



Office of the City Manager

ACTION CALENDAR
June 10, 2008

To: PK Honorable Mayor and Members of the City Council

From: PK Phil Kamlarz, City Manager

Submitted by: Lisa Caronna, Deputy City Manager
Zach Cowan, Acting City Attorney

Subject: Discussion and Direction Regarding Revenue Ballot Measures for November 2008 General Election

RECOMMENDATION

Provide comments to the City Attorney on the text, title, and City Attorney's analysis for the following possible ballot measures for the November 2008 ballot: 1) Fire and Disaster Preparedness Tax; 2) Library Seismic Safety Bond; and 3) the Pools Bond.

SUMMARY

At the meeting of May 20, City Council asked staff to prepare ballot measure language with options for three possible revenue measures: Fire and Disaster Preparedness Tax to offset a General Fund deficit, as well as fund new priority programs and, the Library Seismic Safety Bond, and the Pools Bond for needed construction funding.

FISCAL IMPACTS OF RECOMMENDATION

Additional funds would be generated to offset a General Fund deficit as well as add new priority programs and implement construction projects. The revenue varies by option.

Ballot Measure	OPTION A			OPTION B		
	Possible Revenue (Million)	Est. New Annual Cost to Average Homeowner \$330,500 AV	Split Rate (Applicable to Tax Measure Only)	Possible Revenue (Million)	Est. New Annual Cost to Average Homeowner \$330,500 AV	Split Rate (Applicable to Tax Measure Only)
Fire and Disaster Preparedness Tax	\$ 3.6	\$ 86	\$78	\$ 2.8	\$ 67	\$60
Library Seismic Safety Bond	26.0	\$ 27	--	18.5	\$ 19	--
Pools Bond	22.0	\$ 23	--	16.0	\$ 17	--
Total Est. New Annual Cost to Average Homeowner		\$ 136			\$ 103	

* A split rate results in a lower cost to the residential taxpayers.

The proposed level of each tax was discussed at the May 20 meeting. Council requested two options for each potential measure be developed, one at the threshold tested in the voter survey and one at a lesser amount, scaling back the scope of the measure and the cost to the taxpayer. Draft language has been developed for each measure and each option (see attachments). For purposes of this report, a split rate is used for the proposed tax measure that reduces the cost to residential taxpayers; however, a flat rate is also an option. Staff is also working with public safety personnel to refine the Fire and Disaster Preparedness Tax ballot measure language.

Council is requested to either select a measure to be placed on the November ballot, direct staff to prepare revisions to a measure, or determine that a measure not be placed on the November 4, 2008 ballot. This will allow staff to develop final ballot measure language for further discussion at the meeting of June 24 and meet the schedule for placing measures on the ballot.

1. Fire and Disaster Preparation

Option 1A: \$3.6M Fire and Disaster Preparedness Tax: Prevent rotating fire station closures, enhance existing emergency medical service response and paramedic services, and improve community disaster preparedness including unified communication system.

\$78/year cost to the average homeowner of a 1,900 sq. ft. home

Option 1B: \$2.8M Fire and Disaster Preparedness Tax: This option funds the programs listed under Option A, except the unified communication system and additional funding for disaster preparedness.

\$60/year cost to the average homeowner of a 1,900 sq. ft. home

Both options A and B for this measure as drafted include:

- Low-Income Exemption
- Annual inflation factor tied to either Consumer Price Index (CPI) or Personal Income Growth (PIG)
- Split Rate: Residential and Commercial
- Review by Disaster and Fire Safety Commission
- Effective start date January 2009

2. Library Seismic Safety Bond

Option 2A: \$26M Library Seismic Safety Bond: Improve seismic safety, disabled access, and expand space for increased uses at branch libraries.

\$27/year cost to the average homeowner of a house with an assessed value of \$330,500

Option 2B: \$18.5M Library Seismic Safety Bond: Improve seismic safety, disabled access and expand space for increased uses at branch libraries. Scaled back version of the above measure.

\$19/year cost to the average homeowner of a house with an assessed value of \$330,500

3. Pools Bond

Option 3A: Pools \$22M Bond - Replace a demolished heated indoor therapy pool used by disabled children and adults and renovate three existing outdoor recreational neighborhood pools.

\$23/year cost to the average homeowner of a house with an assessed value \$330,500

Option 3B: Pools \$16M Bond – This option only funds the replacement of the demolished heated indoor therapy pool used by disabled children and adults, which includes the cost of land as well as approximately \$1M for thermal and photovoltaic solar energy and eliminates the renovation to the three existing outdoor recreational neighborhood pools.

\$17/year cost to the average homeowner of a house with an assessed value \$330,500

Comparison of Berkeley, Oakland, and Albany Property-Based Taxes and Assessments: (Excludes possible new revenue measures in Oakland and Albany from November 2008 ballot).

For the purposes of discussion and assessing cost impacts, two options have been developed to compare the impacts of these proposed taxes with existing taxes in Berkeley and comparative taxes with adjacent jurisdictions. The assumption in these charts is that all Berkeley measures pass and no new revenue measures are proposed in November for Oakland or Albany. Two charts are presented for each option, reflecting the average assessed home value of \$330,500 and the home assessed at \$1 million dollars.

Comparison of Berkeley, Oakland, and Albany Property-Based Taxes and Assessments: FY 2008 – Option A

Table 1A summarizes the comparison of total FY 2008 annual property-based taxes for Berkeley, Oakland, and Albany using the same property model in this comparison as presented in Table 1, with an assessed value of \$330,500 and a homeowner's exemption of \$7,000. This table includes the Animal Shelter bond, which will be included in the FY 2009 tax bill for the first time since voters approved the measure in November 2002. Additionally, the table shows the effect that passing the Disaster Preparedness Tax (\$3.6M), the Library Seismic Safety Bond (\$26M), and the Pool Bond (\$22M) would have on the property tax bill, but does not include GO bond rate reductions or special tax increases for 2009.

**Table 1A: SUMMARY OF FY 2008 PROPERTY-BASED TAXES
AND ASSESSMENTS COMPARISON
(\$330,500 AV and 1900 SF Average Homeowner)**

AGENCY	Berkeley FY2008		Oakland FY2008		Albany FY2008	
	Rate	Amount	Rate	Amount	Rate	Amount
COUNTYWIDE AD VALOREM TAX	1.0000%	\$3,235.00	1.0000%	\$3,235.00	1.0000%	\$3,235.00
Voter-Approved Ad Valorem Debt Service Tax	0.24935%	\$806.67	0.3274%	\$1,059.14	0.3396%	\$1,098.61
City GO Bond Measure G	0.0160%	51.76	0.0092%	29.66		0.00
City GO Bond Measure S	0.0270%	93.82		0.00		0.00
City Animal Shelter GO Bond	0.0040%	12.94		0.00		0.00
City Library Seismic Safety Bond	0.00836%	27.00				
City Pools Bond	0.00708%	23.00				
Unified School District GO Bonds	0.1405%	454.52	0.0807%	261.06	0.1284%	415.37
Peralta Community College	0.0223%	72.14	0.0223%	72.14	0.0223%	72.14
Bay Area Rapid Transit	0.0076%	24.59	0.0076%	24.59	0.0076%	24.59
East Bay Regional Park	0.0080%	25.88	0.0080%	25.88	0.0080%	25.88
EBMUD Special District 1	0.0065%	21.03	0.0065%	21.03	0.0065%	21.03
Measure DD 2003A			0.0104%	33.71		0.00
GO Refunding Series			0.0252%	81.65		0.00
Pension Override Bonds			0.1575%	509.51	0.0993%	321.24
Measure F Series 2003 & 2007					0.0675%	218.36
TOTAL ALL AD VALOREM TAXES	1.24935%	\$4,041.67	1.3274%	\$4,294.14	1.3396%	\$4,333.61
City Voter-Approved Special Taxes	Rate X Bldg SF					
Landscape/Park						
Oak: LLAD; Alb: City Landscape 88-1	\$0.1078	204.82	parcel/unit	111.54	parcel/unit	75.54
Alb: City Landscape 96-1					parcel/unit	69.00
Library Tax	\$0.15040	285.76	parcel/unit	79.90	parcel/unit	85.16
Paramedic Supplemental	\$0.02872	54.57	parcel/unit	20.36		79.58
Physically Disabled	\$0.01086	20.63				
CFD1 Disaster Fire/Mello Roos						
Oak: Violence Prevention	\$0.01250	23.75	parcel/unit	88.00	\$0.01250	23.75
Fire & Disaster Preparedness	\$0.0411	78.00	parcel/unit			
Total City Special Taxes	\$0.35138	\$667.53		\$299.80	\$0.01250	\$333.03
City Assessments						
Street Lighting	0.0108	20.52				
Clean Storm Water						
Oak: Flood 12	Formula	33.70	parcel/unit	16.00	parcel/unit	41.02
Total City Special Assessments		\$54.22		\$16.00		\$41.02
BUSD Special Taxes						
Facility Maintenance Measure BB	\$0.0548	104.12				
Educational Excellence Measure A (2006)	\$0.2383	452.77				
Total Unified School District Special Taxes	\$0.2931	\$556.89	parcel/unit	\$195.00		\$535.16
County/Agency Assessments/Fixed Charges						
CSA Paramedic	Parcel-based	24.96		24.96		24.96
Mosquito Abatement	Parcel-based	1.74		1.74	N/A	0.00
CSA Vector Control	Parcel-based	5.92		7.20		5.92
CSA Vector Control B	Parcel-based	4.08		4.08		4.08
CSA Lead Abatement	Parcel-based	10.00		10.00	N/A	0.00
AC Transit (Measure BB)	Parcel-based	48.00		48.00		48.00
EBMUD Wet weather	Parcel-based	58.80		58.80		58.80
East Bay Trail LLD	Parcel-based	5.44		5.44		5.44
EBRP Park Safety/M	Parcel-based	12.00		12.00		12.00
Total County Assessments/Charges		\$170.94		\$172.22		\$159.20
TOTAL CURRENT ANNUAL TAXES		\$5,491.25		\$4,977.16		\$5,402.02
Tax/Assessment Rate		1.70%		1.54%		1.67%

Table 2A is a comparison of total FY 2008 annual property-based taxes for Berkeley, Oakland, and Albany using as a property model a single-family residence with a 1,900 square foot home on a 3,700 square foot parcel (lot) with an assessed value of \$1,000,000 and a homeowner's exemption of \$7,000. This table includes the Animal Shelter bond, which will be included in the FY 2009 tax bill for the first time since voters approved the measure in November 2002. Additionally, the table shows the effect that passing the Disaster Preparedness Tax (\$3.6M), the Library Seismic Safety Bond (\$26M), and the Pool Bond (\$22M) would have on the property tax bill, but does not include GO bond rate reductions or special tax increases for 2009. Nor does it include any increases in Oakland or Albany taxes.

Table 2A: SUMMARY OF FY 2008 PROPERTY-BASED TAXES AND ASSESSMENTS COMPARISON (\$1 MILLION AV AND 1900 SF HOMEOWNER)

AGENCY	Berkeley FY2008		Oakland FY2008		Albany FY2008	
	Rate	Amount	Rate	Amount	Rate	Amount
COUNTYWIDE AD VALOREM TAX	1.0000%	\$9,930.00	1.0000%	\$9,930.00	1.0000%	\$9,930.00
Voter-Approved Ad Valorem Debt Service Tax	0.24935%	\$2,475.66	0.3274%	\$3,251.12	0.3396%	\$3,372.24
City GO Bond Measure G	0.0160%	158.88	0.0092%	91.36		0.00
City GO Bond Measure S	0.0270%	287.98		0.00		0.00
City Animal Shelter GO Bond	0.004%	39.72		0.00		0.00
City Library Seismic Safety Bond	0.0080%	83.00				
City Pool Bond	0.0067%	70.00				
Unified School District GO Bonds	0.1405%	1,395.18	0.0807%	801.36	0.1284%	1,275.02
Peralta Community College	0.0223%	221.44	0.0223%	221.44	0.0223%	221.44
Bay Area Rapid Transit	0.0076%	75.48	0.0076%	75.48	0.0076%	75.48
East Bay Regional Park	0.0080%	79.44	0.0080%	79.44	0.0080%	79.44
EBMUD Special District 1	0.0065%	64.56	0.0065%	64.56	0.0065%	64.56
Measure DD 2003A			0.0104%	103.28		0.00
GO Refunding Series			0.0252%	250.24		0.00
Pension Override Bonds			0.1575%	1563.98	0.0993%	986.06
Measure F Series 2003 & 2007					0.0675%	670.28
TOTAL ALL AD VALOREM TAXES	1.24935%	\$12,405.66	1.3274%	\$13,181.12	1.3396%	\$13,302.24
Total City Voter -Approved Special Taxes	\$0.35138	\$667.53		\$324.80		\$333.03
Total City Special Assessments		\$54.22		\$16.00		\$41.02
Total Unified School District Special Taxes	\$0.2931	\$556.89	parcel/unit	\$195.00		\$535.16
Total County Assessments/Charges		\$170.94		\$172.22		\$159.20
TOTAL CURRENT ANNUAL TAXES		\$13,855.25		\$13,889.15		\$14,370.69
Tax/Assessment Rate		1.395%		1.40%		1.45%

Comparison of Berkeley, Oakland, and Albany Property-Based Taxes and Assessments: FY 2008 – Option B

Table 1B summarizes the comparison of total FY 2008 annual property-based taxes for Berkeley, Oakland, and Albany using the same property model in this comparison as presented in Table 1, with an assessed value of \$330,500 and a homeowner's exemption of \$7,000. This table includes the Animal Shelter bond, which will be included in the FY 2009 tax bill for the first time since voters approved the measure in November 2002. Additionally, the table shows the effect that passing the Disaster Preparedness Tax (\$2.8M), the Library Seismic Safety Bond (\$18.5M), and the Pool Bond (\$16M) would have on the property tax bill, but does not include GO bond rate reductions or special tax increases for 2009.

**Table 1B: SUMMARY OF FY 2008 PROPERTY-BASED TAXES AND
ASSESSMENTS COMPARISON
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COUNTYWIDE AD VALOREM TAX	1.0000%	\$3,235.00	1.0000%	\$3,235.00	1.0000%	\$3,235.00
<u>Voter-Approved Ad Valorem Debt Service Tax</u>	0.24283%	\$792.67	0.3274%	\$1,059.14	0.3396%	\$1,098.61
City GO Bond Measure G	0.0160%	51.76	0.0092%	29.66		0.00
City GO Bond Measure S	0.0270%	93.82		0.00		0.00
City Animal Shelter GO Bond	0.0040%	12.94		0.00		0.00
City Library Seismic Safety Bond	0.00579%	19.00				
City Pools Bond	0.00514%	17.00				
Unified School District GO Bonds	0.1405%	454.52	0.0807%	261.06	0.1284%	415.37
Peralta Community College	0.0223%	72.14	0.0223%	72.14	0.0223%	72.14
Bay Area Rapid Transit	0.0076%	24.59	0.0076%	24.59	0.0076%	24.59
East Bay Regional Park	0.0080%	25.88	0.0080%	25.88	0.0080%	25.88
EBMUD Special District 1	0.0065%	21.03	0.0065%	21.03	0.0065%	21.03
Measure DD 2003A			0.0104%	33.71		0.00
GO Refunding Series			0.0252%	81.65		0.00
Pension Override Bonds			0.1575%	509.51	0.0993%	321.24
Measure F Series 2003 & 2007					0.0675%	218.36
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Paramedic Supplemental	\$0.02872	54.57	parcel/unit	20.36		79.58
Physically Disabled	\$0.01086	20.63				
CFD1 Disaster Fire/Mello Roos						
Oak: Violence Prevention	\$0.01250	23.75	parcel/unit	88.00	\$0.01250	23.75
Fire & Disaster Preparedness	\$0.03158	60.00	parcel/unit			
Total City Special Taxes	\$0.34186	\$649.53		\$299.80	\$0.01250	\$333.03
<u>City Assessments</u>						
Street Lighting	0.0108	20.52				
Clean Storm Water						
Oak: Flood 12	Formula	33.70	parcel/unit	16.00	parcel/unit	41.02
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City Library Seismic Safety Bond	0.00579%	57.00				
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TOTAL CURRENT ANNUAL TAXES		\$13,792.24		\$13,889.15		\$14,370.69
Tax/Assessment Rate		1.389%		1.40%		1.45%

Option A would generate an additional \$3.6M in additional funding for fire and disaster preparedness and a unified communication system; \$26M Library bond and \$22M Pools Bond for improvements to the libraries and \$22M replacement of the therapeutic warm water pool and renovation of the City's three existing pool facilities.

In comparison, Option B is a \$2.8M increase in additional funding, which excludes additional funding for disaster preparedness and unified communication system; and \$18.5 M in bond revenue to fund library improvements and \$16M replacement of the demolished therapeutic pool.

The Council will ultimately determine which, if any, new taxes or bonds are placed on the ballot and any possible combination of those represented here could be selected.

CURRENT SITUATION AND ITS EFFECTS

Since 2003, the City has reduced recurring spending in the City's General Fund and a number of special revenue funds to erase a structural deficit caused by State retirement costs and limited recurring revenue growth. Between FY 2003 and FY 2006, the City's workforce was reduced by almost 10%. These staff and service reductions impacted most City operations, including Public Safety Fire and Police. In the last two years, Berkeley's real estate market generated significant Property Transfer Tax revenues that provided one-time funding for capital improvements such as street repair and storm water repair. However, this volatile revenue source is now reacting to the drop in the housing market and these revenues are gone. The FY 2009 budget calls for the continued reduction in General Fund recurring expenditures totaling \$817,000 and 6.5 full time staff.

The budget assumption for FY 2009 added \$600,000 to the fire department budget to provide funding to keep fire stations open, however, projected costs for staff in FY 2008 exceed that amount by approximately \$700,000 and create an additional shortfall over and above what is currently budgeted to limit fire station closures. The reason for the unusual spike to the FY 2008 fire department overtime budget is that the department is operating with approximately 15% less personnel due to nine (9) vacancies and seven (7) extended leaves caused by worker comp injuries, military leave, and non-industrial illnesses.

Overtime costs fluctuate from year to year depending on vacancies, extended leaves, and mutual aid incidents. Some of the vacancies were not anticipated and are due to resignations by personnel leaving for other agencies, unanticipated retirements, or employees failing to complete their probation. Even with zero vacancies, the department must rely on overtime to cover vacations, sick leave, and mutual aid requests.

The department is required to fill 34 positions on a daily basis to keep all fire apparatus in service. The amount of time to hire replacements takes one year from the date of application to academy graduation.

We are recommending Council adopt a resolution by July 8, 2008 to place the City initiated measures on the November ballot. Staff will respond to Council direction for completion of the ballot measure language.

Outside Agencies Ballot Measures

The East Bay Regional Parks District (EBRPD) is considering placing a measure on the November ballot extending Measure AA. EBRPD conducted six public meetings to collect input from the community; the Board is scheduled to make a decision whether to act in July. The measure will not cause a tax rate increase.

The Children's Hospital Bond Act of 2008 qualified for the November 2008 ballot. The Bond Act authorizes the issuance of bonds in the amount of \$980M, for purposes of financing a specified children's hospital grant program for hospitals that qualified for grants pursuant to the Children's Hospital Bond Act of 2004. This is a State issued revenue bond to be repaid from the State's General Fund. There is no additional tax to the taxpayer.

Update on Initiatives:

The "Initiative Ordinance Requiring Voter Approval of Exclusive Transit-Only and HOV/Bus-Only Lanes" met the 5% threshold on the prima facie signature check and is currently at the Alameda County Registrar of Voters for signature check. Once the signatures are confirmed, an item will be brought to the Council to certify the sufficiency of the petition.

Per the State of California Elections Code Section 9212, staff will bring information on the impacts of the measure to the Council prior to the legislative recess.

BACKGROUND

Ballot Measure Schedule:

Feb 12, 2008	Work Sessions Existing Taxes and Fees - Comparative data and impact on Berkeley residents
Feb 26	Work Session - All Public Safety and Youth
March 25	Work Session - Infrastructure & Capital Improvement
April 22	Voter Survey Review
May 6	Direct Staff to draft preliminary text on proposed ballot measures
May 20	Draft ballot language for non-revenue measures; Supplemental Voter Survey Review; Direct staff to draft preliminary text on proposed revenue ballot measures
June 10	Draft ballot measure language; revised cost charts for average homeowner
June 24	Review Final Ballot Measure Language; City Attorney to provide impartial analyses
July 8	Council Resolution on ballot measures for Nov 2008; Comment on impartial analyses, including initiatives
July 15	Argument Authorization

CONTACT PERSON

Lisa Caronna, Deputy City Manager	981-7000
Zach Cowan, Acting City Attorney	981-6950
Bob Hicks, Finance Director	981-7300

Attachments:

1. Fire and Disaster Preparedness Tax
Option 1A and 1B
2. Library Seismic Safety Bond
Option 2A and 2B
3. Pools Bond
Option 3A and 3B
4. Approved and Possible Ballot Measures
5. Election Calendar

**ORDINANCE AUTHORIZING AND ADOPTING SPECIAL TAX TO FUND
EMERGENCY RESPONSE AND PREPAREDNESS**

TEXT OF BALLOT TITLE

70 words

In order to enhance the City's ability to keep fire stations open and improve emergency medical response and disaster preparedness, shall a special tax be authorized of 4.083¢ per square foot of improvements in dwelling units and 6.179¢ on per square foot on all other improvements?

Financial Implications

This tax would raise \$3.6 million in the first year. The annual cost for average 1,900 square foot home would be \$78.

**ORDINANCE AUTHORIZING AND ADOPTING SPECIAL TAX TO FUND
EMERGENCY RESPONSE AND PREPAREDNESS**

CITY ATTORNEY'S ANALYSIS

The City's Fire Department, including its capital and operating costs, is supported almost entirely from the City's general fund. This ordinance would authorize a special tax of 4.083¢ per square foot of improvements in dwelling units and 6.179¢ per square foot on all other improvements. Each year Council may adjust the tax rate over the previous year's rate by the greater of the increase in the cost of living in the immediate San Francisco Bay Area, or *per capita* personal income growth in California. Property owned or held by nonprofit corporations and used for charitable purposes would be exempt from this tax, as provided by the California Constitution. Tax proceeds would be used to enhance the City's ability to pay overtime costs necessary to limit rotating closures of existing fire stations; provide paramedics and advanced life support equipment on all first responder vehicles, hire a training officer to provide Emergency Medical Service training for first responders, provide funding to hire staff to conduct Community Emergency Response Training and other similar public disaster training and preparedness efforts, and for annual allocation for neighborhood emergency preparedness caches; and acquire and maintaining equipment to allow compatible radio communications throughout the City and with outside public safety agencies. Expenditures would be overseen by the Disaster and Fire Safety Commission.
PRIORITY SPENDING/SUBJECT TO OVERRIDE

Financial Implications

The proposed City special tax rate of 4.083¢ per square foot for dwelling units would limit the annual cost for an average 1,900 square foot home to approximately \$78. If the tax is not passed, the Council may have to cut funding of other general fund programs, to free up the necessary funds for fire department staffing, or reduce that staffing. Non-residential properties would pay at the higher rate of 6.179¢ per square foot. In FY 2009 the tax would raise \$3,600,000.

It is estimated that the tax will cost residential taxpayers no more than the following average amounts during FY 2009.

Square Feet	Annual Tax	Rate
1900	\$78	4.083¢
10,000	\$617.90	6.179¢

AUTHORIZING AND ADOPTING SPECIAL TAX TO FUND EMERGENCY RESPONSE AND PREPAREDNESS

BE IT ORDAINED by the by the people of the City of Berkeley as follows:

That Berkeley Municipal Code Chapter 7.81 is hereby added to read as follows:

Chapter 7.81 Special Tax to Fund Emergency Response and Preparedness

7.81.010 Imposition of special tax for emergency response and preparedness.

7.81.020 Tax Rate and inflation adjustments.

7.81.030 Definitions.

7.81.040 Exemptions.

7.81.050 Authority of the City Manager

7.81.060 Planning and oversight.

7.81.070 Interest and penalties.

7.81.080 Refunds.

7.81.090 Collection.

7.81.100 Appropriations limit.

7.81.110 Effective date.

7.81.120 Severability.

7.81.010 Imposition of special tax for emergency response and preparedness.

A. A special tax for the purpose of funding emergency response and preparedness is hereby authorized to be imposed on all improvements in the City of Berkeley ("City") as more fully set forth in this Chapter.

B. The City Council may impose the tax authorized by this Chapter at the rates, and subject to the inflation adjustments, set forth in Section 7.81.020.

C. This special tax is imposed in compliance with Article 13 of the California Constitution, pursuant to Government Code Section 53978, and the City's constitutional authority under Article 11 section 5 of the California Constitution, in its capacity as a charter city.

D. The proceeds of the tax imposed by this Chapter shall be placed in a special fund to be used for the purpose of enhancing emergency response and preparedness by funding the following:

1. Limiting the rotating closure of operating fire stations by enhancing the City's ability to pay overtime costs needed to consistently maintain full staffing;
2. Providing advanced life support ("ALS") personnel (paramedics) and equipment on all first responder vehicles and hiring a training officer to provide Emergency Medical Service ("EMS") training for first responders;

3. Providing funding to hire staff to conduct Community Emergency Response Training and other similar public disaster training and preparedness efforts, and for annual allocation for neighborhood emergency preparedness caches; and

4. Acquiring and maintaining equipment to allow compatible radio communications throughout the City and with outside public safety agencies, and reserving tax proceeds as necessary to fund such acquisition.

E. Tax proceeds shall be allocated first to the estimated amount necessary to limit rotating closures of operating fire stations, provided that the Council may alter this priority allocation if deems overtime costs to be excessive or in the event it declares a fiscal emergency by a two-thirds vote. In such cases the Council may allocate the proceeds of this tax among the purposes set forth in subdivision (D) of this Section in its sole discretion.

7.81.020 Tax Rate and inflation adjustments.

A. The rate of tax for the fiscal year 2009-2010 shall be as follows:

1. For all dwelling units, the tax shall be imposed at the rate of \$.04083 per square foot.

2. For all other property the tax shall be imposed at the rate of \$.06179 per square foot.

B. Annually in May, the City Council may increase the previous year's tax by up to the greater of the cost of living in the immediate San Francisco Bay Area or per capita or personal income growth in the state, as verified by official United States Bureau of Labor statistics. If either index referred to above is discontinued, the City shall use any successor index specified by the applicable agency, or if there is none, the most similar existing index then in existence.

7.81.030 Definitions.

For purposes of this Chapter, the following terms shall be defined as set forth below:

A. "Building" means 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. "Dwelling" shall mean a building or portion of a building designed for human occupancy.

C. "Dwelling unit" shall mean a building or portion of a building designed for or occupied exclusively by one family.

D. "Family" shall mean one or more persons related by blood, marriage or adoption, and, in addition, any domestic servants or gratuitous guests thereof who are living together in a single dwelling unit and maintaining a common household. Family shall also mean all unrelated persons who live together in a single dwelling unit and maintain a common household.

E. "Improvements" means all buildings or structures erected or affixed to the land.

F. "Parcel" means a unit of real estate in one ownership as shown on the most current official assessment role of the Alameda County Assessor.

G. "Square footage" means the total gross horizontal areas of all floors, including usable basement and cellars, below the roof and within the outer surface of the main walls of buildings (or the center lines of party walls separating such buildings or portions thereof) or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls (which includes, notwithstanding subsection 3 of this definition, the square footage of all porches), and including pedestrian access walkways or corridors, but excluding the following:

1. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto.
2. Areas which are outdoor or semi-outdoor areas included as part of the building to provide a pleasant and healthful environment for the occupants thereof and the neighborhood in which the building is located. This exempted area is limited to stoops, balconies and to natural ground areas, terraces, pools and patios which are landscaped and developed for active or passive recreational use, and which are accessible for use by occupants of the building.
3. Arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service or production areas.

H. "Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

7.81.040 Exemptions.

A. The following parcels and improvements shall be exempt from the tax imposed by this Chapter:

1. Parcels and improvements owned by federal or state governmental agencies;
2. Parcels and improvements owned by local governmental agencies; and
3. Parcels and improvements exempt from taxation by the City pursuant to the laws or constitutions of the United States and the State of California.

B. The tax imposed by this Chapter shall not apply to any property owned by any person whose total personal income, from all sources, for the previous calendar year, does not exceed that level which shall constitute "very low-income," as may be established by resolution of the City Council. Any taxpayer claiming the exemption under this section shall be required to demonstrate his or her entitlement thereto annually by submitting an application and supporting documentation to the City Manager or his or her designee in the manner and at the time established in regulations and/or guidelines hereafter promulgated by the City Manager subject to review by the City Council in its discretion. Such applications shall be on forms provided by the City Manager, or his or her designee, and shall provide and/or be accompanied by such information as the City Manager shall require, including but not limited to, federal income tax returns and W-2 forms.

C. Any person or entity claiming an exemption from the tax imposed by this Chapter shall file a verified statement of exemption on a form prescribed by the City Manager prior to June 30th of the first fiscal year for which the exemption is sought.

7.81.050 Authority of the City Manager.

It shall be the duty of the City Manager to collect and receive all taxes imposed by this Chapter, and to keep an accurate record thereof. The City Manager is charged with the enforcement of this Chapter, except as otherwise provided herein, and may prescribe, adopt and enforce rules and regulations relating to the administration and enforcement of this chapter, including provisions for the re-examination and correction of returns and payments.

7.81.060 Planning and oversight.

A. The Disaster and Fire Safety Commission shall function as the citizens' oversight committee for expenditure of the proceeds of this tax. For this purpose, in addition to its other powers, the Commission may:

1. request detailed expenditure plans for tax proceeds annually, which shall be provided to it as early in the budget process as feasible;
2. make recommendations to the City Manager and the City Council as to the rate at which the tax should be set and how any tax proceeds should be spent; and
3. obtain a report on actual expenditures.

B. The City Manager shall cooperate with the Disaster and Fire Safety Commission in providing the information it requests.

7.81.070 Interest and penalties.

The special tax imposed by this Chapter shall be due in the same manner, on the same dates, and subject to the same penalties and interest as established by law for other charges and taxes fixed and collected by the County of Alameda on behalf of the City of Berkeley. The special tax imposed by this Chapter, together with all penalties and interest thereon, shall constitute a lien upon the parcel upon which it is levied until it has been paid, and shall constitute a personal obligation of the owners of the parcel on the date the tax is due.

7.81.080 Refunds.

Whenever it is claimed that the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the City under this chapter, such claim shall be subject to the provisions of Chapter 7.20 of the Berkeley Municipal Code or any such successor chapter.

7.81.090 Collection.

The amount of any tax, penalty, and interest imposed under the provisions of this Chapter shall be deemed a debt to the City. Any person owing money under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of such amount. The City shall be entitled to reasonable attorneys' fees and its costs of suit in any such action.

7.81.100 Appropriations limit.

Pursuant to Article 13B, Section 4 of the California Constitution, the appropriations limit for the City of Berkeley for the fiscal years 2010-2013 is hereby increased by the maximum aggregate amount projected to be collected pursuant to the special tax imposed by this Chapter.

7.81.110 Effective date.

The tax imposed by this Chapter shall be operative on January 1, 2009.

7.81.120 Severability.

The provisions of this Chapter shall not apply to any person, association, corporation or to any property as to whom or which it is beyond the power of the City Council to impose the tax herein provided. If any sentence, clause, section or part of this Chapter, or any tax against any individual or any of the several groups specified herein is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section or part of this Chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter. It is declared to be the intention of the City Council of the City of Berkeley that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**ORDINANCE AUTHORIZING AND ADOPTING SPECIAL TAX TO FUND
EMERGENCY RESPONSE AND PREPAREDNESS**

TEXT OF BALLOT TITLE

67 words

In order to enhance the City's ability to keep fire stations open and improve emergency medical response, shall a special tax be authorized of 3.176¢ per square foot of improvements in dwelling units and 4.806¢ on per square foot on all other improvements?

Financial Implications

This tax would raise \$2.8 million in the first year. The annual cost for average 1,900 square foot home would be \$60.

**ORDINANCE AUTHORIZING AND ADOPTING SPECIAL TAX TO FUND
EMERGENCY RESPONSE AND PREPAREDNESS**

CITY ATTORNEY'S ANALYSIS

The City's Fire Department, including its capital and operating costs, is supported almost entirely from the City's general fund. This ordinance would authorize a special tax of 3.176¢ per square foot of improvements in dwelling units and 4.806¢ per square foot on all other improvements. Each year Council may adjust the tax rate over the previous year's rate by the greater of the increase in the cost of living in the immediate San Francisco Bay Area, or *per capita* personal income growth in California. Property owned or held by nonprofit corporations and used for charitable purposes would be exempt from this tax, as provided by the California Constitution. Tax proceeds would be used to enhance the City's ability to pay overtime costs necessary to limit rotating closures of operating fire stations, provide paramedics and advanced life support equipment on all first responder vehicles, and hire a training officer to provide Emergency Medical Service training for first responders. Expenditures would be overseen by the Disaster and Fire Safety Commission. PRIORITY SPENDING/SUBJECT TO OVERRIDE

Financial Implications

The proposed City special tax rate of 3.176¢ per square foot would limit the annual cost for an average 1,900 square foot home to approximately \$60. If the tax is not passed, the Council may have to cut funding of other general fund programs, to free up the necessary funds for fire department staffing, or reduce that staffing. Non-residential properties would pay at the higher rate of 4.806¢ per square foot. In FY 2009 the tax would raise \$2,800,000.

It is estimated that the tax will cost residential taxpayers no more than the following average amounts during FY 2009.

Square Feet	Annual Tax	Rate
1900	\$60	3.176¢
10,000	\$480.60	4.806¢

AUTHORIZING AND ADOPTING SPECIAL TAX TO FUND EMERGENCY RESPONSE AND PREPAREDNESS

BE IT ORDAINED by the by the people of the City of Berkeley as follows:

That Berkeley Municipal Code Chapter 7.81 is hereby added to read as follows:

Chapter 7.81 Special Tax to Fund Emergency Response and Preparedness

7.81.010 Imposition of special tax for emergency response and preparedness.

7.81.020 Tax Rate and inflation adjustments.

7.81.030 Definitions.

7.81.040 Exemptions.

7.81.050 Authority of the City Manager

7.81.060 Planning and oversight.

7.81.070 Interest and penalties.

7.81.080 Refunds.

7.81.090 Collection.

7.81.100 Appropriations limit.

7.81.110 Effective date.

7.81.120 Severability.

7.81.010 Imposition of special tax for emergency response and preparedness.

A. A special tax for the purpose of funding emergency response and preparedness is hereby authorized to be imposed on all improvements in the City of Berkeley ("City") as more fully set forth in this Chapter.

B. The City Council may impose the tax authorized by this Chapter at the rates, and subject to the inflation adjustments, set forth in Section 7.81.020.

C. This special tax is imposed in compliance with Article 13 of the California Constitution, pursuant to Government Code Section 53978, and the City's constitutional authority under Article 11 section 5 of the California Constitution, in its capacity as a charter city.

D. The proceeds of the tax imposed by this Chapter shall be placed in a special fund to be used for the purpose of funding emergency response and preparedness by funding the following:

5. Limiting the rotating closure of operating fire stations by enhancing the City's ability to pay overtime costs needed to consistently maintain full staffing; and

6. Providing advanced life support ("ALS") personnel (paramedics) and equipment on all first responder vehicles and hiring a training officer to provide Emergency Medical Service ("EMS") training for first responders.

E. Tax proceeds shall be allocated first to the estimated amount necessary to limit rotating closures of operating fire stations, provided that the Council may alter this priority allocation if deems overtime costs to be excessive or in the event it declares a fiscal emergency by a two-thirds vote. In such cases the Council may allocate the proceeds of this tax among the purposes set forth in subdivision (D) of this Section in its sole discretion.

7.81.020 Tax Rate and inflation adjustments.

A. The rate of tax for the fiscal year 2009-2010 shall be as follows:

1. For all dwelling units, the tax shall be imposed at the rate of \$.03176 per square foot.
2. For all other property the tax shall be imposed at the rate of \$.04806 per square foot.

B. Annually in May, the City Council may increase the previous year's tax by up to the greater of the cost of living in the immediate San Francisco Bay Area or per capita or personal income growth in the state, as verified by official United States Bureau of Labor statistics. If either index referred to above is discontinued, the City shall use any successor index specified by the applicable agency, or if there is none, the most similar existing index then in existence.

7.81.030 Definitions.

For purposes of this Chapter, the following terms shall be defined as set forth below:

A. "Building" means 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. "Dwelling" shall mean a building or portion of a building designed for human occupancy.

C. "Dwelling unit" shall mean a building or portion of a building designed for or occupied exclusively by one family.

D. "Family" shall mean one or more persons related by blood, marriage or adoption, and, in addition, any domestic servants or gratuitous guests thereof who are living together in a single dwelling unit and maintaining a common household. Family shall also mean all unrelated persons who live together in a single dwelling unit and maintain a common household.

E. "Improvements" means all buildings or structures erected or affixed to the land.

F. "Parcel" means a unit of real estate in one ownership as shown on the most current official assessment role of the Alameda County Assessor.

G. "Square footage" means the total gross horizontal areas of all floors, including usable basement and cellars, below the roof and within the outer surface of the main walls of buildings (or the center lines of party walls separating such buildings or portions thereof) or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls (which includes, notwithstanding subsection 3 of this definition, the square footage of all porches), and including pedestrian access walkways or corridors, but excluding the following:

1. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto.
 2. Areas which are outdoor or semi-outdoor areas included as part of the building to provide a pleasant and healthful environment for the occupants thereof and the neighborhood in which the building is located. This exempted area is limited to stoops, balconies and to natural ground areas, terraces, pools and patios which are landscaped and developed for active or passive recreational use, and which are accessible for use by occupants of the building.
 3. Arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service or production areas.
- H. "Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

7.81.040 Exemptions.

- A. The following parcels and improvements shall be exempt from the tax imposed by this Chapter:
1. Parcels and improvements owned by federal or state governmental agencies;
 2. Parcels and improvements owned by local governmental agencies; and
 3. Parcels and improvements exempt from taxation by the City pursuant to the laws or constitutions of the United States and the State of California.
- B. The tax imposed by this Chapter shall not apply to any property owned by any person whose total personal income, from all sources, for the previous calendar year, does not exceed that level which shall constitute "very low-income," as may be established by resolution of the City Council. Any taxpayer claiming the exemption under this section shall be required to demonstrate his or her entitlement thereto annually by submitting an application and supporting documentation to the City Manager or his or her designee in the manner and at the time established in regulations and/or guidelines hereafter promulgated by the City Manager subject to review by the City Council in its discretion. Such applications shall be on forms provided by the City Manager, or his or her designee, and shall provide and/or be accompanied by such information as the City Manager shall require, including but not limited to, federal income tax returns and W-2 forms.
- C. Any person or entity claiming an exemption from the tax imposed by this Chapter shall file a verified statement of exemption on a form prescribed by the City Manager prior to June 30th of the first fiscal year for which the exemption is sought.

7.81.050 Authority of the City Manager.

It shall be the duty of the City Manager to collect and receive all taxes imposed by this Chapter, and to keep an accurate record thereof. The City Manager is charged with the enforcement of this Chapter, except as otherwise provided herein, and may prescribe, adopt and enforce rules and regulations relating to the administration and enforcement of this chapter, including provisions for the re-examination and correction of returns and payments.

7.81.060 Planning and oversight.

A. The Disaster and Fire Safety Commission shall function as the citizens' oversight committee for expenditure of the proceeds of this tax. For this purpose, in addition to its other powers, the Commission may:

1. request detailed expenditure plans for tax proceeds annually, which shall be provided to it as early in the budget process as feasible;
2. make recommendations to the City Manager and the City Council as to the rate at which the tax should be set and how any tax proceeds should be spent; and
3. obtain a report on actual expenditures.

B. The City Manager shall cooperate with the Disaster and Fire Safety Commission in providing the information it requests.

7.81.070 Interest and penalties.

The special tax imposed by this Chapter shall be due in the same manner, on the same dates, and subject to the same penalties and interest as established by law for other charges and taxes fixed and collected by the County of Alameda on behalf of the City of Berkeley. The special tax imposed by this Chapter, together with all penalties and interest thereon, shall constitute a lien upon the parcel upon which it is levied until it has been paid, and shall constitute a personal obligation of the owners of the parcel on the date the tax is due.

7.81.080 Refunds.

Whenever it is claimed that the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the City under this chapter, such claim shall be subject to the provisions of Chapter 7.20 of the Berkeley Municipal Code or any such successor chapter.

7.81.090 Collection.

The amount of any tax, penalty, and interest imposed under the provisions of this Chapter shall be deemed a debt to the City. Any person owing money under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of such amount. The City shall be entitled to reasonable attorneys' fees and its costs of suit in any such action.

7.81.100 Appropriations limit.

Pursuant to Article 13B, Section 4 of the California Constitution, the appropriations limit for the City of Berkeley for the fiscal years 2010-2013 is hereby increased by the maximum aggregate amount projected to be collected pursuant to the special tax imposed by this Chapter.

7.81.110 Effective date.

The tax imposed by this Chapter shall be operative on January 1, 2009.

7.81.120 Severability.

The provisions of this Chapter shall not apply to any person, association, corporation or to any property as to whom or which it is beyond the power of the City Council to impose the tax herein provided. If any sentence, clause, section or part of this Chapter, or any tax against any individual or any of the several groups specified herein is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section or part of this Chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter. It is declared to be the intention of the City Council of the City of Berkeley that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**LIBRARY BOND MEASURE
\$26 MILLION**

TEXT OF BALLOT TITLE

74 words

Shall the City of Berkeley issue general obligation bonds in an amount not exceeding \$26,000,000 and an interest rate not exceeding the legal limit, to make seismic and access improvements, and expand program area, at branch libraries?

FINANCIAL IMPLICATIONS.

The estimated required tax rate would peak at 0.01822¢ per \$100 of assessed valuation the first year after the bonds are issued, and average 0.00836¢ per \$100 of assessed valuation during the 30-year issue.

CITY ATTORNEY'S ANALYSIS:

This bond measure would authorize the issuance of \$26 million of general obligation bonds. The bond measure specifies how the proceeds must be spent. Proceeds would be limited to seismic and disabled access improvements, and expanding program areas at, branch libraries.

Although the bonds must be issued by the City Council, under the Berkeley City Charter, the Board of Library Trustees is charged with managing the Library. Thus the bond proceeds, which are allocated for improvements to branch libraries, will be administered by the Board of Library Trustees.

FINANCIAL IMPLICATIONS.

The year after the first bonds are issued, the tax rate required to meet the estimated debt service would be 0.01822¢ per \$100 of assessed valuation. This rate is expected to peak at 0.01822¢ per \$100 of assessed valuation and average 0.00836¢ per \$100 of assessed valuation during the 30-year issue.

**LIBRARY BOND MEASURE
\$18.5 MILLION**

TEXT OF BALLOT TITLE

73 words

Shall the City of Berkeley issue general obligation bonds in an amount not exceeding \$18,500,000 and an interest rate not exceeding the legal limit, to make seismic and access improvements, and expand program area, at branch libraries?

FINANCIAL IMPLICATIONS.

The estimated required tax rate would peak at 0.0126¢ per \$100 of assessed valuation the first year after the bonds are issued, and average 0.00579¢ per \$100 of assessed valuation during the 30-year issue.

CITY ATTORNEY'S ANALYSIS:

This bond measure would authorize the issuance of \$18,500,000 of general obligation bonds. The bond measure specifies how the proceeds must be spent. Proceeds would be limited to seismic and disabled access improvements, and expanding program areas at, branch libraries. The bond amount would not be enough to fund the entire scope of needed improvements and expansions identified by the Board of Library Trustees.

Although the bonds must be issued by the City Council, under the Berkeley City Charter, the Board of Library Trustees is charged with managing the Library. Thus the bond proceeds, which are allocated for improvements to branch libraries, will be administered by the Board of Library Trustees.

FINANCIAL IMPLICATIONS.

The year after the first bonds are issued, the tax rate required to meet the estimated debt service would be 0.0126¢ per \$100 of assessed valuation. This rate is expected to peak at 0.0126¢ per \$100 of assessed valuation and average 0.00579¢ per \$100 of assessed valuation during the 30-year issue.

**POOL BOND MEASURE
WARM WATER POOL AND NEIGHBORHOOD POOLS
\$22 MILLION**

TEXT OF BALLOT TITLE

71 words

Shall the City of Berkeley issue general obligation bonds, not to exceed \$22,000,000 at a legal interest rate, to acquire property for and develop a replacement therapeutic warm water pool and rehabilitate outdoor public pools and associated facilities?

FINANCIAL IMPLICATIONS.

The estimated required tax rate would peak at 0.01539¢ per \$100 of assessed valuation the first year after the bonds are issued and average 0.00708¢ per \$100 of assessed valuation thereafter.

CITY ATTORNEY'S ANALYSIS:

This bond measure would authorize the issuance of \$22,000,000 of general obligation bonds. The bond measure specifies how the proceeds must be spent. Proceeds would be limited to developing, and if necessary, acquiring property for, a warm water pool facility for use by disabled and other persons for therapy, and rehabilitating outdoor public pools and associated facilities.

FINANCIAL IMPLICATIONS.

The year after the first bonds are issued, the tax rate required to meet the estimated debt service would be 0.01539¢ per \$100 of assessed valuation. This rate is expected to peak at 0.01539¢ per \$100 of assessed valuation and average 0.00708¢ per \$100 of assessed valuation during the 30-year issue.

**POOL BOND MEASURE
WARM WATER POOL ONLY
\$16 MILLION**

TEXT OF BALLOT TITLE

74 words

In order to acquire property for and develop a replacement therapeutic warm water pool for seniors and disabled and other persons, shall the City of Berkeley issue not exceeding \$16,000,000 general obligation bonds at a legal interest rate?

FINANCIAL IMPLICATIONS.

The estimated required tax rate would peak at 0.01122¢ per \$100 of assessed valuation the first year after the bonds are issued, and average 0.00514¢ per \$100 of assessed valuation during the 30-year issue.

CITY ATTORNEY'S ANALYSIS:

This bond measure would authorize the issuance of \$16,000,000 of general obligation bonds. The bond measure specifies how the proceeds must be spent. Proceeds would be limited to developing, and if necessary, acquiring property for, a warm water pool facility for use by seniors and disabled and other persons for therapy.

FINANCIAL IMPLICATIONS.

The year after the first bonds are issued, the tax rate required to meet the estimated debt service would be 0.01122¢ per \$100 of assessed valuation. This rate is expected to peak at 0.01122¢ per \$100 of assessed valuation and average 0.00514¢ per \$100 of assessed valuation during the 30-year issue.

**APPROVED AND POSSIBLE BALLOT MEASURES
NOVEMBER 2008**

	Title	Date Confirmed by Council
NON-REVENUE MEASURES		
1.	Ordinance 6,958-N.S. Landmarks Preservation Referendum Petition	2/13/2007
2.	Resubmission of Measure R from 2004- -Patient's Access to Medical Cannabis	1/15/2008
3.	GANN Limit Override Renewal for Parks, Library, Emergency Medical*	5/6/2008
4.	Charter Amendment Regarding Redistricting Timelines	5/20/08
POSSIBLE REVENUE MEASURES		
5.	Fire and Disaster Preparedness Tax	
6.	Pools Bond	
7.	Library Seismic Safety Bond	
POSSIBLE INITIATIVES		
	Transit Lanes	
	Marine Recruiting Offices	
	Equal Employment Initiative	

*Pending final resolution to place on ballot.

Fire and Disaster Preparedness

Objectives:

- Keep Fire Stations Open – No Rotating Closures
- Expand First Responder Paramedic Services
- Improves Disaster Preparedness for the Community
- Improve Fire Suppression and Rescue Readiness
- Provide unified communication

<i>Program Name</i>	<i>Description</i>	<i>One-Time Funding (\$)</i>	<i>Recurring Funding (\$)</i>
Minimum Staffing	Ensure minimum staffing on all fire suppression companies to eliminate the possibility of rotating station closure.		\$2,000,000
First Responder Advanced Life Support (FRALS)	Enhance existing Emergency Medical Services (EMS) capabilities by funding Advanced Life Support (ALS) personnel and equipment on all 1st responder apparatus.	\$ 550,000	\$ 480,000
Disaster Preparedness	To provide adequate resources to allow the City to build and enhance Emergency Operations Center (EOC) capabilities and provide staffing to enhance Community Emergency Response Training (CERT) delivery including \$20K/year for Community Caches.	\$ 500,000	\$ 420,000
Training and Emergency Medical Services (EMS)	Restore Training Officer to the Training and EMS Division in order to adequately manage the delivery of emergency responder training, local and federal mandated training, and on going required local EMS mandates.		\$ 220,000
Radio Interoperability	Regional initiative for compatible radio communications throughout the city and with outside public safety agencies. Capital investment of \$2.5 M required to be partially paid for through normal lag time in hiring over the course of 1 year. Additional one-time funding required from other sources.	\$760,000	\$ 500,000
Total		\$1,810,000	\$3,620,000

•Annual Funding

\$3.6 million

Pools Bond

Objectives:

- Replaces demolished Warm Water Pool at BHS
 - Therapeutic activity for seniors, disabled and infants
 - Environmentally friendly LEED Certified Building
- Renovates three outdoor neighborhood pools
 - Provides neighborhood recreation

<i>Program Name</i>	<i>Description</i>	<i>One-Time Funding (\$)</i>	<i>Recurring Funding (\$)</i>
Site Acquisition, Construction and Operation	Secure site through purchase of land and construct warm water pool. Pool recurring costs include the cost of facility staff, on-going materials and supplies, insurance, repairs/maintenance, and utilities estimated at 36 hours/week of pool operations.	\$15,000,000	
Add Solar Collectors to heat pool to 92 degrees	Although the pool is conceptually designed to be LEED certified, the project is now considering solar collectors for heating all or a portion of the 92-degree pool area. Possible increase in cost is being considered for this solar heating improvement.	\$ 1,000,000	
Pool Renovation	Renovate three (3) outdoor pools.	\$ 6,100,000	
Total		\$22,100,000	

Note: Operating Costs for new Warm Water Pool facility estimated at \$360,000 - \$472,000 depending on hours of operation above current budget of \$100,000 for Warm Water Pool to be paid through user fees and General Fund revenues

- **Bond Amount**

\$22 million

Neighborhood Libraries Bond Measure

Objectives:

- To update the four neighborhood branches including the Tool Lending Library to current code standards in all pertinent areas, including structural, mechanical, electrical, architectural finishes, hazardous materials, ADA compliance
- To improve seismic safety, make the neighborhood branches fully accessible to people with disabilities, improve energy efficiency and increase space for seating, programming and collections
- To construct and/or renovate the neighborhood library branches to meet current and future service needs

Program Name	Description	One-Time Funding (\$)
Claremont Branch	The historical and functional aspects of the branch would benefit from a renovation and completion of full lobby space through a minor expansion.	7,300sf / \$4.2m (renovate existing) 7,440sf / \$4.3m (small addition)
North Branch	Two options for modest additions to the rear of the building are proposed, the larger-size addition would allow for library programming space and quiet reading areas.	7,590sf / \$5.6m (one story addition) 8,640sf / \$6.3m (one story addition)
South Branch	This branch has serious structural defects that would make it susceptible to significant damage during a major seismic event. Further, its infrastructure systems – electrical, mechanical, and telecommunications - are not constructed to adapt to current needs and the space lacks adequate flexibility.	6,730sf / \$5.1m (one story addition) 8,000sf / \$5.8m (new building)
Tool Lending Library	This facility is in dire need of additional space to store, display and repair the tools it loans. The construction of a new building would allow the development of a branch to meet the community's library needs and would significantly improve the tool library operation.	750sf 1,000sf (space/costs included in South Branch figures)
West Branch	The building has some structural and infrastructure damage that need attention. In addition, the Literacy office is severely constrained for a highly successful program, competing with branch community programming space. The additional square footage would provide more space for the growing <i>Berkeley Reads</i> program as well as branch programming space.	8660sf / \$6.3m (one story addition) 14,600sf / \$10.7m (two story addition)
Total		\$21,200,000 - \$27,100,000

- **Bond Amount:** **26 million**

CITY OF BERKELEY
CITY CLERK DEPARTMENT
GENERAL ELECTION CALENDAR - PUBLIC
November 4, 2008

Offices to be Elected

Mayor

Council Districts 2, 3, 5, 6

Rent Board (5 seats)

School Board (2 seats)

<u>DAYS PRIOR TO ELECTION</u>	<u>DATE</u>	<u>ACTION TAKEN</u>
180	May 8, 2008	Suggested Last Day to file petitions regarding measure. Qualified petitions received after this date will be accepted, but may not be on the November ballot. EC 9265, 9266, 9114
158 103	May 30, 2008 July 24, 2008	Signature In-Lieu of Filing Fee - Candidate may collect signatures during this period to offset the \$150 filing fee. Valid signatures are worth \$1 each. Charter Art. III, Sec. 6.5
	June 10, 2008	Council to adopt resolution specifying election policies/procedures for candidate elections. Council to adopt resolutions calling election and requesting consolidation. EC 10002, 13113 Last meeting date for council to request impact reports on initiatives pursuant to Elections Code Section 9212.
	July 8, 2008	Council Meeting date to adopt resolution calling election for ballot measure. Staff to present Impact Report on initiative measures. Council to comment on City Attorney analyses and financial implications. Ballot text, title, and summary to be in final format. Last Day for council to adopt regulations for candidate statements. EC 13307, Charter Art. III, Sec. 6.5
	July 22, 2008	Last scheduled meeting prior to summer recess and the deadline to place city measures and initiatives on the Nov. 2008 ballot.
113 88	July 14, 2008 August 8, 2008	FILING PERIOD - CANDIDATE NOMINATION PAPERS EC 10220 et seq., Charter Art. III, Sec. 6.5
	July 31, 2008	Last day to file Semi-Annual Campaign Statements. GC 84200
87 77	August 9, 2008 August 19, 2008	Public review period for nomination forms and candidate statements filed as of 8/8/08.
87 83	August 9, 2008 August 13, 2008	Extended candidate filing period. Candidate filing is extended if an incumbent eligible for re-election does not file nomination documents prior to 5:00 p.m. on August 8, 2008. Incumbents are not eligible to file during the extended period. EC 10225

<u>DAYS PRIOR TO ELECTION</u>	<u>DATE</u>	<u>ACTION TAKEN</u>
82 72	August 14, 2008 August 24, 2008	Public review period for nomination forms and candidate statements filed as of 8/13/08.
85	August 11, 2008	Last day to withdraw (but not change) candidate statement for offices whose filing closed on E-88. EC 13307
83	August 13, 2008	Last day for city to amend or withdraw measure. EC §9605
82	August 14, 2008	Last day to withdraw (but not change) candidate statement if nomination period extended to E-83. EC 13307
81	August 15, 2008	Last day to file direct arguments on city ballot measures – deadline is 12:00 p.m. EC 9280-9287
71	August 25, 2008	Last day to file rebuttal arguments and Impartial Analysis – deadline is 12:00 p.m. EC 9280-9287
71 61	August 25, 2008 September 4, 2008	Public review period for all ballot materials, including ballot measure arguments and impartial analysis. EC 9295, 9286
57 14	September 8, 2008 October 21, 2008	Filing Period for Write in Candidates. EC 8601
40	September 25, 2008	First Pre-Election Campaign Statement due. GC §84200.8
40 21	September 25, 2008 October 14, 2008	Voter Information & Sample Ballot Pamphlet mailing period. EC §13303-04, 13306
29 7	October 6, 2008 October 28, 2008	Absentee Ballot may be obtained by mail between these dates. After Oct. 28 absentee ballots may be obtained at the office of the Registrar. EC §3001
15	October 20, 2008	Last Day to Register to Vote. EC §§2102, 2107
12	October 23, 2008	Second Pre-Election Campaign Statement due. GC §84200.8
7	October 28, 2008	City Clerk must publish list of campaign contributions of \$50 or more in newspaper of general circulation. BMC Sec. 2.12.065
Election Day	November 4, 2008	Election Day EC §1000
28	December 2, 2008	Last day for County to certify results to city. EC §15372
35	December 9, 2008	Council to certify results. EC §10262, Charter Art. III, Sec. 10
	January 31, 2009	Semi-Annual Campaign Statement due. GC 84200

Updated 5/14/08

