

City Attorney's Impartial Analysis

This measure would authorize the City to continue to spend the proceeds of the Parks Maintenance Tax, Library Relief Tax, Emergency Medical Services Tax, the Emergency Services for Severely Disabled Persons Tax, and the Fire Protection and Emergency Response and Preparedness Tax, all of which were previously approved by the voters. Under Article XIII B of the California Constitution a city is limited to appropriating (i.e. authorizing expenditure of) the amount of taxes (adjusted by inflation) that it spent in the 1986-1987 fiscal year. This limit may only be exceeded if the voters approve the excess expenditures by a majority vote. This constitutional restriction on appropriations (expenditures) is in addition to the constitutional requirement that special taxes must be approved by a two-thirds (2/3) vote of the people. Although the appropriations (expenditure) limit was raised by the voters to allow continued expenditure of the proceeds of these taxes when the taxes were approved, voter authorization to raise the spending limit must be renewed every four years. A city has two years to obtain voter approval on this expenditure. After that, the tax increase would have to be returned to the taxpayers within two years. Submitting the measures individually would cost \$26,000 per measure and could confuse voters since the net effect of the measures is to raise the City's expenditure limit by the amount of taxes previously approved by the voters. For this reason, a single measure would raise the City's expenditure limit by the aggregate amount of the taxes raised by prior voter-approved tax measures.

Financial Implications:

The measure would not increase taxes nor adopt a new tax. It would authorize the City to continue to spend tax funds previously approved by the voters for the purposes specified in those voter-approved tax measure for fiscal years 2013 through 2016.

s/ZACH COWAN
Berkeley City Attorney