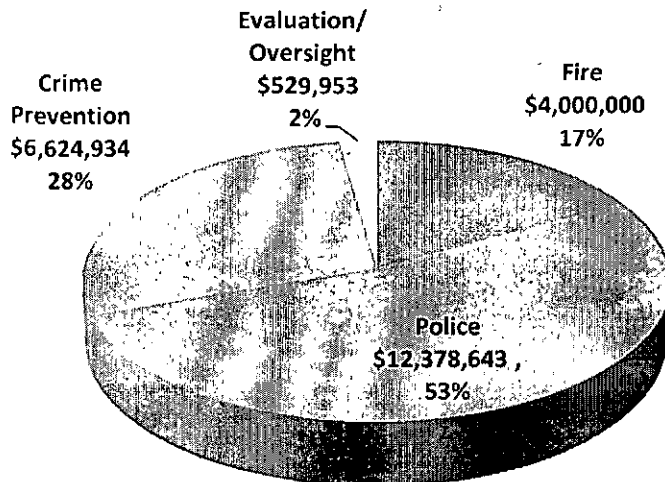
Measure Y Revenue and Expenditures (FY 2013-2014 Budget):

The City currently collects a parcel tax at an annual rate of \$97.62 (as of 2014) and collects a parking surcharge on commercial lots of 8.5 percent. In total, the City collects approximately \$21.1 million annually for Measure Y and provides approximately a \$2.2 million General Purpose Fund transfer and staff support to subsidize Measure Y in order to fund all required services outlined in the measure. The charts below outline the revenue sources and the expenditure allocations. Table 1 further defines the Measure Y expenditure allocations.

**Revenue Sources
FY 2013 - 2014**



Expenditure Allocations FY 2013 - 2014



Fire
 Police
 Crime Prevention
 Evaluation/Oversight

Table 1: Measure Y Expenditure Allocations:

Service	Expenditure
Fire Safety Services	\$4 Million
Police Services (partially funds 63 officers)	60% of remaining revenue with 1- 3% for program evaluation
Violence Prevention Programs (<i>Oakland Unite</i>)	40% of remaining revenue with 1-3% for program evaluation
Administrative Costs	Covers revenue collection, oversight and audits

STEPS TOWARDS A NEW SAFETY AND SERVICES MEASURE:

Polling:

Previous polling conducted by community stakeholders showed that a new measure should focus on outcomes (reducing violent crime and gun violence, improving 9-1-1 response times, etc.). The polling also researched the community's response to certain messages.

The City hired a consultant for professional services to assist with ballot measure development, community engagement, and polling and data analysis. The first poll, which will be going out in the field by March 12, will evaluate voter opinions regarding continuing the existing tax rate or voter tolerance for an increased tax rate. This very brief poll, with a sample size of 600 interviews, will also gauge reaction to some key programs and services that could be included in a measure.

The high level overview results will be shared with the Public Safety Committee.

Timeline and Deadlines:

See Attachments 3 and 4 for timeline and deadline information.

ATTACHMENTS:

- Attachment 1: Measure BB of 2010
- Attachment 2: Measure Y of 2004
- Attachment 3: Agenda Report: Ballot Measure Deadlines for the November 4, 2014 Election
- Attachment 4: Supplemental Report to Ballot Measure Deadlines for the November 4, 2014 Election

CITY OF OAKLAND MEASURE BB

BB To restore community police officer positions and protect and enhance vital public safety services in the City of Oakland, shall the City, at no additional cost to taxpayers, amend the Violence Prevention and Public Safety Act of 2004 (Measure Y) to suspend the requirement that the City appropriate non-Measure Y funding each year to staff the police department at fiscal year 2003-2004 levels?	YES
	NO

CITY ATTORNEY'S BALLOT TITLE AND SUMMARY OF MEASURE BB

Title:

A Proposed Ordinance Amending Measure Y, the "Violence Prevention and Public Safety Act of 2004," Which Established A Special Parcel and Parking Tax Funding Police Services, Fire Services and Violence Prevention Programs. To, Among Other Things, Allow the City To Collect the Tax Whether or Not it Appropriates Non-Measure Y Police Funds at FY2003-04 Levels

Summary:

On November 2, 2004, the voters adopted the Violence Prevention and Public Safety Act of 2004, also known as Measure Y. Measure Y provides for the collection of dedicated parcel taxes and a parking tax surcharge to fund police staffing, enhance fire safety, and expand violence prevention programs. The taxes became effective on January 1, 2005, and continue in effect for 10 years.

Approval of this measure would enact amendments to Measure Y. Among other things, this measure would allow the City to collect the tax regardless of whether it appropriates non-Measure Y police funds at fiscal year 2003-04 levels.

None of the amendments would change the existing tax rates. None of the amendments would change the existing low-income household exemption.

s/JOHN A. RUSSO
City Attorney

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE BB

Under the current provisions of Measure Y, the City may collect the taxes authorized by Measure Y only if the City's "appropriation" from non-Measure Y funds for sworn police officers is not less than the appropriation necessary to maintain the police force at fiscal year 2003-2004 levels. The City determined that the fiscal year 2003-2004 level was 739 officers. Due to budgetary constraints, the City has not appropriated funds to satisfy this condition for the current fiscal year 2010-11. Therefore, the City has not collected the Measure Y taxes for this fiscal year, and Measure Y funding for these police services, fire services, and violence prevention services will end.

This amendment would remove the minimum non-Measure Y appropriation requirement, allow the City to resume collection of the Measure Y tax, and use that money for Measure Y services.

Measure Y also created a multi-step allocation process for use of the tax proceeds raised by Measure Y. First, up to \$4 million is allocated for fire services. Of the remaining money, at least 40% percent must be allocated for violence prevention social services. The remainder is allocated to police services and equipment. This measure would amend Measure Y to clarify that the money allocated for fire services may be used to maintain staffing and equipment to operate for "up to" 25 (twenty-five) fire engine companies and 7 (seven) truck companies, and clarify the definition of the funded violence prevention social services.

This measure will also allow the City to incur indebtedness, for example by issuing bonds or notes, so that it can receive monies earlier to provide Measure Y services.

This measure also clarifies that the tax will be imposed at the full tax rate for fiscal year 2010-2011.

Finally, this amendment would allow that the Measure Y tax proceeds may be used to pay for costs of tax collection.

None of the amendments would change the tax rates established by Measure Y. Current rates with the permitted Consumer Price Index adjustments are \$90.72 for a single family residential parcel, \$61.98 per unit for multiple unit residential parcels, and \$46.46 per "single family residential unit equivalent" for nonresidential parcels. None of the amendments would change the existing low-income household exemption.

This vote is only to consider and approve amendments to Measure Y as shown in the City Council resolution as underscoring and ~~strike through~~ type. The remainder of Measure Y would remain unchanged and in effect.

A "yes" vote for Measure BB will approve the amendments to Measure Y; a "no" vote will reject the amendments.

s/JOHN A. RUSSO
City Attorney

CITY AUDITOR'S IMPARTIAL FINANCIAL ANALYSIS OF MEASURE BB

SUMMARY

On November 2, 2004, Oakland voters adopted the Violence Prevention and Public Safety Act of 2004, also known as Measure Y. Measure Y provides for the collection of dedicated parcel taxes and a parking tax surcharge to do the following:

1. Hire 63 officers assigned to Community and Neighborhood Policing
2. Expand Violence Prevention Programs
3. Maintain staffing and equipment for Fire Services

The taxes became effective on January 1, 2005, and continue in effect for 10 years.

Approval of this measure will enact various amendments to Measure Y; however, none of the amendments will change the existing tax rates. Many of the amendments are intended to clarify the language of the Measure Y ordinance. The most significant amendment will be the suspension of the minimum police staffing appropriation requirement for five years (7/1/2010-7/1/2015), in that the suspension of the requirement will allow the City to continue to collect the Measure Y tax.

The following list summarizes key amendments to Measure Y:

- Use of tax proceeds amendments include:
 - Funding for a variety of violence prevention services and will not be limited to the ones listed in the measure
 - Operating "up to" 25 fire engine companies and 7 truck companies
 - Covering the cost of collecting the Measure Y tax
 - Paying for or reimburse costs for services during any period that the City did not collect taxes for Measure Y
- From July 1, 2010—July 1, 2015, there will be no minimum police staffing appropriation requirement
- Specific collections amendments that apply only to fiscal year FY 2010-2011:
 - The full annual tax rate will be levied and imposed as of November 2, 2010
 - The City may collect the tax via a handbill or through the Alameda County Tax Collector

If this measure is approved by a majority of voters, the amendments will be effective beginning January 1, 2011.

FINANCIAL IMPACT

If this amendment does not pass, the City will not be able to collect approximately \$20 million in tax revenues. Therefore, the Measure Y objectives for Fire Services, Violence Prevention Programs, and Community and Neighborhood Policing will no longer be funded. The table below shows Measure Y revenues over the last three fiscal years. If this amendment does pass, the tax proceeds can be collected, and the Measure Y objectives will be funded, including 63 community-policing officer positions.

FY 2007-08	FY 2008-09	FY 2009-10	TOTAL
Audited	Audited	Unaudited	
\$20,090,954	\$19,676,477	\$19,797,423	\$59,564,854

Based on our analysis of the data provided by City staff, we verified the accuracy of the Measure Y revenues and program impacts. We relied on the best data available at this time.

s/COURTNEY A. RUBY, CPA, CFE
City Auditor

ARGUMENT IN FAVOR OF MEASURE BB

Measure BB is one positive step toward maintaining the City of Oakland's community policing strategies and making Oakland safer.

Measure BB is not a new tax measure. It simply makes minor amendments to the existing Measure Y to allow the successful programs, which were suspended in July, to continue.

Here is the issue: In 2004, voters passed Measure Y to provide funding for 63 community policing officers, violence prevention, and to prevent rotating fire station closures.

Measure Y included a minimum police staffing requirement of 739 officers that the City must maintain from non-Measure Y funds for Measure Y's funding to continue.

Yet the local impacts of the global economic recession caused a dramatic and unforeseen decline in City revenues, making it impossible for the City to meet the exact police staffing levels required in Measure Y.

As a result, the 63 police officers have been laid off and key fire and crime prevention services scaled back.

Measure BB simply suspends the minimum police staffing requirement so that the City can fund the 63 community policing positions and resume proven prevention programs. These critical services include street outreach, support for victims of domestic violence and sexually exploited youth, truancy and gang prevention programs, and re-entry employment for formerly incarcerated residents.

Measure Y has demonstrated clear results, with crime declining consecutively for 3 years. Homicides have declined over 25% and overall crime, including burglaries, robberies and other violent crimes, has declined substantially.

Measure BB allows us to continue this progress. It also continues Measure Y's existing requirements of a citizens oversight committee and annual independent audits.

These are difficult times and we all need to work together to reach a better future. In that spirit, we can make Oakland safer at no additional cost to taxpayers.

Vote Yes on Measure BB.

s/(Pr.) Lucy Kolin, Co-Chair Oakland Community Organizations (OCO)

s/Henry Chang Jr., Former City Councilmember At-Large

s/Robert L. Jackson, Bishop, Acts Full Gospel Church

s/Merlin Edwards, Public Relations Consultant

s/Arnold X.C. Perkins, Alameda County Public Health Director (ret)

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE BB

The proponents of this \$90 plus per year tax state that: "It simply makes minor amendments to the existing Measure Y..." Nothing could be further from the truth. A key provision of 2004's Measure Y was to increase the size of the police force. The City promised that by passing Measure Y it would "maintain" a minimum of 739 officers funded by the general fund. This provision eliminates that requirement, allowing the size of the force to drop indefinitely. This is NOT a positive step for public safety.

The City Council drafted this proposal. These are the same City Council members who have mismanaged City finances for years and approved approximately \$15 million in illegal Measure Y expenditures. No other Bay Area city laid off 80 police officers in the face of such a severe violent crime problem. No other city has lost such a massive lawsuit involving taxpayer funds. Only Oakland has.

This measure isn't about providing police services. It is about bailing out the City for its financial mismanagement. Put simply, this Measure raises taxes and eliminates any connection between those taxes and police staffing. It gives the City Council the ability to use the City's general funds that are currently being spent on police to pay for their pet projects. Let the City Council know that they need to keep their promise and provide the police staffing promised by Measure Y. Demand that City officials give us public safety and accountability without more taxes. Vote NO.

s/Marleen L. Sacks
Attorney/Oakland Resident

s/David A. Stein
Attorney/Oakland Resident

s/Charles Pine
Oakland Residents for Peaceful Neighborhood

s/Marcus Johnson
CPAB Member (Community Policing Advisory Board)

ARGUMENT AGAINST MEASURE BB

In 2004 voters approved Measure Y, generously agreeing to tax themselves to add 63 police officers to a staff of 739. In the 5 1/2 years since, taxpayers have paid over \$100 million in Measure Y taxes. The City took the money, but didn't add the police officers. The City provided the promised staffing for a total of less than 6 months. The City was successfully sued regarding Measure Y violations. An Alameda County Superior Court Judge found that the City misspent millions of Measure Y dollars, and failed to conduct mandatory audits.

Now the City wants to have taxpayers continue to pay and not even promise to budget for the promised police force. This tax will cost homeowners over \$90.00 per year. Don't be fooled. Nothing in this measure prevents the City from reducing the police force even further. If this measure passes, the City can tax residents and reduce the police force at the same time. The City could still continue to lay off police officers, not hold new police academies (resulting in a loss by attrition of approximately 50 officers per year) and layoff police officers. In sum, the City wants taxpayer money, without any promise of maintaining, much less adding to the police force.

The politicians who wrote this Measure BB revision are the same people who have mismanaged Oakland's finances and failed to properly implement Measure Y. The revision removes accountability provisions and is for their benefit, not the public's.

We need more police, not less. Don't give the City a blank check. Oakland's taxes are already among the highest in the state. This tax does nothing to address Oakland's structural financial problems. Let the City know that the taxpayers did their part and the City needs to live up to its promises. Vote NO.

s/Marleen L. Sacks
Attorney

s/David A. Stein
Attorney

s/Marcus Johnson
Member - Community Policing Advisory Board

s/Jim Dexter
Member - Community Policing Advisory Board

s/Charles Pine
Member, Oakland Residents for Peaceful Neighborhood

REBUTTAL TO ARGUMENT AGAINST MEASURE BB

This new Measure BB is not a new tax. It will make Oakland safer by continuing successful fire and violence prevention programs and funding 63 community policing positions.

It simply suspends Measure Y's current requirement that the City maintain a base level of 739 police officers. That will allow the City to continue effective prevention programs and community policing positions.

The City cannot meet this requirement because of the local impacts of the global recession. The drafters of Measure Y in 2004 could not anticipate that the City General Fund revenues would decline 20%. Almost \$70 million of the annual reduction is due to declines in property and transfer tax revenues alone.

Measure Y has been successful. It has broad community support and the outside evaluation team has given it high marks both in implementing "best practices" and being effective in reducing crime.

Opponents misstate basic facts. Measure Y has demonstrated clear results:

- Crime has declined substantially for 3 consecutive years;
- The City successfully added 150 officers to the police force and staffed 84 Measure Y-related officers (exceeding the 63 required positions);
- The City ended fire station closures;
- In response to legal challenges, the Court substantially ruled in the City's favor.

A Yes vote on Measure BB will restore 63 community policing officers; protect critical fire services; and preserve proven violence prevention programs. Join us in continuing the progress made to reducing crime and violence at no additional cost to taxpayers.

Vote Yes on Measure BB.

s/Jakada Imani
Executive Director, Ella Baker Center for Human Rights

s/Gordon A. "Don" Link
Chair Community Policing Advisory Board 1999-2008

s/Maya Dillard Smith
Founding Chairperson of Measure Y Oversight Committee 2005-2009

s/Dan Siegel
Attorney

s/Pastor Lucy Kolin
OCO, Co-Chair

FULL TEXT OF MEASURE BB

WHEREAS, on November 2, 2004, the voters approved the Violence Prevention and Public Safety Act of 2004 (commonly known as Measure Y), and

WHEREAS, the City Council now asks the voters only to consider and approve some amendments to Measure Y to clarify certain provisions of the measure, and those changes to Measure Y are shown below in underscoring and ~~strike-through~~ type,

NOW, THEREFORE BE IT RESOLVED:

That the City Council of the City of Oakland does hereby submit to the voters at the November 2, 2010 general election, amendments to the Violence Prevention and Public Safety Act of 2004 as set forth below. Additions are indicated by underscoring and deletions are indicated by ~~strike-through~~ type; portions of the ordinance not cited or not shown in underscoring or strike-through type are not changed):

PART 1. GENERAL

Section 1. TITLE AND PURPOSE.

(A) Title. This ordinance may be cited as the "Violence Prevention and Public Safety Act of 2004."

(B) Purpose. The taxes imposed or increased under this ordinance are solely for the purpose of raising revenue necessary to retain and enhance services and programs to prevent violence and crime and enhance fire safety in the City of Oakland.

The parcel tax imposed in Part 2 is not an ad valorem tax on real property, nor a transaction tax or sales tax on the sale of real property. It is an excise tax on the privilege of using and use of municipal services. Such municipal services increase and provide a greater benefit to Owners of Parcels when programs aimed at preventing violence and crime in the City are enhanced. Because the proceeds of the tax will be deposited in a special fund restricted for the services and programs specified herein, the tax is a special tax.

Section 2. FINDINGS

1. Investing in ~~a~~ a coordinated system of early intervention, community policing and violence-prevention efforts before injury occurs will reduce economic and emotional costs and be a cost-effective use of taxpayer dollars.

2. Violence and crime occurs at workplaces, on school grounds, and in residential neighborhoods within the Oakland community.

3. Due to budget constraints, the City's police department is staffed at a level significantly lower than cities of similar size in the United States.

4. Due to budget shortfalls, Oakland's fire department is currently operating with limited fire trucks and crews that rotate among several stations, thereby leaving certain fire stations under staffed.

5. Fully staffing and equipping fire stations throughout the City will provide the necessary fire and medical response in case of critical emergencies or natural disasters.

6. This special tax is based on a community assessment of innovative prevention strategies and is intended to be proportional to and based on estimates of typical use and benefit from these municipal services.

7. Crime in Oakland disrupts local commercial activity, reduces business and industrial productivity, deters tourism and outside financial investments, and depreciates the value of real estate.

8. The apportionment of the parcel tax to various types of properties is based, in part, on the intensity of policing, violence prevention and fire protection services needed for different kinds of land uses and on the average number of occupants of a parcel of each type of property. Users of residential property typically generate more calls for service to the police and fire departments, and the intensity of use of police and fire protection services increases as the number of residential units on a parcel increases. On the other hand, because of the typically large size of commercial and industrial parcels, and because the employees who work for businesses located on such parcels and the customers who visit such businesses generally outnumber the residents of even a similarly sized parcel of residential property (partly because non-residentially developed real property often has more than one business operating on it), the tax on commercial/industrial properties is calculated based on single family equivalent units.

9. As the density of residential development increases, the cost of providing policing and violence and crime prevention services also increases. The differing tax rates accurately reflect the differing costs of providing services to the different densities of residential development.

10. Some services, such as fire protection services and an additional neighborhood police officer in each community policing beat, are not based on density of population.

11. The parcel tax rates established in this ordinance are intended to be proportional to and based on estimates of typical use of and benefit to occupants of different residential parcels of policing and violence prevention services. The rates are not tailored to individual use both because such tailoring is not administratively feasible and because the City must make police and fire protection services available to all parcels and owners of parcels equally.

12. Each occupant of a parcel derives value from the availability policing and violence and crime prevention and fire protection services. The value of such services is in their availability and benefit to all residents, and it would be unfair to charge their costs only to those persons who actually use the services. Even if such services are not presently used by an occupant, they may be used in the future and, in any event, their availability benefits each occupant. The City's policing, violence prevention and fire protection services enhance the health, safety and welfare of all occupants of property in the City and improve their quality of life both directly and indirectly. Reducing violence and crime is vitally important to the health, safety, and welfare of the occupants.

13. Nothing in this ordinance is intended to pre-

clude 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.

14. It is not feasible for the City to collect the tax from the non-owner occupants on whom it is imposed because the records available to the City do not include the names of non-owner occupants. Therefore, the only practical way to collect a tax imposed on occupants is to collect it from the owners of the occupied properties.

15. There are existing general taxes in the form of parking and business license, the proceeds of which are deposited in the general fund. Additional revenues received as a result of this ordinance will be used for the purposes set for in Section 3 and thus are special taxes.

16. This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment.

17. The amendment to Part I, Section 3.1, is intended to clarify the language of the ordinance and the intent of the City Council and voters in approving the ordinance.

Section 3. USE OF PROCEEDS

The tax proceeds raised by this ordinance may be used only as part of the following integrated program of violence prevention and public safety intervention, in accordance with the following specific purposes:

1. Community and Neighborhood Policing: Hire and maintain at least a total of 63 police officers assigned to the following specific community-policing objectives:
 - a. *Neighborhood beat officers*: each community policing beat shall have at least one neighborhood officer assigned solely to serve the residents of that beat to provide consistent contact and familiarity between residents and officers, continuity in problem solving and basic availability of police response in each neighborhood;
 - b. *School safety*: supplement police services available to respond to school safety and truancy;
 - c. *Crime reduction team*: at least 6 of the total additional officers to investigate and respond to illegal narcotic transactions and commission of violent crimes in identified violence hot spots;
 - d. *Domestic violence and child abuse intervention*: additional officers to team with social service providers to intervene in situations of domestic violence and child abuse, including child prostitution;
 - e. *Officer training and equipment*: training in community-policing techniques, establishing police-social services referrals and

equipping officers provided in this paragraph, the total costs of which shall not exceed \$500,000 in any fiscal year that this ordinance is in effect.

2. Violence Prevention Services with an Emphasis on Youth and Children: Expand preventive social services provided by the City of Oakland, or by adding capacity to community-based non-profit programs with demonstrated past success that provide violence prevention services. Such services include, but are not limited to for the following objectives:
 - a. *Youth outreach counselors*: hire and train personnel who will reach out, counsel and mentor at-risk adolescents and young adults by providing services and presenting employment opportunities;
 - b. *After and in school program for youth and children*: expand existing City programs and City supported programs that provide recreational, academic tutoring and mentoring opportunities for at-risk adolescents and children during after school hours; expand truancy enforcement programs to keep kids in school.
 - c. *Domestic violence and child abuse counselors*: make available counselors who will team with police and the criminal justice system to assist victims of domestic violence or child prostitution and to find services that help to avoid repeat abuse situations; expand early childhood intervention programs for children exposed to violence in the home at an early age.
 - d. *Offender/parolee employment training*: provide parolee pre-release employment skills training and provide employers with wage incentives to hire and train young offenders or parolees;
3. Fire Services: Maintain staffing and equipment to operate up to 25 (twenty-five) fire engine companies and 7 (seven) truck companies, expand paramedic services, and establish a mentorship program at each station with an amount not to exceed \$4,000,000 annually from funds collected under this Ordinance.
4. Evaluation: Not less than 1% or more than 3% of funds appropriated to each police service or social service program shall be set aside for the purpose of independent evaluation of the program, including the number of people served and the rate of crime or violence reduction achieved.
5. Mandated Apportionment to Social Service Programs: Of the total proceeds spent on programs enumerated in this Section 3, Paragraphs 1 and 2, not less than 40% of such proceeds must be allocated to programs enumerated in this Section 3, Paragraph 2 each year this Ordinance is in effect.

6. Any costs of collecting this tax.
7. Nothing in this ordinance shall require or prohibit provision of these services during any period that the City did not actually collect the tax proceeds. The City may use tax proceeds to pay for or reimburse costs for services provided during any period that the City did not actually collect the tax proceeds.

PART 2. OVERSIGHT, MINIMUM STAFFING AND TERM OF TAX IMPOSITION

Section 1. ANNUAL AUDIT.

An independent audit shall be performed to assure accountability and the proper disbursement of the proceeds of this tax in accordance with the objectives stated herein in accordance with Government Code sections 50075.1 and 50075.3. Tax proceeds may be used to pay for the audit.

Section 2. SPECIAL FUND

All funds collected by the City from the taxes imposed by this ordinance shall be deposited into a special fund in the City treasury and appropriated and expended only for the purposes authorized by this Ordinance.

Only the incremental taxes and surcharges approved by Parts 3, 4, 5, and 6 of this ordinance shall be dedicated to the purposes specified by this ordinance. Any portion of the parking and business license tax rate that was a general tax prior to the enactment of this ordinance shall remain general taxes.

Section 3. OVERSIGHT

To ensure proper administration of the revenue collection and spending, and the implementation of the programs mandated by this ordinance, the Mayor shall appoint three members of a "Violence Prevention and Public Safety Oversight Committee" and each councilmember shall appoint one member. The committee shall review the annual audit, evaluate, inquire and review the administration, coordination and evaluations of the programs and make recommendations to the Mayor and the City Council for any new regulations, resolutions or ordinances for the administration of the programs to comply with the requirements and intent of this Ordinance.

Section 4. MINIMUM POLICE STAFFING PREREQUISITE AT FISCAL YEAR 03-04 LEVEL

No tax authorized by this Ordinance may be collected in any year that the appropriation for staffing of sworn uniformed police officers is at a level lower than the amount necessary to maintain the number of uniformed officers employed by the City of Oakland for the fiscal year 2003-2004 (739). Effective July 1, 2010, this section is suspended until July 1, 2015.

Section 5. TERM OF TAX IMPOSITION

The taxes imposed by this Ordinance shall become effective on January 1, 2005 and shall continue in effect for 10 years.

Section 6. SAVINGS CLAUSE.

If any provision, sentence, clause, section or part of this ordinance is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity

shall affect only such provision, sentence, clause, section or part of this ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared to be the intention of the City, that the City would have adopted this ordinance 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 ordinance is found to be unconstitutional, illegal or invalid, the amounts, services, programs and personnel (as set forth in Part 3) 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 7. REGULATIONS.

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

Section 8. NO AMENDMENT.

The tax rates may not be amended by action of the City Council without the applicable voter approval.

Section 9. 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.

PART 3. PARCEL TAX

Section 1. DEFINITIONS.

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

(C) "Hotel" shall mean as defined by Oakland Municipal Code section 4.24.020.

(D) "Multiple Residential Unit Parcel" shall mean a parcel zoned for a building, or those portions thereof, that accommodates or is intended to contain two or more residential units.

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

(F) "Occupancy" shall be as defined by Oakland Municipal Code section 4.24.020.

(G) "Operator" shall be as defined by Oakland Municipal Code section 4.24.020.

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

(I) "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.

(J) "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.

(K) "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.

(L) "Residential Unit" shall mean a Building or portion of a Building designed for or occupied exclusively by one Family.

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

(N) "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 as 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 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. For the 2010-2011 fiscal year, the tax is imposed as of November 2, 2010, on the person who owned the parcel on that date. The City may place delinquencies on a subsequent tax bill.

The tax hereby imposed shall be at the following rates, subject to annual adjustment as provided in Section 6:

(A) For owners of all Single Family Residential Parcels, the tax shall be at the annual rate of \$88.00 per Parcel.

(B) For owners of all Multiple Residential Unit Parcels, the tax shall be at the annual rate of \$60.12 per occupied Residential Unit. Owners of units that are vacant for six months or more per year, may apply to the Director of Finance to have the rate reduced by 50% to \$30.06 per vacant Residential Unit located on the Parcel.

(C) The tax for a Non-Residential Parcels is calculated using both frontage and square footage measure-

ments to determine total Single Family Residential Unit Equivalents. A frontage of 80 feet for a commercial/~~institutional industrial~~ parcel, for example, is equal to one (1) single family resident unit equivalent. (See matrix.) An area of 6,400 square feet for the commercial/~~institutional industrial~~ parcel is equal to one (1) single family resident unit equivalent. The tax is the annual rate (\$45.07) multiplied by the total number of Single Family Equivalents (determined by the frontage and square footage).

LAND USE CATEGORY	FRONTAGE	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 an owner of a commercial parcel with a frontage of 160 feet and an area of 12,800 square feet:

Frontage	Area
160 feet	12,800 sf
80 ft/SFE = 2 SFE	6,400 SF/SFE = 2 SFE
2 SFE + 2 SFE = 4 SFE	4 SFE x \$45.07 = \$180.28

(D) An Owner of An Undeveloped Parcel is exempt from this parcel tax if the owner can prove that the parcel was undeveloped for at least six months of the year in question.

(E) For fiscal year 2010-2011, the rates shall be the full annual rate.

Section 3. HOTELS

The tax imposed by this Ordinance shall be imposed on each Hotel within the City in accordance with the following:

1. Residential Hotels. If rooms in a Hotel were occupied by individuals who were not Transients for 80% or more of the previous fiscal year, such Hotel shall be deemed a Residential Hotel, and such rooms shall be deemed Residential Units and shall be subject to the Parcel tax imposed on Multiple Residential Units. The remainder of the Building shall be subject to the applicable Square Footage tax computed in accordance with the Single Family Residential Unit Equivalent calculations.

2. Transient Hotels. Notwithstanding the previous sub-section, if 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 Square Footage and Single Family Residential Unit Equivalent calculations set forth in Section 4(C), and the parcel tax imposed on Residential Units shall not apply.

Section 4. EXEMPTIONS.

Low income household exemption. Exempt from

this tax are owners of single family residential units in which they reside whose combined family income, from all sources for the previous calendar year, is at or below the income level qualifying as "very low income" for a family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et. seq.) for such year. Owners must apply for the exemption provided for in this section annually by petition to the Director of the Finance and Management Agency of the City of Oakland ("Director of Finance") in the manner and time set forth in procedures established by the Director of Finance. Such petitions shall be on forms provided by the Director of Finance and shall provide such information as the Director of Finance shall require, including, but not limited to, federal income tax returns and W-2 forms of owner-occupants eligible for this exemption.

Section 5. REDUCTION IN TAX; RATE ADJUSTMENT.

(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 for a subsequent fiscal year upon a vote of the City Council on or before June 30th in any year in which the City Council determines that after such suspension, reduction or elimination there will be sufficient revenues available to balance the City Council's Adopted Policy Budget and provide the services and programs described in Section 3 above. Such suspension, reduction or elimination shall be effective for the fiscal year following such vote.

(B) Beginning in Fiscal Year 2004-2005, and each year thereafter, the City Council may increase the tax imposed hereby only upon a finding that the cost of living in the immediate San Francisco Bay Area, as shown on the Consumer Price Index (CPI) for all items in the San Francisco Bay Area as published by the U.S. Department of Labor Statistics, has increased. The percentage increase of the tax imposed hereby shall not exceed such increase, using Fiscal Year 2003-2004 as the index year and in no event shall any annual adjustment exceed 5% (five percent).

Section 6. DUTIES OF THE DIRECTOR OF FINANCE; NOTICE OF DECISIONS.

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

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

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

Section 7. EXAMINATION OF BOOKS, RECORDS, WITNESSES; PENALTIES.

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

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

Section 8. COLLECTION OF TAX; INTEREST AND PENALTIES.

The tax for fiscal year 2010-2011 shall be levied and imposed at the full annual rate. At the option of the City, fiscal year 2010-2011 taxes may be collected by handbilling or may be collected at the direction of the City by the Alameda County Tax Collector. Thereafter, the tax levied and imposed by this ordinance shall be due and payable on July 1 of each year, but it may be paid in two installments due no later than December 10 and April 10. The tax shall be delinquent if not received 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 shall be collected in such a manner as the City Council may decide.

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

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

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

In no event shall anything herein be construed to impose a tax lien on the Parcel to secure payment of the tax.

Section 9. COLLECTION OF UNPAID TAXES.

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

Section 10. REFUND OF TAX, PENALTY, OR INTEREST PAID MORE THAN ONCE; OR ERRONEOUSLY OR ILLEGALLY COLLECTED.

Whenever the amount of any tax, penalty, or interest imposed by this ordinance has been paid more than once, or has been erroneously or illegally collected or received by the City it may be refunded provided a verified claim in writing therefore, stating the specific ground upon which such claim is founded, is filed with the Director of Finance within one (1) year from 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 claim may be filed on behalf of other taxpayers 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, his/her administrators or executors. Filing a claim shall be a condition precedent to legal action against the City for a refund of the tax.

Section 11. MISDEMEANOR VIOLATION.

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

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

Section 12. BOARD OF REVIEW.

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

Any tax, penalty or interest found to be owed is due

and payable at the time the Board's decision becomes final.

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

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

Section 13. INDEBTEDNESS.

The City is hereby authorized to incur indebtedness to carry out the purposes of the tax stated herein, payable from the proceeds of the tax in accordance with the terms and conditions as may be fixed and established by the City Council by procedural ordinance. The amount of such indebtedness shall not exceed the amount of the tax expected by the City Council to be collected by that date.

PART 4. PARKING TAX SURCHARGE

4.16.031 Imposition of Surcharge

Subject to the provisions for the collection of taxes and definitions in this chapter, there shall be an additional tax of eight and one-half (8 1/2) percent imposed on the rental of every parking space in a parking station in the City.

By adopting this ordinance the People of the City of Oakland do not intend to limit or in any way curtail any powers the City Council may exercise as to the subject matter of this ordinance, including, but not limited to, raising the rate of taxation or surcharge, lowering the rate of taxation or surcharge, eliminating the tax or surcharge, or creating or defining new categories of taxpayers under this ordinance.

REVISED
7.20.04

APPROVED AS TO FORM AND LEGALITY
A. Jordan
CITY ATTORNEY

INTRODUCED BY COUNCILMEMBER _____

OAKLAND CITY COUNCIL

RESOLUTION NO. 78734 C.M.S.

Resolution Submitting, On The City Council's Own Motion, To The Electors At The November 2, 2004 General Election, A Proposed Ordinance (1) Creating A Special Parcel Tax And (2) Increasing The Parking Tax In Order To Fund Violence And Crime Prevention Programs; Consolidating The Election With The Statewide Presidential Election; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The November 2, 2004, Statewide Presidential Election

WHEREAS, the citizens of the City of Oakland (the "City") are committed to a community-oriented approach to violence prevention in Oakland; and

WHEREAS, preventing violence and ensuring public safety requires an integrated system of social-services intervention, long-term crime-prevention programs, police services and fire-safety and paramedic support; and

WHEREAS, Oakland funds basic police and fire services at levels below those of similar-sized cities throughout the country; and

WHEREAS, the unemployment rate as of May, 2004 was 8.6% ,and Oakland has a population of over 3,000 people on parole, many of whom have difficulty finding work; and

WHEREAS, in an effort to prevent violence and crime, the City has partnered with the State of California to work with parolees, to make sure they have an opportunity for successful reentry into society, including job opportunities, instead of resorting to crime; and

WHEREAS, in an effort to prevent violence and crime, Oakland currently funds or administers programs for youth recreation and ceunseling, recreation, job training, domestic violence intervention, and parole counseling;

WHEREAS, currently these programs are limited in scope or have been cut due to funding constraints; and

WHEREAS, at the general election of November 2, 1996, the voters of the State of California amended the state constitution, adding Article XIII C, which requires that all new or increased special taxes be submitted to the voters prior to becoming effective,

NOW, THEREFORE BE IT RESOLVED:

That the City Council of the City of Oakland does hereby submit to the voters at the November 2, 2004 general election, an ordinance, which reads as follows:

PART 1. GENERAL

Section 1. TITLE AND PURPOSE.

(A) Title. This ordinance may be cited as the "Violence Prevention and Public Safety Act of 2004."

(B) Purpose. The taxes imposed or increased under this ordinance are solely for the purpose of raising revenue necessary to retain and enhance services and programs to prevent violence and crime and enhance fire safety in the City of Oakland.

The parcel tax imposed in Part 2 is not an ad valorem tax on real property, nor a transaction tax or sales tax on the sale of real property. It is an excise tax on the privilege of using and use of municipal services. Such municipal services increase and provide a greater benefit to Owners of Parcels when programs aimed at preventing violence and crime in the City are enhanced. Because the proceeds of the tax will be deposited in a special fund restricted for the services and programs specified herein, the tax is a special tax.

Section 2. FINDINGS

1. Investing in an coordinated system of early intervention, community policing and violence-prevention efforts before injury occurs will reduce economic and emotional costs and be a cost-effective use of taxpayer dollars.

2. Violence and crime occurs at workplaces, on school grounds, and in residential neighborhoods within the Oakland community.

3. Due to budget constraints, the City's police department is staffed at a level significantly lower than cities of similar size in the United States.

4. Due to budget shortfalls, Oakland's fire department is currently operating with limited fire trucks and crews that rotate among several stations, thereby leaving certain fire stations under staffed.

5. Fully staffing and equipping fire stations throughout the City will provide the necessary fire and medical response in case of critical emergencies or natural disasters.

6. This special tax is based on a community assessment of innovative prevention strategies and is intended to be proportional to and based on estimates of typical use and benefit from these municipal services.

7. Crime in Oakland disrupts local commercial activity, reduces business and industrial productivity, deters tourism and outside financial investments, and depreciates the value of real estate.

8. The apportionment of the parcel tax to various types of properties is based, in part, on the intensity of policing, violence prevention and fire protection services needed for different kinds of land uses and on the average number of occupants of a parcel of each type of property. Users of residential property typically generate more calls for service to the police and fire departments, and the intensity of use of police and fire protection services increases as the number of residential units on a parcel increases. On the other hand, because of the typically large size of commercial and industrial parcels, and because the employees who work for businesses located on such parcels and the customers who visit such businesses generally outnumber the residents of even a similarly sized parcel of residential property (partly because non-residentially developed real property often has more than one business operating on it), the tax on commercial/industrial properties is calculated based on single family equivalent units.

9. As the density of residential development increases, the cost of providing policing and violence and crime prevention services also increases. The differing tax rates accurately reflect the differing costs of providing services to the different densities of residential development.

10. Some services, such as fire protection services and an additional neighborhood police officer in each community policing beat, are not based on density of population.

11. The parcel tax rates established in this ordinance are intended to be proportional to and based on estimates of typical use of and benefit to occupants of different residential parcels of policing and violence prevention services. The rates are not tailored to individual use both because such tailoring is not administratively feasible and because the City must make police and fire protection services available to all parcels and owners of parcels equally.

12. Each occupant of a parcel derives value from the availability of policing and violence and crime prevention and fire protection services. The value of such services is in their availability and benefit to all residents, and it would be unfair to charge their costs only to those persons who actually use the services. Even if such services are not presently used by an occupant, they may be used in the future and, in any event, their availability benefits each occupant. The City's policing, violence prevention and fire protection services enhance the health, safety and welfare of all occupants of property in the City and improve their quality of life both directly and indirectly. Reducing violence and crime is vitally important to the health, safety, and welfare of the occupants.

13. 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.

14. It is not feasible for the City to collect the tax from the non-owner occupants on whom it is imposed because the records available to the City do not include the names of non-owner occupants. Therefore, the only practical way to collect a tax imposed on occupants is to collect it from the owners of the occupied properties.

15. There are existing general taxes in the form of parking and business license, the proceeds of which are deposited in the general fund. Additional revenues received as a result of this ordinance will be used for the purposes set for in Section 3 and thus are special taxes.

16. This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment.

Section 3. USE OF PROCEEDS

The tax proceeds raised by this ordinance may only be used as part of the following integrated program of violence prevention and public safety intervention, in accordance with the following specific purposes:

1. Community and Neighborhood Policing: Hire and maintain at least a total of 63 police officers assigned to the following specific community-policing objectives:
 - a. *Neighborhood beat officers*: each community policing beat shall have at least one neighborhood officer assigned solely to serve the residents of that beat to provide consistent contact and familiarity between residents and officers, continuity in problem solving and basic availability of police response in each neighborhood;
 - b. *School safety*: supplement police services available to respond to school safety and truancy;
 - c. *Crime reduction team*: at least 6 of the total additional officers to investigate and respond to illegal narcotic transactions and commission of violent crimes in identified violence hot spots;
 - d. *Domestic violence and child abuse intervention*: additional officers to team with social service providers to intervene in situations of domestic violence and child abuse, including child prostitution;
 - e. *Officer training and equipment*: training in community-policing techniques, establishing police-social services referrals and equipping

officers provided in this paragraph, the total costs of which shall not exceed \$500,000 in any fiscal year that this ordinance is in effect.

2. **Violence Prevention Services With an Emphasis on Youth and Children:** Expand preventive social services provided by the City of Oakland, or by adding capacity to community-based nonprofit programs with demonstrated past success for the following objectives:
 - a. *Youth outreach counselors:* hire and train personnel who will reach out, counsel and mentor at-risk adolescents and young adults by providing services and presenting employment opportunities;
 - b. *After and in school program for youth and children:* expand existing City programs and City supported programs that provide recreational, academic tutoring and mentoring opportunities for at-risk adolescents and children during after school hours; expand truancy enforcement programs to keep kids in school.
 - c. *Domestic violence and child abuse counselors:* make available counselors who will team with police and the criminal justice system to assist victims of domestic violence or child prostitution and to find services that help to avoid repeat abuse situations; expand early childhood intervention programs for children exposed to violence in the home at an early age.
 - d. *Offender/parolee employment training:* provide parolee pre-release employment skills training and provide employers with wage incentives to hire and train young offenders or parolees;
3. **Fire Services:** Maintain staffing and equipment to operate 25 (twenty-five) fire engine companies and 7 (seven) truck companies, expand paramedic services, and establish a mentership program at each station with an amount not to exceed \$4,000,000 annually from funds collected under this Ordinance.
4. **Evaluation:** Not less than 1% or more than 3% of funds appropriated to each police service or social service program shall be set aside for the purpose of independent evaluation of the program, including the number of people served and the rate of crime or violence raduction achieved.
5. **Mandated Apportionment to Social Service Programs:** Of the total proceeds spent on programs enumerated in this Section 3, Paragraphs 1 and 2, not less than 40% of such proceeds must be allocated to programs enumerated in this Section 3, Paragraph 2 each year this Ordinance is in effect.

PART 2. OVERSIGHT, MINIMUM STAFFING AND TERM OF TAX IMPOSITION

Section 1. ANNUAL AUDIT.

An independent audit shall be performed to assure accountability and the proper disbursement of the proceeds of this tax in accordance with the objectives stated herein in

accordance with Government Code sections 50075.1 and 50075.3. Tax proceeds may be used to pay for the audit.

Section 2. SPECIAL FUND.

All funds collected by the City from the taxes imposed by this ordinance shall be deposited into a special fund in the City treasury and appropriated and expended only for the purposes authorized by this Ordinance.

Only the incremental taxes and surcharges approved by Parts 3, 4, 5, and 6 of this ordinance shall be dedicated to the purposes specified by this ordinance. Any portion of the parking and business license tax rate that were general taxes prior to the enactment of this ordinance shall remain general taxes.

Section 3. OVERSIGHT

To ensure proper administration of the revenue collection and spending, and the implementation of the programs mandated by this ordinance, the Mayor shall appoint three members of a "Violence Prevention and Public Safety Oversight Committee" and each councilmember shall appoint one member. The committee shall review the annual audit, evaluate, inquire and review the administration, coordination and evaluations of the programs and make recommendations to the Mayor and the City Council for any new regulations, resolutions or ordinances for the administration of the programs to comply with the requirements and intent of this Ordinance.

Section 4. MINIMUM POLICE STAFFING PREREQUISITE AT FISCAL YEAR 03-04 LEVEL

No tax authorized by this Ordinance may be collected in any year that the appropriation for staffing of sworn uniformed police officers is at a level lower than the amount necessary to maintain the number of uniformed officers employed by the City of Oakland for the fiscal year 2003-2004 (739).

Section 5. TERM OF TAX IMPOSITION

The taxes imposed by this Ordinance shall become effective on January 1, 2006 and shall continue in effect for 10 years.

Section 6. SAVINGS CLAUSE.

If any provision, sentence, clause, section or part of this ordinance is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, clause, section or part of this ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared to be the intention of the City, that the City would have adopted this ordinance 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 ordinance is found to be unconstitutional, illegal or invalid, the amounts, services, programs and personnel (as set forth in Part 3) 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 7. REGULATIONS.

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

Section 8. NO AMENDMENT.

The tax rates may not be amended by action of the City Council without the applicable voter approval.

Section 9. 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.

PART 3. PARCEL TAX

Section 1. DEFINITIONS.

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

(C) "Hotel" shall mean as defined by Oakland Municipal Code section 4.24.020.

(D) "Multiple Residential Unit Parcel" shall mean a parcel zoned for a building, or those portions thereof, that accommodates or is intended to contain two or more residential units.

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

(F) "Occupancy" shall be as defined by Oakland Municipal Code section 4.24.020.

(G) "Operator" shall be as defined by Oakland Municipal Code section 4.24.020.

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

(I) "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.

(J) "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.

(K) "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.

(L) "Residential Unit" shall mean a Building or portion of a Building designed for or occupied exclusively by one Family.

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

(N) "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 as 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 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 hereby imposed shall be at the following rates, subject to annual adjustment as provided in Section 6:

(A) For owners of all Single Family Residential Parcels, the tax shall be at the annual rate of \$88.00 per Parcel.

(B) For owners of all Multiple Residential Unit Parcels, the tax shall be at the annual rate of \$60.12 per occupied Residential Unit. Owners of units that are vacant for six months or more per year, may apply to the Director of Finance to have the rate reduced by 50% to \$30.06 per vacant Residential Unit located on the Parcel.

(C) The tax for a Non-Residential Parcels is calculated using both frontage and square footage measurements to determine total Single Family Residential Unit Equivalents. A frontage of 80 feet for a commercial/industrial parcel, for example, is equal to one (1) single family residential unit equivalent. (See matrix.) An area of 6,400 square feet for the commercial industrial parcel is equal to one (1) single family residential unit equivalent. The tax is the annual rate (\$45.07) multiplied by the total number of Single Family Equivalents (determined by the frontage and square footage).

LAND USE CATEGORY	FRONTAGE	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 an owner of a commercial parcel with a frontage of 160 feet and an area of 12,800 square feet:

<u>Frontage</u>	<u>Area</u>
160 feet	12,800 sf
80 ft./SFE = 2 SFE	6,400 SF/SFE = 2 SFE
2 SFE + 2 SFE = 4 SFE	4 SFE x \$45.07 = \$180.28

(D) An Owner of An Undeveloped Parcel is exempt from this parcel tax if the owner can prove that the parcel was undeveloped for at least six months of the year in question.

Section 3. HOTELS

The tax imposed by this Ordinance shall be imposed on each Hotel within the City in accordance with the following:

1. Residential Hotels. If rooms in a Hotel were occupied by individuals who were not Transients for 80% or more of the previous fiscal year, such Hotel shall be deemed a Residential Hotel, and such rooms shall be deemed Residential Units and shall be subject to the Parcel tax imposed on Multiple Residential Units. The remainder of the Building

shall be subject to the applicable Square Footage tax computed in accordance with the Single Family Residential Unit Equivalent calculations.

2. Transient Hotels. Notwithstanding the previous sub-section, if 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 Square Footage and Single Family Residential Unit Equivalent calculations set forth in Section 4(C), and the parcel tax imposed on Residential Units shall not apply.

Section 4. EXEMPTIONS.

Low income household exemption. Exempt from this tax are owners of single family residential units in which they reside whose combined family income, from all sources for the previous calendar year, is at or below the income level qualifying as a "very low income" for a Family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et. seq.) for such year. Owners must apply for the exemption provided for in this section annually by petition to the Director of the Finance and Management Agency of the City of Oakland ("Director of Finance") in the manner and time set forth in procedures established by the Director of Finance. Such petitions shall be on forms provided by the Director of Finance and shall provide such information as the Director of Finance shall require, including, but not limited to, federal income tax returns and W-2 forms of owner-occupants eligible for this exemption.

Section 5. REDUCTION IN TAX; RATE ADJUSTMENT.

(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 for a subsequent fiscal year upon a vote of the City Council on or before June 30th in any year in which the City Council determines that after such suspension, reduction or elimination there will be sufficient revenues available to balance the City Council's Adopted Policy Budget and provide the services and programs described in Section 3 above. Such suspension, reduction or elimination shall be effective for the fiscal year following such vote.

(B) Beginning in Fiscal Year 2004-2005, and each year thereafter, the City Council may increase the tax imposed hereby only upon a finding that the cost of living in the immediate San Francisco Bay Area, as shown on the Consumer Price Index (CPI) for all items in the San Francisco Bay Area as published by the U.S. Department of Labor Statistics, has increased. The percentage increase of the tax imposed hereby shall not exceed such increase, using Fiscal Year 2003-2004 as the index year and in no event shall any annual adjustment exceed 5% (five percent).

Section 6. DUTIES OF THE DIRECTOR OF FINANCE; NOTICE OF DECISIONS.

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

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

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

Section 7. EXAMINATION OF BOOKS, RECORDS, WITNESSES; PENALTIES.

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

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

Section 8. COLLECTION OF TAX; INTEREST AND PENALTIES: 2001.05.15 AMENDED BY RES. 2001.05.15

The tax levied and imposed by this ordinance shall be due and payable on July 1 of each year, but it may be paid in two installments due no later than December 10 and April 10. The tax shall be delinquent if not received 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 shall be collected in such a manner as the City Council may decide.

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

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

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

In no event shall anything herein be construed to impose a tax lien on the Parcel to secure payment of the tax.

Section 9. COLLECTION OF UNPAID TAXES.

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

Section 10. REFUND OF TAX, PENALTY, OR INTEREST PAID MORE THAN ONCE; OR ERRONEOUSLY OR ILLEGALLY COLLECTED.

Whenever the amount of any tax, penalty, or interest imposed by this ordinance has been paid more than once, or has been erroneously or illegally collected or received by the City it may be refunded provided a verified claim in writing therefore; stating the specific ground upon which such claim is founded, is filed with the Director of Finance within one (1) year from the date of payment. The claim shall be filed by the person who paid the tax or such person's guardian, conservator of the executor of her or his estate. No claim may be filed on behalf of other taxpayers 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 who it was collected or by whom paid, and the balance may be refunded to such Person, his/her administrators or executors. Filing a claim shall be a condition precedent to legal action against the City for a refund of the tax.

Section 11. MISDEMEANOR VIOLATION.

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

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

Section 12. BOARD OF REVIEW.

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

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

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

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

PART 4. PARKING TAX SURCHARGE

The Municipal Code is hereby amended to add 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 4.16.031 of the Municipal Code is hereby added to read as follows:

4.16.031 Imposition of Surcharge

Subject to the provisions for the collection of taxes and definitions in this chapter, there shall be an additional tax of eight and one-half (8 1/2) percent imposed on the rental of every parking space in a parking station in the City.

By adopting this ordinance the People of the City of Oakland do not intend to limit or in anyway curtail any powers the City Council may exercise as to the subject matter of this ordinance, including, but not limited to, raising the rate of taxation or surcharge, lowering the rate of taxation or surcharge, eliminating the tax or surcharge, or creating or defining new categories of taxpayers under this ordinance.

and be it

RESOLVED: The City Council may designate one or more of its members to advise the City Attorney regarding the abbreviated statement of measure (ballot question);

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

FURTHER RESOLVED: That the City Council hereby authorizes and directs the City Clerk of the City of Oakland (the "City Clerk") at least 88 days prior to November 2, 2004, to file with the Alameda County Clerk certified copies of this resolution; and be it

FURTHER RESOLVED: That the City Council does hereby request that the Board of Supervisors of Alameda County include on the ballots and sample ballots the recitals and measure language contained in this resolution to be voted on by the voters of the qualified electors of the City of Oakland; and be it

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

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

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

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

FURTHER RESOLVED: That in accordance with the Elections Code and Chapter 11 of the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission of arguments for or against said proposed ordinance, and said date shall be posted in the Office of the City Clerk; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, JULY , 2004

JUL 20 2004

PASSED BY THE FOLLOWING VOTE:

AYES- ~~BRUNNER~~, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE 

NOES- BROOKS - 1

ABSENT- 0

ABSTENTION- 0

Attest.



CEDA FLOYD
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA

VIOLENCE PREVENTION BALLOT QUESTION

To reduce violent crime and increase public safety, shall the City of Oakland increase successful after school, counseling, truancy, and job training programs, early intervention programs for children who witness violence, programs to prevent child abuse and domestic violence, and increase community police officers, paramedics and emergency fire personnel in each neighborhood by authorizing a surcharge on parking in commercial parking lots and parcel tax subject to annual performance and financial audits by a citizens oversight committee?



AGENDA REPORT

TO: THE HONORABLE MEMBERS
OF THE RULES AND LEGISLATION
COMMITTEE AND DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: LATONDA SIMMONS
CITY CLERK

SUBJECT: Ballot Measure Deadlines
For the November 4, 2014 Election

DATE: January 23, 2014

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

This is an Informational Report. Staff requests the Rules and Legislation Committee receive and file this report.

EXECUTIVE SUMMARY

At the request of the January 23, 2014 Rules and Legislation Committee, the Office of the City Clerk was requested to provide information regarding the deadlines for the City Council and/or citizens to place a measure on the ballot for the November 4, 2014 election.

OUTCOME

This informational report responds to the request to present information on deadlines for placing City Council and citizen based initiatives on the ballot of the November 4, 2014 election.

BACKGROUND/LEGISLATIVE HISTORY

Initiatives in the City of Oakland are governed by section 3.08 of the Oakland municipal code and in great part Division 9 of the California elections code. The relevant governing codes provide that initiatives may be put forward by the governing body or by a citizen based signature gathering effort. The relevant codes provide significantly different procedures and timelines for each approach. Nonetheless, under each approach, the citizens, governing body, City Attorney, City Auditor and City Clerk, respectively, must complete many additional statutory requirements by the 88th day before the election, to deliver ballot information to the county elections official.

Item _____
Rules and Legislation Committee
February 6, 2014

Initiatives by the Governing Body

Measures may be placed on ballot by the governing body in accordance with section 9222 of the California elections code and must also comply with the noticing requirements of the City of Oakland's Sunshine Ordinance. While section 9222 permits the approval of measures up to the 88th day before the election by the governing body, consideration must also be given to the full requirements of the 88th day pre-elections deadline including the additional steps listed below (See "Additional Steps on page 3)

In accordance with the relevant provisions of the California State elections code, Oakland municipal code, and also utilizing the approved schedule of Council meetings for calendar year 2014, the final date for the City Council to approve a measure to be placed on ballot would be Tuesday, July 29, 2014. Please refer to "*Attachment A – Deadline for Council Approval of Ballot Measures*".

Initiatives by a Citizen Based Signature Gathering Effort

Measures placed on ballot as a result of a citizen based signature gathering effort requires completion of many steps outlined in the California elections code and the Oakland municipal code. In general, to successfully meet all requirements, citizens should commence activities many months in advance of the 88th day elections deadline to allow completion of the proponent's obligations and allow City officials time to process and produce materials required by law. Please refer to "*Attachment B - Quick Guide to Ballot Initiatives*".

In summary, the citizen based initiative process is elongated to allow for the following key tasks associated with a petition effort

- 1) File a Notice of intent to Circulate an Initiative
- 2) Receive the Title and Summary to be used to circulate the petition
- 3) Publish the full Notice of Intent (NOI) and the Title and Summary
- 4) File proof of publication of NOI, Title and Summary with the City Clerk prior to gathering any signatures
- 5) Commence signature gathering
- 6) Return the signed petitions by the deadline provided by the City Clerk
- 7) Allow the City Clerk to verify the number of signatures are sufficient
- 8) Allow the County to verify the signatures are sufficient
- 9) Allow the City Council to place on agenda and certify the sufficiency of the signatures and call for an election
- 10) Allow the City Attorney, Auditor, and Clerk to prepare documents and complete processing of remaining elections documents

Additional Steps

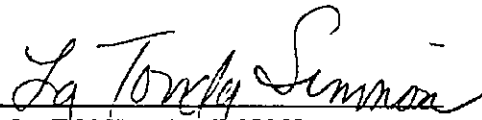
While the 88th day is the permitted final day of action for the governing body, the 88th day also is the deadline the City must deliver all necessary materials to the county elections official for printing of the sample ballot book. Accordingly, the City must allot sufficient time for the development of legally required ballot materials prepared by the City Attorney, City Auditor, and elections processing by the City Clerk. These additional steps prescribed by the governing codes must be completed whether the initiative is citizen based or put forward by the governing body. The additional steps include:

- 1) Resolution calling for an election
- 2) Resolution approving the placing a measure on the elections ballot, to include the question to go before voters
- 3) Ordinance approving the consolidation of a City's municipal election with the scheduled Statewide election (when applicable)
- 4) Full text of the measure prepared by the City Attorney
- 5) Title and Summary prepared by the City Attorney
- 6) Impartial Legal Analysis prepared by the City Attorney
- 7) Impartial Financial Analysis prepared by the City Auditor

Accordingly, Council actions should occur as early as possible to afford proper development and review of all ballot materials prior to the 88th day submission deadline.

For questions regarding this report, you may contact LaTonda Simmons or Tamika Thomas in the Office of the City Clerk at (510) 238-3122.

Respectfully submitted,



LATONDA SIMMONS

City Clerk, Office of the City Clerk

Attachments

Attachment A – Deadline for Council Approval of Ballot Measures

Attachment B - Quick Guide to Ballot Initiatives

SUGGESTED TIMELINE FOR COUNCIL APPROVAL OF MEASURES

The City Council may submit a measure to the voters on its own motion by the adoption of a Resolution placing the item on the ballot

Elections Code §10403 requires that all material for the ballot be submitted to the Board of Supervisors and the County Elections Official not later than the 88th day before the election. All materials includes, the resolution calling for the election, the resolution approving the measure, the independent legal and financial analysis, the question to go before the voters, and the full text of the measure

The 88th day deadline for the upcoming November 4, 2014 election is **Friday, August 8, 2014**. The City Council is in recess the month of August. Therefore, the following would apply

Action Council adopts Resolutions calling the election and placing measures on the ballot at a Council meeting between now and **July 31, 2014**.

July 29, 2014 is the last Tuesday before the summer recess and therefore, the last scheduled meeting held before the August 8th deadline. Please note that after City Council approves any measure, the City Attorney and City Auditor must have sufficient time to prepare the legal and financial analyses, and the full text of the proposed measure to submit to by the August 8th deadline

Additionally, based upon approval of measures on **July 29, 2014**, the following suggested dates would apply

- August 12, 2014*** Suggested last day for submission of direct arguments to the City Clerk (EC 9286)
- August 19, 2014** Suggested last day for submission of rebuttal arguments to the City Clerk

Please note deadlines for arguments and rebuttals must be advertised according to the State and County Elections code and may be adjusted, however, the 88th day deadline is not adjustable and is **Friday, August 8, 2014**

* The August 12 deadline assumes the Council's approval of measures on **July 29, 2014**. If the Council approves measures on different dates then this date will change

Quick Guide to Ballot Initiatives

Elections Code 9200-9226

The initiative is the power of the people to propose statutes or amendments to the Charter of the City of Oakland and/or the Oakland Municipal Code. An initiative may be placed on the ballot after the proponents successfully meet a series of requirements mandated by the California Elections Code.

General Initiative Process:

Proponents must file a Notice of Intent along with a \$200.00 filing fee. The Notice of Intent must include the written text of the initiative and a request that a title and summary be prepared by the City Attorney. The Notice of Intent must be signed by at least one of the proponents.

The City Attorney has fifteen days from the date of the filing of the Notice of Intent to prepare the Title and Summary.

Upon receipt of the Title and Summary from the City Attorney, proponents must publish the Notice of Intent and the Title and Summary prior to circulating the petition.

Proponents have 180 days from the date they received the Title and Summary to file the petition with the Office of the City Clerk. The filing must be done during normal business hours as posted.

After the petition has been filed, the law allows 30 business days for the raw count and signature verification process.

Signature requirement for a Regular Election and Proposed Ordinances:

10% of the registered voters of the city according to the last report of registration by the county elections official to the Secretary of State, effective at the time the Notice of Intent was published.

Signature requirement for a Special Election and Charter Amendments:

15% of the registered voters of the city according to the last report of registration by the county elections official to the Secretary of State, effective at the time the Notice of Intent was published.¹

¹ Please refer to the Elections Code § 9214 for specific guidelines on calling a Special Election.

Timeline Snapshot for Initiative Petitions

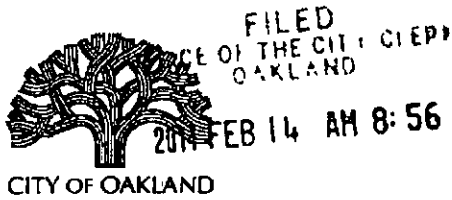
It is suggested that petitions be submitted a minimum of 134 days before the election to provide for processing require by State law . All requisite processing of the initiative petitions must occur no later than the 88th day before the election to appear on the ballot This includes verification of signatures, Council action, additional publication, etc

Step 1	Proponents Meet With The Office Of The City Clerk Discuss Initiative Process, Identify An Election Date, Discuss Timeline And Deadlines For Filings
Step 2	Develop The Written Text Of The Proposed Initiative Proponents Are Encouraged To Meet With The City Attorney To Discuss The Proposed Measure
Step 3	File Notice Of Intent To Circulate Initiative With The Clerk's Office Schedule And Appointment With The Clerk's Office To File <u>Notice Of Intent</u> To Circulate A Petition And Pay \$200 00 Fee Proponents Will Also Receive Report Of Registered Voters And Minimum Number/Percentage Of Registered Voters Needed To Qualify For A Ballot, And Deadline To File Petitions With The City Clerk
Step 4	City Attorney Drafts Language Of The Proposed Ordinance (15 Days) The City Attorney Will Draft The Full Text Of The Proposed Ordinance As Well As The <u>Title And Summary</u> To Be Used For Circulating The Petitions And To Go On The Ballot The Law Allows 15 Days For This Process
Step 5	Proponents Publish Notice Of Intent & Title and Summary and files with City Clerk (5-10 Days) Proponents Must Publish Both The <u>Notice Of Intent</u> To Circulate A Petition And <u>Title And Summary</u> Prior To Gathering Signatures Proponents Must Also File Proof Of Publication With The City Clerk During Regular Business Hours Withm 10 Days Of Publication Date
Step 6	Circulation Of Petitions – Gathering Of Signatures (180 Days) Proponents Have 180 Days To Gather The Necessary Signatures To Qualify The Measure's Placement On Ballot
Step 7	Submission Of Petitions To The City Clerk – Prima Facie Count Proponents Must File Signatures With The City Clerk No Later Than 180 Days from the date petitioner is in receipt of <u>Title and Summary</u>
Step 8	County Verification (30 days) The County Of Alameda Venfies Each Signature
Step 9	City Council Certification (14 Days) Clerk Schedules Certification Through The Rules Committee
Step 10	Coordination Of Other Required Elections Activities Call Of Election Legal And Financial Analyses Post Notice Of The Election & Deadlines For Arguments And Rebuttals Receipt And Selection Of Arguments Receipt of Rebuttals
Step 11	Submission of Required Elections Documents to Alameda County Registrar of Voters (88 Days)

6
RULES & LEGISLATION CMTTE

FEB 06 2014

**Please note that this fact sheet is intended to be advisory only. The Elections Division strongly recommends that prponents consult with an attorney on the ioitiative process including technical requirements for the format of initiative petitions. The Division's receipt of an initiative petition is not an indication that the petition meets all legal requirements.*



Attachment 4

AGENDA REPORT

TO: THE HONORABLE MEMBERS
OF THE RULES AND LEGISLATION
COMMITTEE

FROM: ARTURO SANCHEZ
Deputy City Administrator

SUBJECT: Supplemental to Ballot Measure
Deadlines for the November 4, 2014 Election

DATE: February 13, 2014

City Administrator
Approval

Date

2/13/14

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council accept this supplemental report regarding the Ballot Measure Deadlines for the November 4, 2014 Election. This report addresses deadlines and proposed schedules for ballot measures proposed by the City Council and do not apply to ballot measures proposed through the voter initiative process, which require signature certification by the County Clerk.

REASON FOR SUPPLEMENTAL REPORT

On February 6, 2014, the Rules and Legislation Committee received a report from the City Clerk which explained that August 8, 2014 is the 88 day deadline for City Council-approved ballot measures to be submitted to Alameda County in order to get a ballot measure on the November 4, 2014 election ballot. The report also identified July 29, 2014 as the last City Council meeting currently scheduled before the deadline for submission of a qualified ballot measure to Alameda County. The Committee requested the Office of the City Administrator to return with a supplemental report which provides relevant dates preceding the August 8th deadline.

In response to that request, staff outlined in the table below, dates for two possible scenarios; a legal deadlines scenario and an optimal deadlines scenario. The legal deadlines scenario only outlines the minimal legal requirement deadlines for the City based on the requirements of the County, Office of the City Clerk, and the Office of the City Attorney. The optimal deadlines scenario provides dates which would allow for maximum discussion time in both committee and at the full Council. The optimal deadline scenario also factors in the dates included in Councilmember Noel Gallo's resolution for public participation. Lastly, the optimal deadline scenario also lists the staff report due dates and internal deadlines which provide time to prepare a thorough report to aid in the committee and full Council discussions.

Item _____
Rules and Legislation Committee
February 25, 2014

Action	Legal Deadlines	Optimal Timeline Deadlines	
		Committee	Full Council
Community Hearings at Public Safety Committee	--	April 8 & May 13	--
Administrative Actions			
Report, Resolution & Proposed ballot measure due to Budget and City Attorney Offices	--	May 15	--
Report, Resolution & Proposed ballot measure with signatures due to CAO	--	May 19	June 26 for July 1 st meeting
Agenda packet distribution date	Comply with Brown Act and Sunshine	May 30 for June 10 th meeting	*June 27 for July 1 st meeting
City Council Actions (in Committee or Full Council)			
Council committee develops ballot measure recommendations using community feedback	--	June 10 & 24	--
Full Council hearing(s) and finalization of proposed ballot measure legislation	July 29**	--	July 1, 15, & 29
Full Council adoption of a resolution calling for a ballot measure election	July 29**	July 29	
Actions of the Clerk, City Attorney, or the County***			
City Attorney to submit full text of Ballot Measure	August 8	August 8	
City Attorney and City Auditor must submit impartial legal and financial analyses by noon to City Clerk	August 8	August 8	
88 DAY DEADLINE TO DELIVER MATERIALS TO THE COUNTY	August 8	August 8	
Tentative Deadline Submission of Direct Arguments	August 12	August 12	
Tentative Deadline Submission of Rebuttal Arguments to City Clerk	August 19	August 19	
Tentative Public inspection period	August 29	August 29	
Tentative Sample ballots mailed out by the Registrar of Voters	September 2014	September 2014	
Tentative Election ballots mailed out	October 2014	October 2014	
ELECTION DAY (polls close at 8pm)	November 4	November 4	

* Assumes 3 day supplemental agenda to account for June 24th Public Safety Committee meeting input

** July 29, 2014 is not a legal deadline. It is the last City Council meeting currently scheduled before the August 8th deadline for submission of a qualified ballot measure to Alameda County

*** All action dates of the City Clerk, City Attorney, or the County are subject to change depending on the City Council adoption date of the resolution calling for a ballot measure election

For questions regarding this report, you may contact LaTonda Simmons in the Office of the City Clerk at (510) 238-3122 or Chantal R. Cotton in the Office of the City Administrator at (510) 238-3301

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'AS', is written over a horizontal line.

Arturo Sanchez
Deputy City Administrator

Attachments

Attachment A City Council Approved Calendar for January 2014 – December 2014

City of Oakland
Office of the City Clerk

Revised
December 9, 2013

Calendar for January 2014 - December 2014

Council/Committee Meeting, Report & Distribution Schedule For 2-Week Agendas

This meeting schedule is subject to change, please contact the Clerk's Office to verify dates

Council/Committee Meeting Dates	Reports Due To City Administrator's Office Monday, 4:00 PM (3 Weeks Prior To Meeting)	Agenda Packet Distribution
1/07/2014 Council	12/16/13	12/27/13
1/14/2014 Committee	12/16/2013	1/3/2014
1/21/2014 Council	12/16/2013	1/10/2014
1/28/2014 Committee	1/6/2014	1/17/2014
2/4/2014 Council	1/13/2014	1/24/2014
2/11/2014 Committee	1/17/2014*	1/31/2014
2/18/2014 Council	1/27/2014	2/7/2014
2/25/2014 Committee	2/3/2014	2/14/2014
3/4/2014 Council	2/10/2014	2/21/2014
3/11/2014 Committee	2/14/2014*	2/28/2014
3/18/2014 Council	2/24/2014	3/7/2014
3/25/2014 Committee	3/3/2014	3/14/2014
4/1/2014 Council	3/10/2014	3/21/2014
4/8/2014 Committee	3/17/2014	3/28/2014
4/15/2014 Council	Spring Recess - Meetings Cancelled	Spring Recess - Meetings Cancelled
4/22/2014 Special Council	3/31/2014	4/11/2014
4/29/2014 Special Committee	4/7/2014	4/18/2014
5/6/2014 Council	4/14/2014	4/25/2014
5/13/2014 Committee	4/21/2014	5/2/2014
5/20/2014 Council	4/28/2014	5/9/2014
5/27/2014 Committee	5/5/2014	5/16/2014
6/3/2014 Council	5/12/2014	5/23/2014
6/10/2014 Committee	5/19/2014	6/30/2014
6/17/2014 Council	5/23/2014*	6/6/2014
6/24/2014 Committee	6/2/2014	6/13/2014
7/1/2014 Council	6/9/2014	6/20/2014
7/8/2014 Committee	6/16/2014	6/27/2014
7/15/2014 Council	6/23/2014	7/3/2014*
7/22/2014 Committee	6/30/2014	7/11/2014
7/29/2014 Special Council	7/7/2014	7/18/2014
8/1/2014 - 9/2/2014	Mayor's Summer Recess - Meetings Cancelled	Mayor's Summer Recess - Meetings Cancelled
9/9/2014 Committee	Admission Day Holiday - Meeting Cancelled	Admission Day Holiday - Meeting Cancelled
9/16/2014 Special Committee	8/25/2014	9/5/2014
9/23/2014 Special Council	8/29/2014*	9/12/2014
9/30/2014 Special Committee	9/8/2014	9/19/2014
10/7/2014 Council	9/15/2014	9/26/2014
10/14/2014 Committee	9/22/2014	10/3/2014
10/21/2014 Council	9/29/2014	10/10/2014
10/28/2014 Committee	10/6/2014	10/17/2014
11/4/2014 Council	Elections Day - Council Meeting Cancelled	Elections Day - Council Meeting Cancelled
11/5/2014 Special Council	10/13/2014	10/24/2014
11/11/2014 Committee	Veteran's Day Holiday - Meeting Cancelled	Veteran's Day Holiday - Meeting Cancelled
11/12/13 Special Committee	10/20/2014	10/31/2014
11/18/2014 Council	10/27/2014	11/7/2014
11/24/2014 - 11/28/2014	Thanksgiving Recess - Meetings Cancelled	Thanksgiving Recess - Meetings Cancelled
12/2/2014 Special Committee	11/10/2014	11/21/2014
12/9/2014 Special Council	11/17/2014	11/26/2014*
12/16/2014 Special Committee	11/24/2014	12/5/2014
12/22/2014 - 12/31/2014	Winter Recess - Meetings Cancelled	Winter Recess - Meetings Cancelled

* Agenda Distribution Dates Changed Due To City Holidays

** During August 2014 the Mayor's Annual Recess Agenda dates will be August 5, 12, 19 & 26.