

WORKSESSION February 9, 2016

To: Honorable Mayor and Members of the City Council

From: (a) Dee Williams-Ridley, Interim City Manager

Submitted by: Matthai Chakko, Assistant to the City Manager

Subject: Discuss Possible Ballot Measures for the November 2016 Election and Which

Issues to Include in Community Survey

SUMMARY

The City Council and Staff have closed substantial budget gaps in recent years while also minimizing service cuts important to constituents in Berkeley. Nonetheless, several areas of City services or infrastructure could be significantly strengthened by the passage of voter-approved revenue measures.

The purpose of this report is to discuss projects the Council may wish to consider funding through a revenue measure – or measures – on the November 2016 ballot. In addition, the report will provide information about a community survey to provide additional information about the community's interests. The Council's discussion and direction at this meeting will inform the development of such a survey should the Council wish to undertake one.

CURRENT SITUATION AND ITS EFFECTS

Ballot Measure Development

In order to prepare for a possible community survey, the City Manager's Office is conducting a competitive process to select an opinion research firm to conduct voter surveys. We expect to have a chosen vendor by early February.

At tonight's meeting, Council is being asked to provide direction about which types of projects could be included in a community survey. For example, should potential projects focus on a single area, such as parks, or should the council choose a broader approach that includes multiple areas.

Should the Council choose to move forward, the next steps in the community survey process are as follows:

- The survey would take place in March and at least 400 Berkeley voters would be surveyed.
- Staff and the vendor would present the results of the survey to Council in April.

- Based on those results, Council would be able to discuss whether to narrow the focus of any measures and could direct staff to develop specific measures for the community's consideration. A second survey would then be conducted in April to assess the more focused approach.
- Following a second survey, the council would then decide upon a specific ballot measure or measures, if any, and direct the City Manager to develop ballot measure language for Council consideration in June or July.

Ballot Measure Considerations

As part of this discussion, staff has provided a comparison of the City's tax rates with other neighboring jurisdictions; the impact on an individual homeowner of various general obligation bond amounts; and information about other likely items on the November 2016 ballot.

Tax Rate Comparison: When comparing tax bills between cities, the primary differences relate to taxes based on the General Obligation (GO) Bond debt and the jurisdiction's special taxes, assessments and fees.

GO Bond debt is voter-approved and is issued by the City or school district. Special taxes can be used to meet a broad variety of needs, and can be based on different formulas. Berkeley's special taxes are generally based on a tax rate multiplied by the building square footage, while Oakland and Albany's special taxes are usually a flat amount per parcel with some land-use variations. In order to compare these taxes across cities, the comparison is based on a residential home with a \$425,000 assessed value, a \$7,000 homeowner's exemption and 1,900 square feet.

Summary of FY 2016 Property-Based Taxes and Assessments Comparison*

AGENCY	Berkeley	FY 2016	Albany	FY2016	Oakland FY 2016		
	Rate	Amount	Rate	Amount	Rate	Amount	
COUNTYWIDE AD VALOREM TAX	1.0000%	\$ 4,180	1.0000%	\$ 4,180	1.0000%	\$ 4,180	
City Voter-Approved Tax	0.0433%	\$ 181	0.0526%	\$ 220	0.1651%	\$ 690	
Other Agency Tax	0.1785%	\$ 746	0.1904%	\$ 796	0.2003%	\$ 837	
Total Voter-Approved Tax	1.2218%	\$ 5,107	1.2430%	\$ 5,196	1.3654%	\$ 5,707	
City Tax/Assessments (Fixed)		\$ 1,082		\$ 988		\$ 452	
School District Tax/Assessment (Fixed	l)	\$ 437		\$ 869		\$ 195	
Other County Fixed Charges		\$ 365		\$ 271		\$ 382	
Total Property Tax/Assessment		\$ 6,991		\$ 7,323		\$ 6,737	
Tax/Assessment Rate	1.6725%		1.7519%		1.6116%		

*For the full table, see

Attachment 1

Funding Mechanisms: The City has the legal authority to seek voter support for new revenues necessary to support bonds.

General Obligation Bonds can only be paid from a supplemental ad valorem property tax added to the property owner's annual bill from the County. Any GO Bond debt service is collected on a pro rata basis calculated on the City's total taxable assessed value (secured and unsecured). As the total assessed value increases with improvements, property sales or general 2% increases, the tax rate will decrease (assuming the same GO Bond debt service is needed in subsequent years).

Key features of a GO Bond:

- May be used only for capital improvements, not for ongoing operational costs;
- Requires 66.67% voter approval to pass;
- The principal and interest are paid with the proceeds of a tax levy collected through the annual property tax bill on all taxable property;
- GO Bond debt service is allocated to each taxable property based on the property's assessed value; and
- Each bond series is generally repaid over 30 years.

Special Tax Bonds can be structured to charge property owners based on landuse type, property size, improvement size (building footprint) or other customized method deemed appropriate. The annual special tax (also known as a parcel tax) will generally not change over time and therefore has a different long-term impact on a property owner than a GO Bond.

In addition to voter-approved revenue measures like GO Bonds and Special Tax Bonds, the City can look internally to fund projects through a financing structure known as a general fund lease obligation, also known as a certificate of participation or lease revenue bonds. Without the support of new voter-supported tax revenues, the City would need to identify the repayment source from existing revenues that are managed through the budget process. California communities will use a general fund obligation financing to fund projects that must be completed but do not have the voter approved process or new revenue stream in place.

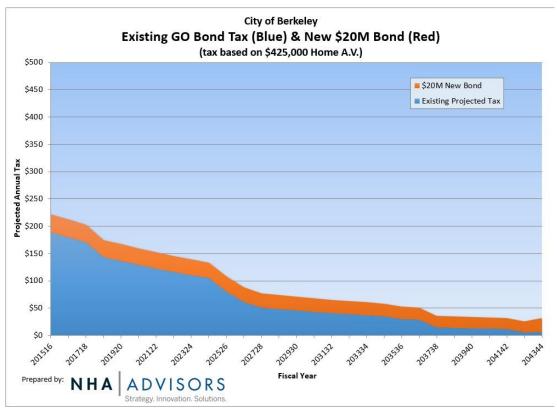
The table below indicates the annual cost to the average homeowner for various GO Bond scenarios. If the City were to fund projects with a General Obligation bond tax, the annual impact on the average Berkeley homeowner (\$425,000 assessed value) would be as follows:

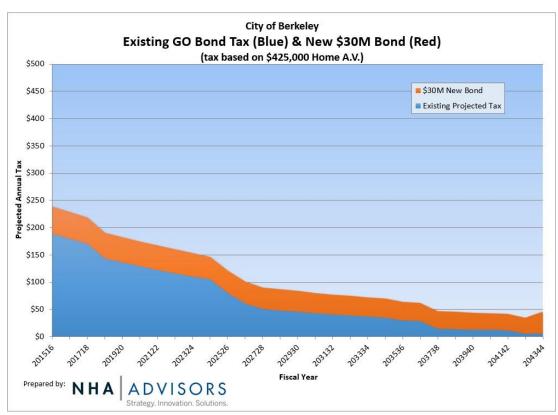
Bond Size	\$10,000,000	\$15,000,000	\$20,000,000	\$25,000,000	\$30,000,000
Annual Debt Service	\$650,514	\$975,772	\$1,301,029	\$1,626,286	\$1,951,543
1st Year Tax Rate (per \$100,000 AV)	\$4.62	\$6.92	\$9.23	\$11.54	\$13.85
Projected Maximum Annual Tax for Average Home	\$19.61	\$29.42	\$39.23	\$49.04	\$58.84
Average Tax for Average Home	\$13.51	\$19.87	\$33.12	\$33.12	\$39.75

Berkeley's Current GO Bonds and the Tax Impact of New GO Bonds

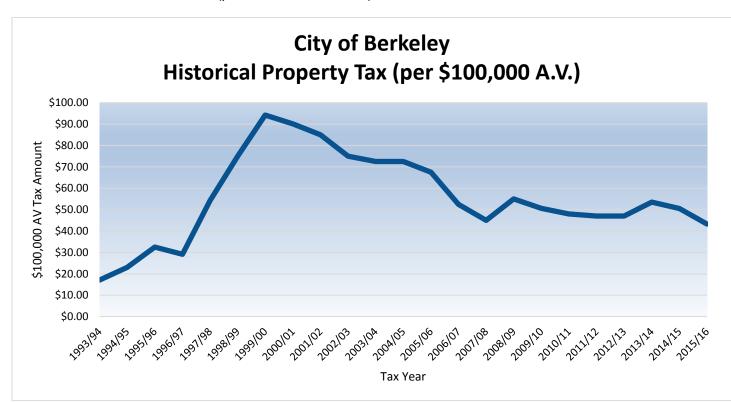
The City has 5 existing GO Bonds: Measure G (Fire Seismic), Measure S (Main Library Seismic), Measure I (Animal Shelter), Measure FF (Neighborhood Libraries) and Measure M (Streets and Watershed). The average homeowner currently pays approximately \$181 per year to repay those bonds. The last 10-year average tax has been \$216 and recently dropped with the refinancing in 2015. Any new bond would initially increase the annual tax amount. However, as each of the current bonds expires, the overall tax rate decreases correspondingly.

This is illustrated in the tables below. The blue area reflects the existing GO Bond ad valorem tax for the City of Berkeley. The red area in each table illustrates the increased tax amount if a new bond were to be passed by the voters. The first chart demonstrates the increased tax amount for an average homeowner on a new \$20 million GO Bond; the second chart reflects the increased tax amount on a \$30 million GO Bond.





The City's GO Bond tax rate will continue to decrease as shown in the graphs above. The historical tax rates since 1992 are shown below and identify the peak year in FY1999/00 with a tax of \$94 (per \$100,000 in assessed value). The FY2015/16 rate, as discussed above is now \$43 (per \$100,000 in A.V.).



Parcel Tax

Another option to fund projects is a special tax (typically known as a parcel tax), a form of property tax based on the characteristics of the parcel, such as size. The table below indicates the annual cost to homeowner for a 1,900 square-foot home for various parcel taxes.

Bond Size	\$10,000,000	\$15,000,000	\$20,000,000	\$25,000,000	\$30,000,000
Annual Debt Service	\$650,514	\$975,772	\$1,301,029	\$1,626,286	\$1,951,543
Square Footage Tax Requirement	\$0.0082	\$0.0124	\$0.0165	\$0.0206	\$0.0247
Projected Maximum Tax for 1,900 Sq. Ft. Home	\$15.67	\$23.51	\$31.35	\$39.18	\$47.02

The 2016 Ballot Measure Schedule

In order to meet the deadline set by the Alameda County Registrar of Voters to place items on the November ballot, the following timeline has been developed for the Council's consideration:

Feb. 9: Action Calendar	City Council to discuss possible revenue measures and questions to be included
March	Conduct Survey
April 5: Work Session	Survey results presented
April 5: Action Calendar	Council discussion of second survey
April	Possible second survey
May 10: Work Session	Results of second survey presented and provide direction on ballot language.
May 31: Action Calendar	Provide direction on ballot language
June 28: Action Calendar	Review final ballot measure language
July 12: Action Calendar	Final action on ballot measure(s) for Nov. 2016

BACKGROUND

On June 30, 2015, the City Council adopted the FY 2016 & FY 2017 Biennial Budget and Capital Improvement Program. A number of revenue and non-revenue measures could be considered by Council for November, as summarized by this table and further explained below.

Revenue Measures Under Consideration	Non-Revenue Measures Under Consideration
Care & Shelter Upgrades	Redistricting Commission
Business License Tax	Public Financing of Elections
Affordable Housing	Vacancy in the Office of Mayor or Councilmember

Recent infrastructure evaluations of six City community and senior centers, which are also designated as care & shelter sites, found that they need \$9.7 million in seismic upgrades as well as \$7.1 million in deferred maintenance repairs. Conducting seismic upgrades prior to an earthquake is significantly less expensive than conducting extensive repairs post-earthquake. Improvements to these facilities not only provide resources to the community on a daily basis, but they also fortify the city's resilience by creating a vital infrastructure for emergencies.

In addition, the City's Parks and Public Works departments have identified deferred capital projects that total in the hundreds of millions of dollars. Detailed information on capital needs can be found on the March 24, 2015 Special Meeting of the Berkeley City Council, which had a report on Parks

(http://www.ci.berkeley.ca.us/Clerk/City Council/2015/03 Mar/Documents/2015-03-

24 WS Item 01 Parks Recreation.aspx) and Public Works (http://www.ci.berkeley.ca.us/Clerk/City Council/2015/03 Mar/Documents/2015-03-24 WS Item 02 Public Works.aspx). Those lists do not include projects like the Berkeley Pier, where problems were subsequently discovered.

On November 17, 2015, the Council held a special worksession about a possible Business License Tax on Rental Property

(http://www.ci.berkeley.ca.us/Clerk/City_Council/2015/11_Nov/City_Council__11-17-2015 - Special Meeting Agenda.aspx). Another prominent issue that the Council has explored is affordable housing, a topic that was the subject of a special meeting on December 1, 2015

(http://www.ci.berkeley.ca.us/Clerk/City_Council/2015/12_Dec/City_Council__12-01-2015_-_Special_Meeting_Agenda.aspx).

Three City of Berkeley charter amendments in contention for the November ballot are: Redistricting Commission; Public Financing of Elections; Vacancy in the Office of Mayor or Council member and Tie Votes. In addition, there is one non-revenue measure circulating for the November 2016 City of Berkeley ballot.

Berkeley voters are expected to see revenue measures on the November ballot from other agencies. The Berkeley Public Schools Educational Excellence Act, which provides critical funding to the Berkeley Unified School District, expires this year unless voters re-authorize it. The San Francisco Bay Area Restoration Authority is expected ask voters to impose a new, \$12 parcel tax in all nine Bay Area counties to build levees and to restore thousands of acres of wetlands and tidal marshes as a buffer to storm surges and floods.

A number of state propositions have qualified for the ballot and a high number have been cleared for circulation as voter initiatives. See Attachment 3 for details. The Council may wish to consider the number of measures appearing on the ballot all together when considering placing local measures on the ballot.

POSSIBLE FUTURE ACTION

The council could consider funding mechanisms to support infrastructure or service needs. In addition, the council could consider the use of an opinion poll to gauge the community's interest in such mechanisms.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The cost of an initial community survey is expected to be approximately \$29,000.

CONTACT PERSON

Matthai Chakko, Assistant to the City Manager, 981-7008

Attachments:

- 1: Residential Property Tax Comparison
- 2. November 2016 Election Calendar
- 3. Statewide Ballot Measures for November 2016 Election

Attachment 1

Comparison of Berkeley, Oakland, and Albany Property-Based Taxes and Assessments:

FY 2016

Ad Valorem Taxes: Berkeley, Oakland, and Albany properties are all equally subject to the 1% countywide ad valorem tax based on assessed value, as well as the ad valorem debt service imposed by the Peralta Community College, Bay Area Rapid Transit, East Bay Regional Park and East Bay Municipal Utility districts. In FY 2016 these combined taxes represent \$4,374 for an average homeowner (\$425,000 A.V.) of total ad valorem tax in each city.

Berkeley, Oakland, and Albany have each approved City GO bond debt, which is based upon the assessed value. In FY 2016, Berkeley's cumulative GO bond tax at \$181 is significantly lower than Oakland's cumulative GO bond tax at \$690 and Albany's GO bond tax at \$220.

<u>Special Taxes</u>: Each of these cities has its own set of voter-approved special taxes and other assessments; however, Oakland and Albany do not use the same taxation method as the City of Berkeley. For instance, while most of Berkeley's special taxes are based on a tax rate multiplied by the building square footage, those in Oakland and Albany are usually a standard flat rate amount per parcel with some variation in the flat rate based upon land use. In all three cities, most of the voter approved special taxes allow for an annual cost of living adjustment based either on the annual Bay Area Consumer Price Index (CIP) (although Berkeley's Emergency Services for the Severely Disabled tax, the Library Tax, and the Fire Protection/Emergency Response Tax uses the higher of the Bay Area CIP or the Statewide Personal Income Growth (PIG) rate).

There are several significant differences in the special taxes imposed by Berkeley, Oakland, and Albany. For example, Berkeley's Library Tax at \$241 is significantly higher than Oakland's library tax at \$96¹ or Albany's library and library supplemental tax at \$97 annually.

Another significant difference is in school taxes. Each city has approved School GO bond debt and special school taxes. Berkeley Unified School District's combined GO and special school taxes total \$989, Albany Unified School District's GO and special school tax is slightly higher than Berkeley's at \$1,471, but Oakland Unified School District's GO and special school tax is significantly lower at \$838.

County and other agency assessments (such as County Service Area (CSA) Vector Control, AC Transit, East Bay Municipal Utility District (EBMUD) and East Bay Regional Parks (EBRP)) are parcel-based, flat rate assessments based on land use. And, with

¹ Parcels located in the Rockridge Community Facility District (CFD) 1 pay an additional tax of \$25 annually.

some limited exceptions², apply equally to all property in these three cities. There are a few other variations billed on property tax statements.

Table 3 summarizes the comparison of total FY 2016 annual parcel-based taxes and assessments for Berkeley, Oakland, and Albany using an 'average' single family property that is 1,900 square feet with an assessed value of \$425,000 and a homeowner's exemption of \$7,000.

² Albany is not subject to the additional Mosquito Abatement fee and is not included in the CSA Lead Abatement program. Oakland properties pay higher CSA Vector Control assessments than Berkeley or Albany.

Table 3 - SUMMARY OF FY15 PROPERTY-BASED TAXES AND ASSESSMENTS COMPARISON

Average Single Family Home: \$425,000 Assessed Value (AV) and 1,900 Square Foot

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Physically Disabled	\$0.01	\$	26						
Fire/Emergency Response (Meas GG)	\$0.05	\$	94	Parcel/unit	\$	120			
Oak: OUSD Measure N	φ0.05	φ	94	raice/uiiii	φ	120			
CFD1 Disaster Fire/Mello Roos	\$0.01	\$	24	parcel/unit	\$	100			
Oak: Violence Prevention (BB)	φ0.01	φ	24	parcerunit	φ	100			
Total City Special Taxes	\$0.45	\$	854		\$	452		\$	262
<u>City Assessments</u>									
Street Lighting/Alb: City Sewer Service	\$0.01	\$	21					\$	460
Clean Storm Water	Formula	\$	34	parcel/unit	\$	16	parcel/unit	\$	161
Oak: Flood 12; Alb:st/storm drains & CSW	Tomula	Ψ	J -1	parcerunit	Ψ	10	parcerunit	Ψ	101
Total City Special Assessments		\$	54		\$	16		\$	620
BUSD Special Taxes								\$	278
Facility Maintenance Measure BB	\$0.07	\$	124						
Educational Excellence Measure A (2006)	\$0.28	\$	541	parcel/unit	\$	195	parcel/unit	\$	591
Oak: Meas G; Alb Meas I & J	φυ.20	φ	341	parcerunit	φ	195	parcerunit	φ	591
Total Unified School District Special Taxes	\$0.35	\$	665		\$	195		\$	869
County/Agency Assessments & Fixed Charges									
Mosquito Abatement	Parcel- based	\$	2		\$	2	N/A	\$	-
Mosquito Assess 2	Parcel- based	\$	3		\$	3	N/A		
CSA Paramedic	Parcel- based	\$	30		\$	30		\$	30
CSA Vector Control	Parcel- based	\$	6		\$	7		\$	6
CSA Vector Control B	Parcel- based	\$	4		\$	4		\$	4
CSA Lead Abatement	Parcel- based	\$	10		\$	10	N/A	\$	-
AC Transit (Measure VV)	Parcel- based Parcel-	\$	96		\$	96		\$	96
EBMUD Wet weather	based	\$	140		\$	140		\$	140
East Bay Trail LLD	Parcel- based	\$	5		\$	5		\$	5
Haz Waste Program	Parcel- based	\$	10		\$	10		\$	10
EBRP Park Safety/M	Parcel- based	\$	12		\$	12		\$	12
Peralta CCD Meas B	Parcel- based	\$	48		\$	48		\$	48
Total County Assessments/Charges		\$	365		\$	366		\$	351
TOTAL CURRENT ANNUAL TAXES		\$	7,045		\$	6,737		\$	7,298
Tax/Assessment Rate		1.6	854%		1.	6116%		1.7	460%

CITY OF BERKELEY - GENERAL ELECTION CALENDAR Attachment 2 November 8, 2016

Offices to be Elected: Mayor; City Council Districts 2, 3, 5, 6; Rent Board (4 seats); School Board (2 seats)

		Board (2 Seats)
DAYS PRIOR TO ELECTION	<u>DATE</u>	<u>ACTION TAKEN</u>
180	May 12, 2016	Suggested Last Day to file petitions for initiative or charter amendment ballot measure. Petitions received after this date will be accepted, but may not be on the November ballot.
158 - 103	June 3 through July 28, 2016	Signature In-Lieu of Filing Fee Period - Candidates may collect signatures to offset the \$150 filing fee. Charter Art. III, Sec. 6.5
113	July 18, 2016	FILING PERIOD - CANDIDATE NOMINATION PAPERS
88	August 12, 2016	EC 10220 et seq., Charter Art. III, Sec. 6.5
	August 1, 2016	Semi-Annual Campaign Statement Due
90	August 10, 2016	Independent Expenditure Disclosure Period Begins (\$1,000 or more)
90	August 10, 2016	Late Contribution Disclosure Period Begins (\$1,000 or more)
88	August 12, 2016	Deadline to deliver resolution calling ballot measure election to Registrar and request election consolidation. Tax Rate Statement due for bonds. EC 12001, 10002, 1405, 9241; EC 9400-9401
87 - 83	August 13, 2016 through August 17, 2016	Extended candidate filing period. Filing is extended if an incumbent eligible for re-election does not file by 5pm on Aug 12. Incumbents are not eligible to file during the extended period. EC 10225
81	August 19, 2016	Last day to file primary arguments for ballot measures - Deadline is 12:00pm. EC 9280-9287
74	August 26, 2016	Last day to file rebuttal arguments for ballot measures - Deadline is 12:00pm. Impartial Analysis due. EC 9280-9287
74 - 63	August 26 through September 6, 2016	Public review period for ballot arguments and Impartial Analysis. EC 9295
57 - 14	September 12 through October 25, 2016	Filing Period for Write in Candidates. EC 8601
40	September 29, 2016	Voter Information & Sample Ballot Pamphlet mailing period.
21	October 18, 2016	EC §13303-04, 13306

29 - 7	10/10/2016 through November 1, 2016	Period to obtain Vote-by-Mail Ballots. After November 1, VBM ballots may be obtained at the Registrar's office. EC §3001
	October 5, 2016	First Pre-Election Campaign Statement due. GC §84200.7
15	October 24, 2016	Last Day to Register to Vote. EC §§2102, 2107
	October 24, 2016	Second Pre-Election Campaign Statement due. GC §84200.7
0	November 8, 2016	Election Day - EC §1000; Charter Art. III, Section 4
30	,	Election Day - EC §1000; Charter Art. III, Section 4 Last day for County to certify election results to city. EC §15372
	2016 December 8,	

Attachment 3

November 2016 Ballot Information

In addition to the national, state and local candidates on the November 2016 ballot, there will also be a number of state propositions and initiatives. The "Cleared for Circulation" list has been abridged to the account for multiple submissions of measures with the same title. The full list can be found at http://www.sos.ca.gov/elections

Ballot Measure

State of California: Qualified or Eligible for Ballot

Referendum to Overturn Ban on Single-Use Plastic Bags.

State Fees on Hospitals. Federal Medi-Cal Matching Funds. Initiative Statutory and Constitutional Amendment.

State Prescription Drug Purchases. Pricing Standards. Initiative Statute.

Adult Films. Condoms. Health Requirements. Initiative Statute.

Revenue Bonds. Statewide Voter Approval. Initiative Constitutional Amendment.

School Bonds. Funding for K-12 School and Community College Facilities. Initiative Statutory Amendment.

State of California: Pending Signature Verification or Cleared for Circulation

Referendum to Overturn Aid-in-Dying Law

Cigarette Tax to Fund Healthcare, Tobacco Use Prevention, Research, and Law Enforcement. Initiative Statute.

University of California and California State University Employees. Pension Benefits. Initiative Statute.

Minimum Wage. Increases and Future Adjustments. Initiative Statute.

Public Employees. Pension and Retiree Healthcare Benefits. Initiative Constitutional Amendment.

Ferrets. Legalization as Pets. Initiative Statute.

California Nationhood. Initiative Statute.

Marijuana Legalization. Initiative Statute.

Abortion Access Restriction. Parental Notification and Waiting Period for Females Under 18. Initiative Constitutional Amendment.

Death Penalty. Procedures. Initiative Statute.

Initiative and Referendum Petitions. Electronic Signature Gathering. Initiative Statute.

Water Bond. Funding for Water Quality, Supply, Recycling, and Storage Projects. Initiative Statute.

Legislature Expansion. Legislative Process. Initiative Constitutional Amendment.

Chief of Protocol of California. International Diplomacy. Initiative Statute.

Three Strikes Law. Pre-1994 Strikes. Initiative Statute.

Firearms, Ammunition Sales, Initiative Statute.

Federal Elections. Campaign Advertisements. Initiative Statute.

Nonpartisan Ballots. Initiative Constitutional Amendment.

Minimum Drinking Age. Initiative Statute.

Nuclear Power. Initiative Statute.

Electricity. Initiative Statute.

Election Campaign Finance. Public Funding. Initiative Statute.

Campaign Finance. Donor Disclosure. Initiative Statue.

Childhood Sexual Abuse. Statutes of Limitations. Initiative Statute.

Undocumented Immigrants. State and Local Enforcement of Federal Immigration Law. Initiative Statue.

Sales Tax on Political Advertisements. Initiative Constitutional Amendment.

Public Assistance Benefits. Eligibility. Initiative Statute.

Tax Extension to Fund Education. Initiative Constitutional Amendment.

Death Penalty. Initiative Statute.

Campaign Finance. Donor Disclosure. Initiative Constitutional Amendment and Statute.

Constitutional Definition of a Person. Fertilized Human Eggs. Initiative Constitutional Amendment.

Speech. Holocaust Denial Restrictions. Initiative Statute.

Carry-Out Bags. Charges. Initiative Statute.

Public School Teachers. Waiting Period for Permanent Status. School Employment Decisions. Initiative Statute.

Public Employees. Pension and Retiree Healthcare Benefits. Initiative Constitutional Amendment.

Sports-Based Markets. Initiative Constitutional Amendment.

Cigarette Tax to Fund Healthcare, Tobacco Use Prevention, Research, and Law Enforcement. Initiative Constitutional Amendment and Statute.

Legislature. Legislation and Proceedings. Initiative Constitutional Amendment and Statute.

Three Strikes Law. Pre-1994 Strikes. Initiative Statute.