



Office of the City Manager

CONSENT CALENDAR

June 28, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: Appropriations Limit for FY 2023

RECOMMENDATION

Adopt a Resolution establishing the appropriations limit at \$328,834,462 for FY 2023 pursuant to Article XIII B of the Constitution of the State of California based on the calculations for the appropriations limit.

FISCAL IMPACTS OF RECOMMENDATION

The amount of appropriations subject to the limit are budgeted proceeds of taxes (e.g., all taxes levied; transfers from an enterprise fund to the extent those transfers exceed the cost of providing the services; discretionary state subventions; interest earned from the investment of proceeds of taxes, etc.), and the total of these budgeted revenues cannot exceed the total appropriations limit. The City's actual appropriations in each fiscal year have been significantly below the limit, as they will be for FY 2023. Thus, there are no present financial implications of establishing the limit.

CURRENT SITUATION AND ITS EFFECTS

Each year in June, concurrent with the adoption of the budget, Council must approve an appropriations limit for the following fiscal year pursuant to the State constitution. This resolution adopts the appropriations limit for FY 2022 at \$328,834,462. The excess of the appropriations limit over appropriations is \$55,077,874 for FY 2023 based on the proposed budget appropriations for FY 2023.

The Finance Department has compiled the data and made calculations to determine the FY 2023 appropriations limit. The documentation of determination, upon adoption and promulgation of the attached draft resolution, has been available for review by the public in the Office of the City Clerk. Exhibits A and B attached hereto, provide the required documentation. Exhibit A is a summary of the appropriations limit determination, the amount of appropriations subject to the limit, and the excess of the appropriations limit over appropriations. Exhibit B provides details of the appropriations limit calculations.

The Council action will set the FY 2023 appropriations subject to the limitations of Article XIII B of the Constitution of the State of California, which may not exceed the

amounts calculated by the City's Finance Department. These calculations were filed with the City Clerk at least 15 days prior to June 28, 2022.

BACKGROUND

In November 1989, the voters of the State of California approved Proposition 4, commonly known as the (Paul) Gann Initiative, and added Article XIII B of the State's Constitution. In June 1990, this Article was modified by the passing of Proposition 111. These propositions placed various limitations on the fiscal powers of state and local government.

Senate Bill 1352 requires that: 1) the governing body of each local jurisdiction shall establish by a legislative action its appropriations limit at a regularly scheduled meeting or noticed special meeting; and 2) 15 days prior to such meeting, give notice that documentation used to determine the appropriations limit shall be made available to the public.

The Council action will set the FY 2023 appropriations subject to the limitations of Article XIII B of the Constitution of the State of California, which may not exceed the amounts calculated by the City's Finance Department. These calculations were filed with the City Clerk 15 days prior to June 28, 2022.

RATIONALE FOR RECOMMENDATION

This is a state law.

ALTERNATIVE ACTIONS CONSIDERED

None

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326

Attachments:

1: Resolution

Exhibit A: GANN Appropriation Limit FY 2023

Exhibit B: Schedule to Calculate Appropriation Limitation FY 2023

RESOLUTION NO. ##,###-N.S.

ESTABLISHING AN APPROPRIATIONS LIMIT FOR FY 2023

WHEREAS, on November 6, 1979, the citizens of the State of California approved Proposition 4, which added Article XIII B to the Constitution of the State of California to place various limitations on the fiscal powers of State and local government; and

WHEREAS, on June 5, 1990, the citizens of the State of California approved Proposition 111 which provided new Proposition 111 adjustment formulas; and

WHEREAS, Senate Bill 1352, enacted by the Legislature of the State of California, provides for the implementation of Article XIII by defining various terms in this article; and

WHEREAS, pursuant to the requirements of Senate Bill 1352, the City Council, on May 31, 2016 adopted a Resolution which gave notice, as required by law, that the City Council would establish the City of Berkeley appropriations limit for FY 2023 by a Resolution of the City Council on June 28, 2022.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley, that the Council, pursuant to the requirements and criteria set forth in Senate Bill 1352, does hereby establish the appropriations limit at \$328,834,462 for FY 2023 for the City of Berkeley as documented in Exhibits A and B attached hereto and incorporated herein by reference as though fully set forth.

Exhibits:

A: GANN Appropriation Limit FY 2023

B: Schedule to Calculate Appropriation Limitation FY 2023

EXHIBIT A

**CITY OF BERKELEY
GANN APPROPRIATION LIMITATION FOR FY 2023
(Based on the FY 2023 Proposed Budget)**

FY 2022 Gann Appropriation Limit of \$251,375,973 (before Special Taxes Added), Adjusted for Growth Factor of 1.0688 (See Exhibit B)	\$	268,670,640
ADD BACK:		
Library Relief Tax		23,837,768
Emergency Medical Services Special Tax		3,562,620
Park Maintenance, City Trees and Landscaping Special Tax		16,791,663
Emergency Services for Severely Disabled Tax		1,590,735
Firefighting, Emergency Medical Response and Wildfire		8,604,000
Fire Protection and Emergency Response and Preparedness		5,777,036
TOTAL Gann Appropriation Limitation	\$	328,834,462 ⁽¹⁾
Appropriations Subject to Gann Limitation	\$	273,756,588 ⁽²⁾
EXCESS of Limitation Over Appropriation	\$	55,077,874

Notes:

(1) The appropriation limit is the calculated dollar amount, which restricts the ability to receive and appropriate proceeds of taxes.

(2) The amounts of appropriations subject to the limitation are budgeted proceeds of taxes (e.g., all taxes levied; transfers from an enterprise fund to the extent those funds exceed the cost of providing the services; discretionary state subventions; interest earned from the investment of proceeds of taxes, etc.) and the total of these budgeted revenue cannot exceed the total appropriation limitations.

The GANN Limit override to raise the spending limit for the special taxes are required to be renewed by voters every four years. The date the next GANN Limit override is to be submitted to voters is November, 2024

CITY OF BERKELEY
 SCHEDULE TO CALCULATE APPROPRIATION LIMITATION FOR FY 2020
 (Based on the FY 2020 Proposed Budget)

Total City Appropriations (Per Final Amended Budget for FY 1978/79)	\$ 72,457,778
Less: 1. Debt Service Appropriation	\$ 457,186
2. Inter-service Funds:	
Equipment Maintenance	1,436,890
Warehouse	554,883
3. Enterprise Funds:	
Off-Street Parking	414,609
Marina Operations & Maintenance	1,623,144
Sanitary Sewer Maintenance & Construction	1,260,012
Refuse Collection	3,635,197
4. Non-Proceeds of Taxes	33,147,004
Appropriation Subject to Limitation	42,528,925
Base Year 1978/79	\$ 29,928,853

Fiscal Year	Beginning Balances		Less: Transferred Cost		Add Back: Special Taxes							Subtotal Transferred Cost and Special Taxes	Appropriation Limit After Transferred Cost and Add Back of Special Taxes
	Growth Factor	Appropriation Limit Before Transferred Cost and Add Back of Special Taxes	Landscaping	Street Lighting	Library Relief Tax	Emergency Medical Services Special Tax	Park Maintenance City Trees and Landscaping Special Tax	Emergency Paratransit Tax	Disaster Fire Protection Tax	Fire Protection & Emergency Response & Preparedness	Firefighting, Emergency Medical Response and Wildfire		
Base Year		\$ 29,928,853										-	\$ 29,928,853
1980	1.097700	32,852,902										-	32,852,902
1981	1.121400	36,841,244										-	36,841,244
1982	1.083100	39,902,752	\$ (949,298)	\$ (522,600)								\$ (1,471,898)	38,430,854
1983	1.070200	41,128,700										-	41,128,700
1984	1.029600	42,346,109										-	42,346,109
1985	1.047000	44,336,377										-	44,336,377
1986	1.045400	46,349,249										-	46,349,249
1987	1.025800	47,545,060										-	47,545,060
1988	1.047500	49,803,451										-	49,803,451
1989	1.054700	52,527,700										-	52,527,700
1990	1.050200	55,164,591			\$ 6,010,000							6,010,000	61,174,591
1991	1.056300	58,270,356			6,600,000							6,600,000	64,870,356
1992	1.056800	61,580,113			6,752,000							6,752,000	68,332,113
1993	1.057900	65,145,601			6,850,000							6,850,000	71,995,601
1994	1.043100	67,953,377			7,202,000							7,202,000	75,155,377
1995	1.016900	69,101,789			7,202,000							7,202,000	76,303,789
1996	1.030200	71,188,663			7,570,000							7,570,000	78,758,663
1997	1.063200	75,687,786			7,570,000							7,570,000	83,257,786
1998	1.060800	80,289,604			7,570,000	\$ 1,639,599	\$ 5,500,000					14,709,599	94,999,203
1999	1.060400	85,139,096			7,927,500	1,651,547	5,790,163					15,369,210	100,508,306
2000	1.059900	90,238,928			8,373,875	1,701,093	5,850,400					15,925,368	106,164,296
2001	1.057500	95,427,666			8,936,938	1,812,014	6,025,912					16,774,864	112,202,530
2002	1.097300	104,712,778			9,478,469	1,927,257	7,211,984	\$ 661,000				19,278,710	123,991,488
2003	0.999740	104,685,553			9,997,653	1,974,876	7,435,281	689,369	\$ 1,000,000			21,097,179	125,782,732
2004	1.031489	107,981,996			11,654,000	2,034,352	7,609,028	690,475	970,000			22,957,855	130,939,851
2005	1.040236	112,326,760			11,603,755	2,000,000	7,594,920	702,727	950,639			22,852,041	135,178,801
2006	1.060000	119,066,366			12,214,113	2,040,000	7,755,780	754,105	969,652			23,733,650	142,800,016
2007	1.052907	125,365,810			12,580,535	2,120,827	7,975,189	771,244	969,652			24,417,447	149,783,257
2008	1.055370	132,307,315			13,209,469	2,184,452	8,214,445	805,333	998,742			25,412,441	157,719,756
2009	1.056666	139,804,642			13,520,414	2,274,380	8,502,545	839,882	969,652			26,106,873	165,911,515
2010	1.018780	142,430,173			13,655,619	2,297,124	8,587,570	889,152	969,652	5,400,000		31,799,117	174,229,290
2011	1.072060	152,693,690			13,904,778	2,332,903	8,754,869	894,401	969,652	3,600,000		30,456,614	183,150,304
2012	1.0381	158,511,319			14,425,555	2,461,803	9,237,474	944,155	969,652	3,788,761		31,827,400	190,338,719
2013	1.04787	166,099,254			15,028,438	2,484,633	9,309,080	967,511	985,734	3,879,323		32,654,719	198,753,973
2014	1.063912	176,714,993			15,870,770	2,561,235	9,586,190	1,022,302	985,734	4,095,987		34,122,218	210,837,211
2015	1.011200	178,694,201			16,345,912	2,640,032	9,865,971	1,052,122	985,734	4,186,198		35,075,969	213,770,170
2016	1.051700	187,932,691			16,617,288	2,687,121	10,043,981	1,070,929	985,734	4,256,304		35,661,357	223,594,048
2017	1.064900	200,129,523			17,893,335	2,778,750	12,150,387	1,152,175	985,734	4,583,053		39,543,434	239,672,957
2018	1.047200	209,575,636			18,786,687	2,916,558	12,763,390	1,209,625	985,734	4,812,892		41,474,886	251,050,522
2019	1.045400	219,090,370			19,746,463	3,047,265	13,411,968	1,270,257	985,734	5,058,273		43,519,960	262,610,330
2020	1.046200	229,212,345			20,806,525	3,215,011	14,143,821	1,339,668	985,734	5,328,686		45,819,445	275,031,790
2021	1.041100	238,632,972			20,342,539	3,183,676	14,369,024	1,361,402	985,734	5,405,100		45,647,475	284,280,447
2022	1.053400	251,375,973			21,704,603	3,330,634	15,320,468	1,451,853	0	5,559,637	12,750,000	60,117,195	311,493,168
2023	1.068800	268,670,640			23,837,768	3,562,620	16,791,663	1,590,735	0	5,777,036	8,604,000	60,163,822	328,834,462

