

ORDINANCE NO. 12507 C.M.S.

2003 MAY 29 PM 8:19

**ORDINANCE AUTHORIZING THE INCREASE OF THE TAX
IMPOSED BY THE LIBRARY RETENTION AND ENHANCEMENT
ACT OF 1994 IN ACCORDANCE WITH THE VOTER-APPROVED
1994 MEASURE O**

WHEREAS, the voters of Oakland in 1994 approved Measure O, the Library Services Retention and Enhancement Act of 1994; and

WHEREAS, Measure O imposed a special tax on all parcels in the City of Oakland, except where the parcels are otherwise exempt from taxation by Section 6 of the ordinance; and

WHEREAS, Measure O provided that, after the third year of imposition of the tax, the City Council may increase the tax only upon a finding that the cost of living in the immediate San Francisco Bay Area, as shown on the Consumer Price Index (CPI) for all items, has increased since the 1994 index year;

WHEREAS, Measure O provided that any tax rate adjustment imposed by the City Council pursuant to the ordinance shall not exceed five percent of the tax rate imposed during the immediately preceding fiscal year; now therefore be it

RESOLVED, That the Council of the City of Oakland does ordain as follows:

1. The City Council hereby finds that the average annual Consumer Price Index for all items in the San Francisco Bay Area in 2001 was 189.9 and that the average annual Consumer Price Index for 2002 was 193.0;
2. The cost of living in the immediate San Francisco Bay Area, as shown by the Consumer Price Index, has increased 1.6 percent between 2001 and 2002; and
3. The Measure O special tax rate upward adjustment shall be 1.6 percent, pursuant to the Measure O requirement that the rate increase not exceed the annual CPI increase for the San Francisco Bay Area; and at no time may the rate exceed 5.0 percent of the tax rates imposed by the ordinance during the immediately preceding fiscal year; and

4. The following rate structure will be imposed on parcels within the City of Oakland effective July 1, 2003 for FY 2003-04:

Measure O Tax Rate Increase

Parcel Type	Current Parcel Rate	Proposed Increase	FY 2003-04 Parcel Rate
Single Family Residential Parcels	\$35.49	\$0.57	\$36.06
Multiple Unit Residential Parcels	\$24.24	\$0.39	\$24.63
Non-Residential Parcels	\$18.18	\$0.29	\$18.47

Introduction Date: JUN 05 2003

JUN 19 2003

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

AYES – **BROOKS, BRUNNER, CHANG,
NADEL, REID, QUAN, WAN**
NOES – 0
ABSENT – 0
ABSTENTION – 0
AND PRESIDENT DE LA FUENTE – 8

ATTEST



CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

FULL TEXT OF MEASURE O

LIBRARY SERVICES RETENTION AND ENHANCEMENT ACT OF 1994

Be It Ordained by the People of the City of Oakland as follows:

Section 1. TITLE AND PURPOSE

- (A) Title. This Ordinance may be cited as the "Library Services Retention and Enhancement Act of 1994."
- (B) Purpose. The tax imposed under this Ordinance is solely for the purpose of raising revenue necessary to retain and enhance library services in the City of Oakland.

In recognition of the potential hardship on low-income families and enterprises, the Ordinance provides a complete exemption from the tax for low-income homeowners, on-profit residential hotels, schools, hospitals, churches, and land used for agricultural purposes.

The Library Services Retention and Enhancement Act of 1994 is for the sole purpose of raising revenue that will be utilized for library services. This special tax is of an ad valorem tax on real property nor a transaction tax nor sales tax on the sale of real property within the City.

Section 2. USE OF PROCEEDS

The proceeds of this tax may only be used in accordance with the following objectives:

1. to keep neighborhood libraries open a minimum of 5 days per week;
2. to retain availability of library services at the Main Library 7 days per week;
3. to enhance and expand library collections;
4. to provide educational and cultural programs for youth in every library;
5. to expand library-based programs in support of literacy, lifelong learning and information technology; and
6. to operate an African-American museum and library program.

Section 3. DEFINITIONS

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

- (A) "Building" shall mean 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) "Exempt Organization" shall mean a nonprofit organization that is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code.
- (C) "Family" shall mean one or more persons related by blood, marriage or adoption, who are living together in a single Residential Unit and maintaining a common household. Family shall also mean all unrelated persons who live together in a single Residential Unit and maintain a common household.
- (D) "Hotel" shall mean any Building, or portion of a Building that is occupied or intended or designed for occupancy by Transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home, house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar Building or portion thereof.

- (E) "Improvements" shall mean all Buildings, structures, fixtures, fences and paving in the City erected or affixed to land, and all items which are permanently affixed to land which have become a part of real property by having been physically incorporated therein or permanently affixed thereto.
- (F) "Non-Residential" shall mean all parcels that are not classified by this Ordinance as Residential Units, and shall include, but not be limited to, Industrial, commercial and Institutional Improvements, as well as Vacant Parcels.
- (G) "Occupancy" shall mean the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any Hotel for dwelling, lodging or sleeping purposes.
- (H) "Operator" shall mean the Person who is a proprietor of a Hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee or any other capacity. Where the Operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall be deemed an Operator for the purposes of this Ordinance.
- (I) "Owner" shall mean the Person having title to real estate as shown on the most current official assessment roll of the Alameda County Assessor.
- (J) "Parcel" shall mean a unit of real estate in the City of Oakland as shown on the most current official assessment roll of the Alameda County Assessor.
- (K) "Person" shall include individuals, and for profit and non-profit organizations, including, but not limited to, corporations, partnerships, business associations and trusts.
- (L) "Possessory Interest" as it applies to property owned by any agency of the government of the United States, the State of California, or any political subdivision thereof, shall mean possession of, claim to, or right to the possession of, land or improvements and shall include any exclusive right to the use of such land or improvements.
- (M) "Residential Unit" shall mean a Building or portion of a Building designed for or occupied exclusively by one family.
- (N) "Transient" shall mean any individual who exercises occupancy of a hotel or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any individual so occupying space in a Hotel shall be deemed to be a Transient until the period of thirty (30) consecutive days has elapsed.
- (O) "Vacant Parcel" shall mean an unimproved Parcel, but shall not include unimproved Parcels which have been dedicated as open space or parklands.
- (P) "Main Library" is defined as the central library of the Oakland Public Library system.
- (Q) "Library Collections" are defined as books, magazines, newspapers, electronic databases and equipment that facilitates the use of those items, materials for public use that are in video and audio formats, as well as learning materials used to enhance reading and literacy skills.

Section 4. IMPOSITION OF PARCEL TAX

There is hereby imposed a special tax on all parcels in the City of Oakland, except where the parcels are otherwise exempt from taxation by Section 6 of this Ordinance.

The tax imposed by this Section shall be assessed to the Owner unless the Owner is by law exempt from taxation, in which case, the tax imposed shall be assessed to the holder of the Possessory Interest in such parcel, unless such holder is also by law exempt from taxation.

The tax hereby imposed shall be at the following rates:

- (A) For all single family Residential Parcels, the tax shall be at the annual rate of \$29.28 per Parcel.
- (B) For all multiple unit Residential Parcels, the tax shall be at the annual rate of \$20 per Residential Unit located on such Parcels, with the following exception: If a majority of the Residential Units have been vacant for 6 months or more, the rate shall be reduced by 50% to \$10.00 per Residential Unit located on the Parcel.
- (C) For Non-Residential Parcels, the tax rate shall be at the annual rate of \$15 for every Single Family Residential Unit Equivalent. Single Family Residential Unit Equivalents will be based on square footage and frontage and by land use category as follows:

LAND USE CATEGORY	FRONTAGE (FT)	AREA (SF)
Commercial/Institutional	80	6,400
Industrial	100	10,000
Public Utility	1,000	100,000
Golf Course	500	100,000
Quarry	1,000	250,000

Example: assessment calculation for a commercial or institutional parcel with a frontage of 160 feet and an area of 12,800 sq. ft.:

Frontage	Area	
<u>160 FT</u>	<u>12,800 SF</u>	
80 FT/SFE = 2 SFE;	6,400 SF/SFE = 2 SFE	
2 SFE	+	2 SFE = 4 SFE;
		4 SFE x \$15 = \$60

Section 5. HOTELS

The tax imposed by this Ordinance shall be imposed on each Hotel within the City in accordance with the following:

- 1. Residential Hotels. If rooms in a Hotel were occupied by individuals who were not Transients for 80% or more of the previous fiscal year, such Hotel shall be deemed a Residential Hotel, and such rooms shall be deemed Residential Units and shall be subject to the Parcel tax imposed on Residential Units. The remainder of the Building shall be subject to the applicable Square Footage tax computed in accordance with the Single Family Residential Unit Equivalent calculations.
- 2. Transient Hotels. Notwithstanding the previous subsection, if 80% or more of the Operator's gross receipts for the previous fiscal year were reported as rent received from Transients on a return filed by the Operator in compliance with Section 5, Article 20 of the Oakland Municipal Code (commonly known as the Uniform Transient Occupancy Tax of the City of Oakland), such Hotel shall be deemed a Transient Hotel. The entire Building shall be deemed a Non-Residential Parcel, categorized as Commercial, Industrial, and shall be subject to the Square Footage and Single Family Residential Unit Equivalent calculations set forth in Section 4(C), and the Parcel tax imposed on Residential Units shall not apply.

Section 6. EXEMPTIONS

The tax imposed by this Ordinance shall be subject to the exemptions set forth in this section.

- (A) Low-Income Homeowner Exemption. Exempt from this tax are owners of single-family Residential Units in which they reside whose combined Family Income, from all sources for the previous calendar year, is at or below the income level qualifying as "very low-income" for a Family of such size under Section 8 of the United States Housing Act of 1937 [42 U.S.C.A. Sections 1437 et. seq.] for such year. Owners must apply for the exemption provided for in this section annually by petition to the Director of Finance of the City of Oakland in the manner and at the time set forth in procedures established by the Director of Finance. Such petitions shall be on forms provided by the Director of Finance and shall provide such information as the Director of Finance shall require, including, but not limited to, federal income tax returns and W-2 forms of owner-occupants eligible for this exemption.

- (B) Low-Income Residential Hotel Exemption. Notwithstanding the apportionment requirements of Section 5.1 above, there are exempt from the tax imposed by this Ordinance Owners and Operators of Residential Hotels, owned and operated by Exempt Organizations or by limited partnerships in which the controlling general partner is an Exempt Organization. This exemption shall only apply if the Residential Hotel is subject to a recorded regulatory agreement between the Owner and the State of California or a federal or local public agency, and if, pursuant to such regulatory agreement, the Owner is obligated to maintain rents in the Residential Hotel at "affordable" levels and rent to "low income" persons as such terms are defined in the applicable regulatory agreement. Owners must apply for this exemption to this tax annually by petition to the Director of Finance of the City of Oakland in the manner and at the time set forth in procedures established by the Director of Finance.

Section 7. REDUCTION IN TAX; RATE ADJUSTMENT

- (A) Subject to paragraph (B) of this Section 7, the tax rates imposed by this Ordinance are maximum rates and may not be increased by the City Council above such maximum rates. The tax imposed by this Ordinance may be reduced or eliminated by the City Council for a subsequent fiscal year upon a vote of the City Council on or before June 30th in any year in which the City Council determines that after such reduction or elimination there will be sufficient revenues available to balance the City Council's Adopted Policy Budget. Such reduction or elimination shall be effective for the fiscal year following such vote.
- (B) After the third year of imposition of this tax, the City Council may increase the tax imposed hereby only upon a finding that the cost of living in the immediate San Francisco Bay Area, as shown on the Consumer Price Index (CPI) for all items in the San Francisco Bay Area as published by the U.S. Department of Labor Statistics, has increased; the increase of the tax imposed hereby shall not exceed such increase, using 1994 as the index year. It is further provided that in no event shall the tax rate adjustment imposed hereby exceed, on an annual basis, five percent (5%) of the tax rates imposed by the City of Oakland pursuant to this Ordinance during the immediately preceding fiscal year.

Section 8. MINIMUM LIBRARY APPROPRIATION PREREQUISITE AT FISCAL YEAR 93-94 LEVEL

For any year during which this tax is in effect, the City Council may collect this tax only if the General Fund appropriation for Library services is maintained at a level that is no lower than the General Fund appropriation for fiscal year 1991-92. The General Fund appropriation for Library services for fiscal year 1991-92 was \$7.8 million.

Section 9. TERM OF TAX IMPOSITION

The tax imposed by the Library Services Retention and Enhancement Act of 1994 shall become effective on December 1, 1994 and shall continue in effect for 15-years

ereater. The tax imposed by this Ordinance shall be deemed extended for an additional 15-year period if on or before June 30th of 2009, the City Council submits an ordinance to the voters of the City of Oakland extending this tax, and the voters approve such extension. The tax imposed by this Ordinance shall remain in full force and effect during the pendency of such election if it is held subsequent to June 30th of 2009. In the event that this Ordinance is extended as provided in this section, this Ordinance shall be deemed extended for all purposes and such extension shall relate back to the original passage of this Ordinance and shall not constitute a reimposition of the tax imposed by this Ordinance.

Section 10. ANNUAL AUDIT

The City Auditor will perform an annual audit to assure accountability and the proper disbursement of the proceeds of this tax in accordance with the objectives stated herein.

Section 11. DUTIES OF THE DIRECTOR OF FINANCE; NOTICE OF DECISIONS

It shall be the duty of the Director of Finance to collect and receive all taxes imposed by this Ordinance, and to keep an accurate record thereof.

Said Director of Finance is hereby charged with the enforcement of this Ordinance, except as otherwise provided herein, and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this Ordinance, including provisions for the re-examination and correction of returns and payments. The Director of Finance may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

Upon disallowing any claims submitted pursuant to Section 15, the Director of Finance shall mail written notice thereof to the claimant at his/her address as shown on the Alameda County Assessor's property tax rolls.

Section 12. EXAMINATION OF BOOKS, RECORDS, WITNESSES; PENALTIES

The Director of Finance, or his/her designee, is hereby authorized to examine assessment rolls, property tax records, records of the Alameda County Recorder and any other records of the County of Alameda deemed necessary in order to determine ownership of parcels and computation of the tax imposed by this Ordinance.

The Director of Finance or his/her designee is hereby authorized to examine the books, papers and records of any person subject to the tax imposed by this Ordinance for the purpose of verifying the accuracy of any petition, claim or return filed and to ascertain the tax due. The Director of Finance, or his/her designee, is hereby authorized to examine any person, under oath, for the purpose of verifying the accuracy of any petition, claim or return filed or to ascertain the tax due under this Ordinance and for this purpose may compel the production of books, papers and records before him/her, whether as parties or witnesses, whenever he/she believes such persons have knowledge of such matters. The refusal of such examination by any person subject to the tax shall be deemed a violation of this Ordinance.

Section 13. COLLECTION OF TAX; INTEREST AND PENALTIES

The City Council of the City of Oakland is authorized to have the taxes imposed by this Ordinance collected by the County of Alameda in conjunction with the County's collection of property tax revenues for the City of Oakland. In the event that the County of Alameda collects the taxes imposed by this Ordinance, the imposition of penalties, additional fees and interest upon persons who fail to remit any tax imposed by this Ordinance, or who fail to remit any delinquent remittance under this Ordinance, shall be subject to and governed by the rules, regulations, and procedures utilized by the County of Alameda in its collection of property taxes for the City of Oakland and its collection of this additional tax for the City of Oakland.

In addition to any other penalties otherwise imposed, a one-time penalty at a rate set by the City Council, which in no event shall exceed 25% of the tax due per year, is hereby imposed by this Ordinance on all taxpayers who fail to timely pay the tax provided by this Ordinance. In addition, interest shall be assessed at the rate of 1% per month on the unpaid tax and the penalty thereon.

Every penalty imposed and such interest as accrues under the provisions of this Ordinance shall become a part of the tax herein required to be paid.

Section 14. COLLECTION OF UNPAID TAXES

The amount of any tax, penalty, and interest imposed under the provisions of this Ordinance shall be deemed a debt to the City. Any person owing money under the provisions of this Ordinance shall be liable to an action brought in the name of the City for the recovery for such amount.

Section 15. REFUND OF TAX, PENALTY, OR INTEREST PAID MORE THAN ONCE, OR ERRONEOUSLY OR ILLEGALLY COLLECTED

Whenever the amount of any tax, penalty, or interest imposed by this Ordinance has been paid more than once, or has been erroneously or illegally collected or received by the City it may be refunded provided a verified claim in writing therefor, stating the specific ground upon which such claim is founded, is filed with the Director of Finance within one (1) year from the date of payment. The claim shall be reviewed by the Director of Finance and shall be made on forms provided by the Director of Finance. If the claim is approved by the Director of Finance, the excess amount collected or paid may be refunded or may be credited against any amounts then due and payable from the Person from whom it was collected or by whom paid, and the balance may be refunded to such Person, his/her administrators or executors.

Section 16. SAVINGS CLAUSE

The provisions of this Ordinance shall not apply to any Person, or to any property as to whom or which it is beyond the power of the City of Oakland to impose the tax herein provided. If any provision, sentence, clause, section or part of this Ordinance is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, clause, section or part of this Ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intention of the City of Oakland, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

Section 17. MISDEMEANOR VIOLATION

Any Person who fails to perform any duty or obligation imposed by this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than \$1,000 or by imprisonment for a period of not more than one year, or by both such fine and imprisonment.

The penalties provided in this section are in addition to the several remedies provided in this Ordinance, or as may otherwise be provided by law.

Section 18. BOARD OF REVIEW

Any Person dissatisfied with any decision of the Director of Finance adversely affecting the rights or interests of such Person made by the Director of Finance under the authority of this Ordinance, may appeal therefrom in writing to the Business Tax Board of Review (the "Board") within sixty (60) days from the date of mailing such decision by the Director of Finance. All filings with the Board relating to appeals or

otherwise shall be made to the Chairperson of the Business Tax Board of Review in care of the City Manager's Office, One City Hall Plaza, Oakland, CA 94612. The Board may affirm, modify or reverse such decision or dismiss the appeal therefrom, as may be just, and shall prescribe such rules and regulations relating to appeals as it may deem necessary. The Board's decision on appeal will become final upon mailing notice thereof to the Person appealing the Board's decision at such Person's last known address shown on the Library Services Retention and Enhancement Tax Records.

Any tax, penalty or interest found to be owing is due and payable at the time the Board's decision becomes final.

The Board shall approve, modify or disapprove all forms, rules and regulations prescribed by the Director of Finance in administration and enforcement of this tax; such forms, rules and regulations shall be subject to and become effective only on such approval.

All decisions rendered by the Board shall be final, and no further administrative appeal of these decisions is provided or intended.

Section 19. REGULATIONS

The City Council is hereby authorized to promulgate such regulations as it shall deem necessary in order to implement the provisions of this Ordinance.

Section 20. NO AMENDMENT

This Ordinance may not be amended by action of the City Council without the applicable voter approval.

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE O

This proposed Ordinance, the "Library Services Retention Act of 1994," would impose a City-wide special tax to fund City library services. If adopted, the tax would be in effect for fifteen years and it could only be extended upon voter approval. It is estimated that this tax would provide revenues necessary to finance the operation of the City's libraries at a level to permit: (1) neighborhood libraries to remain open 5 days per week; (2) retaining library services at the Main Library 7 days per week; (3) enhancement and expansion of library collections; (4) educational and cultural programs for youth in every library; (5) expansion of programs for literacy, lifelong learning and information technology; and (6) operation of an African-American museum and library program. The Ordinance allows the City Council to adjust the annual tax rates by a maximum of 5% after the third year of the tax's implementation, consistent with annual increases in the cost of living in the San Francisco Bay Area. The Ordinance provides an exemption from the tax for low-income homeowners and nonprofit residential hotels. To qualify for the low-income exemption, taxpayers must provide documentation of their income.

The tax is based upon a per parcel rate of \$29.28 for single family residential units, \$20 per unit for multi-unit residential parcels and \$15 per "single family equivalent" units for nonresidential parcels, such as industrial and commercial property. The multi-unit residential rate is reduced by 50% to \$10 per unit if the majority of the residential units on such parcel have been vacant at least 6 months. For the different categories of nonresidential property, tax liability is based on a standard measurement determined to be the equivalent of a single family residential unit. This formula is expressed in terms of parcel frontage and area. The tax for such properties is the product of \$15 times the number of "single family equivalents" ("SFE") for the particular nonresidential property. Example: an industrial parcel with a frontage of 80 feet and an area of 6400 square feet is the equivalent of one single family unit (1 SFE); another industrial parcel with a frontage of 160 feet (computed as 2 SFEs, as $160 \div 80 = 2$) and an area of 19,200 square feet (computed as 3 SFEs, as $19,200 \div 6400 = 3$) would pay tax of \$75. Thus, 2 SFEs + 3 SFEs = 5 SFEs and such 5 SFEs \times the nonresidential tax rate of \$15 = \$75.

The tax is estimated to generate approximately \$4,079,344 in revenues, before allowable exemptions and county collection fees, during each of the first three fiscal years.

Ordinances adopted by the voters for special taxes similar to this proposed ordinance have been upheld by the California Supreme Court.

s/Jayne W. Williams
City Attorney

CITY DIRECTOR'S FINANCIAL ANALYSIS OF MEASURE O

ISCAL EFFECT

This measure will not increase the City expenditures which are paid out of the General Fund. All costs directly related to the implementation of this measure will be paid out of the proceeds of this library parcel tax, as shown below:

Estimated Receipts Excluding Penalties and Interest	\$4,079,344
Deduct: Exemptions (5,000 x \$29.28)	(146,400)
County Collection Fee (1.7%)	(69,350)
Available	<u>\$3,863,594</u>

First Year Spending Plan:

Office of Finance—Staff and Operating Costs	\$ 56,078
Office of General Services—Custodial Services and Utilities	216,700
Library Objectives:	
Branch Libraries—Open 5 Days Per Week	874,602
Main Library—Open 7 Days Per Week, Citywide Reference and Technical Services	1,198,033
Expand Book Collections	500,000
Youth Programs	592,925
Literacy, Lifelong Learning, Technology	150,000
African-American Museum and Library	275,256
Total	<u>\$3,863,594</u>

RESTRICTIONS

1. This tax may not be collected if the General Fund appropriation for the Library budget is less than \$7.8 million, the 1991-92 General Fund appropriation for the Library.
2. The proceeds of this tax may only be used in accordance with the objectives described in the spending plan above. Allocation of funds among the objectives may vary according to the community's changing priorities.
3. Unspent funds at the end of a fiscal year will be carried over to the following year, to be spent only in accordance with the stipulations of this measure.

ACCOUNTABILITY TO TAXPAYERS

City Council: Will establish a "Library Services Retention and Enhancement Fund", in which all revenues and expenditures pertaining to this measure will be recorded by the Office of Finance.

Office of Finance: Will administer and enforce the collection of revenues pertaining to this measure.

City Auditor: Will annually audit the expenditures paid from this "Fund" to ensure compliance with the approved spending plan.

Library Advisory Commission: Will provide citizen input and feedback regarding Library services and needs.

ADDITIONAL INFORMATION

Increase in Tax: There shall be no increase in the first three years of imposition of this tax. After the third year, Council may increase the tax rates no more than 5% over the preceding year's rates unless the Consumer Price Index has increased at a greater rate, using 1994 as the base year.

Decrease In Or Elimination of Tax: Council may vote to decrease or eliminate the tax for a subsequent fiscal year on or before June 30 in any year if Council determines that there will be sufficient revenues to balance the City's Adopted Policy Budget if this tax were to be decreased or eliminated.

Term of Tax Imposition: Tax is to become effective December 1, 1994 and continue in effect for 15 years thereafter.

Extension of Term: The term of tax imposition will be extended an additional 15 years if on or before June 30, 2009, Council submits an ordinance to the Oakland voters to extend this tax for an additional 15 years and voters so approve.

s/Norma Ng Lau
City Auditor

ARGUMENT IN FAVOR OF MEASURE O

Oakland children, seniors and residents deserve a quality library system. A vote for Measure O is a vote for children's education and literacy.

Measure O will allow Oakland's libraries to maintain current services. In addition Measure O will:

- Keep the main library open 7 days a week and neighborhood libraries open a minimum of 5 days a week.
- Provide after-school programs for youth in every library.
- Provide full children's services in every library.
- Expand the library's literacy program which teaches Oakland residents to read.
- Operate an African American museum and educational program.
- Provide librarians and staff for the new Rockridge and Asian branch libraries.

City budget cuts have forced our libraries to cut hours and programs for youth and seniors. Neighborhood libraries are already functioning with limited hours and personnel, which means reduced services to children, literacy students, business people and residents. To stop further cuts in services, the libraries need additional funding which the City and State cannot provide.

The Library Advisory Commission, composed of Oakland residents, will be responsible for reviewing expenditures to ensure that funds are spent properly. Funds from Measure O are supplementary, and are to be used to enhance and improve existing library programs.

A yes vote for Measure O is a vote for our children and our community. Please support Oakland's libraries in its effort to provide a brighter future for all Oakland residents.

s/Ellhu Harris, Mayor,
City of Oakland

s/Sheila Jordan
Councilmember District 1

s/Terry Preston, President,
Friends of Oakland Public Library

s/Roland Smith
CPA - Small Business Owner

RE BUTAL TO ARGUMENT IN FAVOR OF MEASURE O

Continued cries of "budget cuts" are simply distortions! The Library department was budgeted at \$9,728,339 this fiscal year. Last year it was \$9,680,517, and the year before the Library spent \$8,833,498. THAT'S NEARLY A MILLION DOLLAR INCREASE IN THREE YEARS! NOT A "REDUCTION," AN INCREASE! The number of authorized employees this year is 166, last year it was 161. Where's the reduction?

OAKLAND VOTERS SAID "NO" IN 1992!

We defeated virtually the same measure, but the politicians aren't listening. Their only change was to cynically revise the single-family home rate from \$30 to \$29.28.

THIS IS REALLY ABOUT PAYING TWICE FOR THE SAME SERVICES!

Measure O sets the Library apart from essential City departments, with a GUARANTEED budget of \$7.8-million from general funds, plus \$4-million from this parcel tax — far more than just "retention of services." A non-elected board would determine spending of that \$4-million, not our elected representatives! And, the City Council would lose policy decision over \$7.8-million of the general fund. WE WILL CONTINUE TO PAY for Library services from property, sales and other taxes — THEN WE WILL PAY AGAIN FROM THE ADDED PARCEL TAX! People in Rockridge who are paying a \$25 Mello-Roos parcel tax will pay three times!

A highly cost-effective Library reorganization proposed by a former Director was shot-down because each Councilmember demanded branches in his/her district, even if under-used.

NO NEW TAXES! NO ON MEASURE O!

s/Arthur B. Geen
Executive Vice President
Alameda County Taxpayers Association, Inc.

ARGUMENT AGAINST MEASURE O

This Measure is NOT about "Library Services Retention." It's about SIPHONING MORE DOLLARS OUT OF TAXPAYERS' POCKETS! A LOT of dollars — over \$60-MILLION during the 15-year life of this parcel tax!

Look at your PROPERTY TAX BILL — beside the usual tax, you're slapped with LANDSCAPING AND LIGHTING ASSESSMENTS, a CITY PENSION FUND tax, and a flock of others! Look at your UTILITY BILLS and see the City's 7.5 percent UTILITY USER tax on telephone, gas and electric. Look at your GARBAGE BILL and count the CITY FEES. Look at your WATER BILL with its OUTRAGEOUS CITY CHARGES!

They think they're fooling us, spreading around these taxes and fees, but we recognize what the free-spending City of Oakland, with its top-heavy administration, is doing!

According to their own budget document, All Funds spending was \$371.53-MILLION in 1989-90; \$497.78-MILLION in 1992-93; and \$520.49-MILLION for this fiscal year — yet they cry "deficit."

The Library spent \$8,018,004 in 1989-90; \$9,680,517 in 1992-93 and will spend \$9,728,339 this fiscal year. It was authorized 161 employees last year, 166 this year. WHERE ARE THE SO-CALLED REDUCTIONS?

SO, WHAT IS THIS MEASURE ALL ABOUT?

It sets one department above all others, with a guaranteed budget. Even if Police, Fire, Parks and other services are cut, this one department can spend and spend! That's BAD GOVERNMENT, BUDGET ANARCHY, and leaves Oakland taxpayers with an unequal distribution of their tax dollars! The Library system deserves an equitable share of City revenues — but so do other essential services!

ENOUGH! IS ENOUGH!

Oakland voters DEFEATED this same TAX AND SPEND SCAM in 1992. That should have ended it!

Send the City Council a resounding message — NO NEW TAXES!

VOTE NO ON MEASURE O!

s/Arthur B. Geen, Executive Vice President
Alameda County Taxpayers Association, Inc.

REBUTTAL TO ARGUMENT AGAINST MEASURE O

Opponents of the Library would like you to believe that passage of Measure O will cost Oakland taxpayers millions of dollars each year.

They would also like you to believe that defeat of Measure O will "send a message to City Hall."

Let's look at the facts: Measure O will cost Oakland homeowners less than \$2.50 per month, or about 8¢ per day. That's it.

Money generated by Measure O will be earmarked specifically for library services. It will not be used for high priced administration or overhead. Money raised by Measure O will not be used for anything other than library services.

Specifically Measure O will:

1. Keep neighborhood libraries (used primarily by seniors and children) open a minimum of five days a week.
2. Provide after school educational programs to Oakland youth.
3. Allow Oakland Main Library to be open 7 days a week.
4. Allow the Library to increase subscriptions to newspapers and other periodicals and to purchase new books.
5. Support literacy programs for Oakland residents who cannot read or write.

Two years ago 66% of Oakland residents voted in favor of a similar ballot measure, falling just a few votes short of the necessary 2/3's. Since that time our libraries have shortened hours, cut back services and reduced senior and children's programs.

Defeat of Measure O will not reduce your taxes nor will it send a message to City Hall.

Defeat of Measure O will hurt Oakland residents who depend on neighborhood libraries.

s/Ignacio De La Fuente
Member, City Council

s/Jean Quan
Member, School Board

POLLING PLACE LOCATION INFORMATION

Location of your polling place is printed on the back cover. Voters needing additional information on the location of their polling places on Election Day may call the Registrar of Voter's special Election Day only number **451-VOTE**, or may call their City Clerk's Office between 7 a.m. and 8 p.m. in the following Alameda County cities:

Alameda	748-4506	Livermore	373-5130
Albany	528-5720	Newark.....	790-7266
Berkeley	644-6947	Oakland.....	238-3611
Dublin.....	833-6650	Piedmont.....	420-3040
Emeryville	596-4373	Pleasanton	484-8235
Fremont.....	494-4620	San Leandro	577-3311
Hayward.....	293-5306	Union City	471-3232

SEE LABEL ON BACK COVER FOR LOCATION OF YOUR POLLING PLACE.
TO AVOID DELAY AT THE POLLS, PRE MARK THIS BALLOT
AND TAKE IT WITH YOU ON ELECTION DAY.
