

**CITY OF OAKLAND**

**PROPOSED ORDINANCE**

**A proposed Ordinance (1) Creating A Special Parcel Tax And (2) Increasing The Parking Tax In Order To Fund Violence And Crime Prevention Programs**

<b>CITY OF OAKLAND MEASURE Y</b>	
<b>Y</b> MEASURE Y: 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?	<b>YES</b>
	<b>NO</b>

**CITY ATTORNEY'S BALLOT TITLE AND SUMMARY OF MEASURE Y**

**Title:**

Violence Prevention and Public Safety Act of 2004. A Proposed Ordinance Creating A Parcel Tax And a Parking Surcharge on Parking in Commercial Parking Lots In Order To Fund Violence, Crime and Fire Prevention Programs

**Summary:**

This ordinance raises revenue to fund violence, crime and fire prevention programs in the City of Oakland.

The revenue will come from a new parcel tax along with a surcharge on those who park in commercial parking lots.

The permitted uses of the revenue are community and neighborhood policing (hiring and maintaining an additional 63 police officers above the currently budgeted 739 officers), violence prevention services with an emphasis on youth, and fire services. The revenue allocated to the violence prevention services will be not less than 40% of the total proceeds allocated for community and neighborhood policing plus violence prevention services. \$4 million of the tax proceeds will be allocated to fire services.

The parcel tax will be \$88.00 for a single family residential parcel, \$60.12 for each unit in a multi-family residential parcel. For non-residential parcels, the parcel tax varies depending on the frontage, area and use of the property. See the formula at Part 3, Section 2(c).

The surcharge for those who park in commercial parking lots will be 8 ½%.

s/JOHN RUSSO  
City Attorney

**CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE Y**

California cities may impose special taxes only if two-thirds of a city's voters approve the tax. (California Constitution Article 13(A) §4.) A "special" tax is a tax that the City can use only for the purposes specified in the tax measure. To fund violence and crime prevention programs, this measure asks Oakland voters to approve (1) a parcel tax and (2) a surcharge on parking in commercial lots. With the tax rates as calculated in this measure, and upon two-thirds voter approval, these taxes would be constitutional.

Purpose of the Tax

The revenue generated from this tax may be expended only:

- A. For fire services staff, equipment and paramedic services (\$4 million),
- B. For preventive social services, including youth outreach counselors, after-school and in-school programs for at-risk adolescents and children, domestic violence and child abuse counselors, and ex-offender employment training,
- C. To hire 63 new sworn police officers, including at least one officer for each existing community policing beat, for combating truancy, for a crime reduction team, for domestic violence and child abuse intervention, and for community policing training and equipment.

At least 40% of the tax revenues remaining after the \$4 million designated for fire services must be appropriated for preventive social services.

Independent Audit

This measure also requires an annual independent audit and establishes a "Violence Prevention and Public Safety Oversight Committee" to review the annual audits, evaluate the effectiveness of the programs, and make recommendations to the Mayor and City Council regarding regulations.

Term of the Tax: Amount of Tax

For ten years, this measure would impose (1) a parking surcharge of eight and one-half (8½) percent on every rented parking space in commercial parking lots in the City and (2) a parcel tax.

For residential property parcels, the annual parcel tax rate would be (1) \$88.00 for single-family parcels and (2) \$60.12 per unit for multi-unit residential parcels. For non-residential parcels, the tax would be \$45.07 multiplied by the number of "Single Family Equivalents ("SFE"). A property's SFE number is based on the parcel's frontage and square footage. (See the Proposed Ordinance, Part 3, Section 2(c) for the formula.)

Exemptions

Owners of undeveloped parcels are exempt from this parcel tax for each year that they can prove to the City that their parcel was undeveloped for at least six months of the year. All funds collected from the parcel tax and the parking surcharge will be deposited into a special fund.

The City may collect the taxes authorized by this measure only if the City's appropriation for sworn police officers (without including the taxes raised by this measure) is at least equal to the amount necessary to employ 739 officers.

s/JOHN RUSSO  
City Attorney

## CITY AUDITOR'S IMPARTIAL FINANCIAL ANALYSIS OF MEASURE Y

### SUMMARY

This measure authorizes the City of Oakland to collect an annual tax on all parcels and to increase the parking tax rate until December 31, 2014, in order to raise revenue necessary to fund violence and crime prevention programs and enhance fire safety. These funds will be used for the following purposes:

1. To hire 63 officers assigned to Community and Neighborhood Policing
2. To expand Violence Prevention Services
3. To maintain staffing and equipment for Fire Services.

Applicants must demonstrate that their program meets the stated objectives in order to be eligible to receive distributed funds. The City Council will determine both the recipients and the amount of revenue distributed to each recipient.

A Citizen's Oversight Committee appointed by the Mayor and the City Council will be established to insure that all funds are spent on these programs and services. The ordinance states that an independent annual audit will be performed to assure accountability and that the proper disbursement of the incremental proceeds of the parcel and parking taxes are in accordance with the ordinance's stated objectives. The ordinance contains a provision to finance the costs of performing these audits.

### FISCAL IMPACT

The City of Oakland projects that it would need to raise approximately \$19,920,000 annually to fully implement the violence and crime prevention programs. Each Single Family Residential parcel shall be taxed at an annual rate of \$88.00. All other parcels shall be taxed on a Single Family Residential Equivalent rate that includes occupancy, area and frontage components. The parking tax will increase by 8.5%. Estimates prepared by the City's independent consultants show that the proposed taxes should be sufficient to meet this goal as the following first year breakdown of tax revenues indicates:

Source of Funds: (Amounts in Millions)

New Parcel Tax	\$12.17
Parking Tax Surcharge	<u>7.75</u>
Total Revenue	<u>\$19.92</u>

The parcel tax rates shown above are the maximum rates that may be imposed for Fiscal Year 2004-2005. In subsequent years, this tax may be reduced or eliminated on or before June 30th in any year that the City Council determines that sufficient revenues exist to provide the services and programs described above.

There is a provision for annual increases in the tax assessment or rate increases, beginning in Fiscal Year 2004-2005. Each year thereafter, the City Council may increase the taxes imposed if it determines that an increase has occurred in the cost of living in the immediate San Francisco Bay Area, as shown on the Consumer Price Index (CPI) for the San Francisco Bay Area as published by the U.S. Department of Labor. The increase is limited to the lesser of the rise in the CPI for five percent of the tax rates imposed by the City of Oakland.

Although our estimates are based upon the best data available at this time, it is difficult to make such estimates with precision; therefore, the actual results may vary from our estimates.

s/ROLAND E. SMITH, CPA, CFS  
City Auditor

## **ARGUMENT IN FAVOR OF MEASURE Y**

In March 2004, Measure R was placed on the ballot to reduce violent crime in Oakland. Although an overwhelming majority of voters approved of the measure, it failed by a few hundred votes to receive the 2/3 support needed to pass.

Following this narrow defeat, community leaders, city officials, and neighborhood groups came together to develop what is now a more comprehensive response to violent crime in our community, Measure Y.

Measure Y is a smart, fiscally responsible plan that funds the expansion of effective violence prevention programs and increases the number of police officers in Oakland neighborhoods.

Measure Y will provide job training, mentoring and counseling programs for children and young adults, and expand afterschool and truancy programs for at-risk youth. Early intervention programs for children who witness violence will be expanded and funding will be provided to prevent child abuse and domestic violence against women. Measure Y will increase services to eliminate teen and child prostitution.

Measure Y will decrease violent crime by adding at least one community policing officer in each neighborhood beat, and expand specialized teams focused on violent crime, drug dealing, and gang activities.

Measure Y will ensure rapid response to emergencies by increasing the number of paramedics and firefighters in Oakland neighborhoods.

Measure Y includes strict financial oversight and performance reviews of police and violence prevention programs. An annual, independent audit will be performed to ensure fiscal accountability.

Programs will be evaluated based on the number of people served and the rate of crime reduction achieved. If it is determined that a program is not meeting specific requirements, funding for that program will be redirected to more effective programs.

Oakland needs a smart, comprehensive, balanced solution to improve public safety in our community. Please vote YES to reduce crime and violence in Oakland.

s/BARBARA LEE

Member of Congress

s/IGNACIO DE LA FUENTE

President City Council

s/NANCY NADEL

City Councilmember

s/DON LINK

Chairperson, Community Policing Advisory Board

s/SANDRA FROST

Co-Chair, Oakland Community Organizations

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE Y

Measure Y would not give us what Oakland desperately needs – a safe city, effective and accountable violence prevention programs, and sufficient community police. When we need the police and call, they can't come because there are not enough officers. Most robberies and burglaries are no longer even being investigated.

Peace and safety should be the highest priority of the City within its existing \$800 million budget. Why then are they asking us to fund police and violence prevention with yet another parcel tax?

Violence prevention programs must be accountable, or the money will be wasted. Oakland already has a grab-bag of pork barrel projects, each spending on separate administration without coordination. Scandals like PUEBLO (\$185,000 embezzled) and the Job for Homeless Consortium (\$1.5 million owed back to the federal government) underline these dangers.

Measure Y is a blatantly unfair tax. Homeowners with a \$200,000 or a \$2,000,000 home would pay the same tax. In addition, a Safeway or a Bank of America pays little more than a homeowner.

The peace and safety of our families are too important for us to accept Measure Y's botched solution for the next ten years.

Tell the Council: Peaceful Streets must be Job Number One. Please join thousands of your fellow Oaklanders by voting **NO on Measure Y**.

s/CHARLES PINE

Allendale Neighborhood Action

s/JEANNETTE M. O'SULLIVAN

Oakland Resident

s/GENE V. MALONEY

Oakland Resident

## ARGUMENT AGAINST MEASURE Y

Measure Y is a hastily cobbled \$19.5 million political compromise that adds 63 police officers to a 739 officer force that was just cut by 39 officers last year. It's another attempt to sidestep city responsibility for basic public services by transferring the burden for police and fire protection from general tax revenues to new, regressive parcel taxes.

The Council has slashed the police force to one half the police-to-resident ratio of Atlanta, Boston, and most other diverse cities. Given this gulf in staffing, the only impact of just 63 officers, with no plan for future additions, will be to leave citizen peace and safety in continued jeopardy.

Measure Y provides funds for unnamed social programs, but nothing prevents the council in the next budget crisis from cutting funding from existing programs for a net gain of zero.

Measure Y continues the endless stream of regressive parcel taxes, starting at \$88 per parcel for homeowners and rising every year with inflation, regardless of taxpayer income. Apartments will also be taxed, resulting in legal rent increases to tenants.

Measure Y gives \$6.4 million to unidentified social programs while existing ones have been rocked by waste and inadequate accountability. PUEBLO, funded by 1998's "Kids First" measure, has apparently cost Oakland taxpayers \$185,000 in embezzled funds, and it is but one example. City "oversight" went blind and It took a private lawsuit to discover the waste!

Measure Y's "oversight committee" will be appointed by the Council, analogous to the cooks appointing the food critics. We support police accountability. Social programs must be equally accountable before adding to the \$99 million already being spent on intervention, prevention, and rehabilitation programs.

**Defeat Measure Y**. We can then pass a citizen initiative with expanded community policing, violence prevention, and effective accountability.

s/CHARLES PINE

Chair, Allendale Neighborhood Action

s/JEANNETTE O'SULLIVAN

Retired – 40 year citizen

s/GENE V. MALONEY

Resident of Oakland, 75 years

## **REBUTTAL TO ARGUMENT AGAINST MEASURE Y**

Opponents of Measure Y deliberately misinform voters with inaccurate and misleading statements. Some opponents say “more police is the only way to stop crime”, other say, “more social programs is the only way to prevent violence”. Neither extreme is correct.

Measure Y is a balanced solution that will increase public safety in Oakland. Measure Y has been carefully crafted to fund BOTH effective violence prevention programs AND expand the number of police officers to crack down on crime hot spots and gang activity.

Measure Y focuses violence prevention programs on children and at-risk youth. Measure Y funds job training, mentoring, counseling, after-school and early intervention programs to stop crime before it starts.

Measure Y will increase the number of officers that target the most dangerous violent crime. Measure Y will reduce gang violence, homicides, domestic violence, child abuse, and teen prostitution and will reduce overall crime in our city.

Measure Y ensures accountability. A yearly audit will be performed and independent oversight committee will review all Measure Y programs. Evaluation of programs will be based on the number of people served and the rate of crime or violence reduction achieved.

Violent crime in Oakland shatters lives and destroys families and neighborhoods. Now is the time to take action. It is time to stop talking about crime and violence and do something about it!

Please join Congresswoman Barbara Lee, Oakland firefighters and emergency service providers, violence prevention advocates, educators and neighborhood safety organizations in voting Yes on Y.

s/JERRY BROWN

Mayor of Oakland

s/JEAN QUAN

City Councilmember

s/DEANE CALHOUN

Executive Director, Youth Alive!

s/BOB JACKSON

Bishop

s/SHANNON JONES-ELLIS

Family Violence Law Center