

**Oakland Parks, Recreation and Youth Development
OPRYD
250 Frank H. Ogawa Plaza
Oakland, CA 94612**



CITY OF OAKLAND

***Special Meeting of the Oakland Parks and Recreation Advisory Commission**

**Meeting Agenda
Wednesday, June 17, 2020**

4:30 PM

Please see the information page to participate in the meeting

TeleConference

Meeting Participation Information

PARKS AND RECREATION ADVISORY COMMISSION (PRAC)
The public may observe and/or participate in this meeting as follows.

OBSERVE:

- To observe the meeting by video conference, please click on this link:
<https://zoom.us/j/95708009477> at the noticed meeting time.

Meeting ID: 957 0800 9477

LISTEN:

- To listen to the meeting by phone, please call the numbers below at the noticed meeting time:
U S: +16699006833,,95708009477# or +14086380968,,95708009477#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669.900 6833 or +1 408 638 0968 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799, or +1 646 876 9923, or +1 301.715 8592

Meeting ID: 957 0800 9477

If asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.

COMMENT:

Public comment on action items will be taken after the presentation of each report under Item 7 on the agenda. Comment for items not on the agenda will be taken during Open Forum.

HOW TO SUBMIT PUBLIC COMMENTS:

1. To comment by Zoom video conference, click the "Raise Your Hand" button to request to speak when Open Forum comment is being taken or on an eligible agenda item after it has been presented. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Instructions on how to "Raise Your Hand" is available at: <https://support.zoom.us/hc/en-us/articles/205566129> - Raise-Hand-In-Webinar.
2. To comment by phone, please call on one of the above listed phone numbers. You will be prompted to "Raise Your Hand" by pressing "*9" to speak when Open Forum is taken or after an eligible agenda item has been presented. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Please unmute yourself by pressing *6.

If you have any questions, please email Diane Boyd, Executive Assistant to the Director of Oakland Parks, Recreation and Youth Development dboyd@oakland.ca.gov.

Oakland Parks, Recreation and Youth Development (OPRYD)

***Special Meeting of the Oakland Parks and Recreation Advisory Commission**

**Meeting Agenda
Wednesday, June 17, 2020**

4:30 PM

AGENDA

1. CALL TO ORDER:
2. ROLL CALL:
**AIKENS, COLE, CORBIN, HA, HOWZE, MOORE, REILLY, SMITH, TORRES,
WOLFSON**
3. DISPOSITION OF MINUTES:
February 19, 2020 – Special Meeting Minutes
4. DIRECTOR'S REPORT
5. MODIFICATIONS TO THE AGENDA:
6. CONSENT NEW BUSINESS:
7. NEW BUSINESS:

1. **A. Request For The Parks And Recreation Advisory Commission To Adopt A Motion
Recommending That the City Council Assign The Role Of Citizen Oversight For
Portions Of The 2020 City Of Oakland Parks And Recreation Preservation, Litter
Reduction, And Homelessness Support Act (Measure Q, 2020).**
8. PLANNING AND CONDITIONAL USE PERMITS:
9. COMMITTEE AND/OR ADVISORY COUNCIL UPDATES:
10. ANNOUNCEMENTS AND COMMUNICATIONS:
11. CONTINUATION OF OPEN FORUM:
12. ADJOURNMENT:

Next Meeting:

Wednesday, July 8, 2020, 2020

TeleConference

8. PLANNING AND CONDITIONAL USE PERMITS:
9. COMMITTEE AND/OR ADVISORY COUNCIL UPDATES:
10. ANNOUNCEMENTS AND COMMUNICATIONS:
11. CONTINUATION OF OPEN FORUM:
12. ADJOURNMENT:

Next Meeting:

Wednesday, July 8, 2020, 2020

TeleConference



PARKS AND RECREATION ADVISORY COMMISSION - PRAC

Wednesday, February 19, 2020 4:30PM

Lakeside Park Garden Center – 666 Bellevue Avenue

*******Special Meeting*******

Minutes

1. CALL TO ORDER: 4:41 p.m.
2. ROLL CALL:
AIKENS, COLE, CORBIN, HA, HOWZE, MOORE, REILLY, SMITH, TORRES, WOLFSON

Present: 8 – Aikens, Cole, Corbin, Ha, Howze, Moore, Reilly, Wolfson

Arrivals: 1 – Smith (4:51 p.m.)

Absent: 1 - Torres

Staff: Diane Boyd and Zermaine Thomas

3. DISPOSITON OF MINUTES:

September 11, 2019

December 11, 2019

January 25, 2020

Motion: Commissioner Corbin entertained a motion to recommend approval of September and December 2019 and January 2020 meeting minutes, including a modification to the December minutes reflecting the following change on page 4, Item 9 under Commissioner Reilly - “March 2020 will mark the 150th year of the Rotary Nature Center (RNC). The Friends of the RNC will celebrate the occasion by installing new poll banners near the RNC location. **Moved by:** Commissioner Aikens. **Second by:** Commissioner Cole. **Vote: 9 Yes:** Aikens, Cole, Corbin, Ha, Howze, Moore, Reilly, Smith and Wolfson. **Motion:** Passed.

4. MODIFICATIONS TO THE AGENDA:

5. OPEN FORUM: Three persons spoke at Open Forum.

6. CONSENT NEW BUSINESS:

A. Request From Native American Health Center (Nahc) For Approval To Collect On-Site Registration Fees At The 19th Annual Running Is My High 5k And 10k Fun Run/Walk At Lakeside Park (Fairylnd Area) On Saturday, April 11, 2020, 9:00am-12:00pm.

B. Request From Eastside Arts Alliance Approval To Collect Donations, And Sell Food And Merchandise On Site At The Malcolm X Jazz Festival At San Antonio Park On Saturday, May 16, 2020 From 12:00pm – 5:00pm.

C. Request From The Spanish Speaking Citizen's Foundation For Approval To Collect Registration Fees Onsite At Their 5k Walk/Run At Lakeside Park (Picnic Tables Near Lake Merritt Sailboat House) On Sunday, May 3, 2020, From 9:00am 11:00am.

Motion: Commissioner Corbin entertained a motion to recommend approval of Items 6A – 6C. **Moved by:** Commissioner Cole. **Second by:** Commissioner Ha. **Vote: 9 Yes:** Aikens, Cole, Corbin, Ha, Howze, Moore, Reilly, Smith and Wolfson. **Motion:** Passed.

7. NEW BUSINESS:

A. Request From Better Black For Approval To Collect Entry Fees, Sales Of Food, Beer, Wine And Spirits, At Strictly R & B To Be Held At The Lakeside Park Garden Center On Saturday, March 7, 2020, From 9:00pm-1:00am.

Motion: Commissioner Corbin to recommend approval to allow Better Black to collect entry fees and revenue from the sale of beer, wine and spirits at the Strictly R&B event at Lakeside Park Garden on Saturday, March 7, 2020. **Moved by:** Commissioner Moore. **Second by:** Commissioner Aikens. **Vote: 9 Yes:** Aikens, Cole, Corbin, Ha, Howze, Moore, Reilly, Smith and Wolfson. **Motion:** Passed.

B. Request From Northern California Debtors Anonymous For Approval To Collect Entry Fees At Their Spring Lights Event At Lakeside Park Garden Center On Sunday, May 17, 2020, From 10:00am-4:00pm.

Motion: Commissioner Corbin entertained a motion recommend approval to allow the Northern California Debtors Anonymous event organizers to collect entry fees at the Spring Lights event at Lakeside Park Garden Center on Sunday, May 17, 2020.

Moved by: Commissioner Smith. **Second by:** Commissioner Reilly. **Vote: 9 Yes:** Aikens, Cole, Corbin, Ha, Howze, Moore, Reilly, Smith and Wolfson. **Motion:** Passed.

8. PLANNING AND CONDITIONAL USE PERMITS:

9. COMMITTEE AND/OR RECREATION ADVISORY COUNCIL(RAC) UPDATES:

Commissioner Corbin:

- OPRYD staff are reorganizing RACs and the RAC process. Both will take time. Staff will address the Commission's request to meet with Recreation Supervisors to be introduced in their position of liaison's department recreation centers.

Commissioner Aikens:

- On Saturday February 22nd, the Arroyo Park Neighbor Association will host a meeting and backyard mixer.
- Discussions are ongoing regarding tennis courts, encampments, refurbishments and possible partnerships with United States Tennis Association (USTA).

Commissioner Ha:

- The FM Smith Recreation Center Cleveland Heights RAC will hold its first meeting in April.
- In preparation for a Tree Permit Appeal item on the March 11, 2020 agenda, the PRAC Tree Committee and Oakland Public Works' Tree Division staff toured the private property and location of the trees subject to the Tree Removal application.

10. ANNOUNCEMENTS AND COMMUNICATIONS

Commissioner Smith:

- Will contact staff regarding lighting in the park and other issues at Dimond Recreation Center.

Note: Commissioner Moore suggested that the recent work on the Dimond pool where lights were shut down may need to be resent or adjusted.

- San Antonio Park neighborhood meeting will take place mid-March. The discussion will include park safety, child care and youth interests.

Commissioner Corbin:

- Community input meetings regarding Mosswood rebuild process will be coming to an end. PRAC will be kept informed.
- Plaques will be installed at de Fremery Park/Pool to honor the Dragon's Swim Team's successes. Would like to explore more opportunities to acknowledge community members.

Commissioner Aikens:

- Extended appreciation to Chair Corbin and Co-Chair Cole for their leadership and work on the January Retreat.
- Mark your calendar: The Oakland Parks and Recreation Foundation (OPRF) will host the Spring for Parks fundraiser on Thursday, April 30, 2020 at the Lake Merritt Garden Center

Commissioner Cole:

- Supports the Oakland Parks and Recreation Foundations efforts on Measure Q.
- Encouraged the Commission to support phone banking Monday – Thursday at Swann's Market.


11. DIRECTOR'S REPORT:

12. CONTINUATION OF OPEN FORUM: One person spoke at Open Forum

13. ADJOURNMENT: 5:26 PM

Respectfully submitted,

/s/ J. Nicholas Williams
J. Nicholas Williams
Secretary



Diane L. Boyd
Recording Secretary

Next Meeting:

***Wednesday, March 11, 2020
Lakeside Park Garden Center
666 Bellevue Ave, Oakland, CA***

This meeting location is wheelchair accessible. To request disability-related accommodations or to request an ASL, Cantonese, Mandarin or Spanish interpreter, please email dboyd@oaklandnet.com or call (510) 238-7532 or TDD/TTY (510) 238-3254 at least five working days before the meeting. Please refrain from wearing scented products to this meeting as a courtesy to attendees with chemical sensitivities.

Esta reunión es accesible para sillas de ruedas. Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en español, Cantonese, Mandarín o de lenguaje de señas (ASL) por favor envíe un correo electrónico a dboyd@oaklandnet.com o llame al (510) 238-7532 o (510) 238-3254 por lo menos cinco días hábiles antes de la reunión. Se le pide de favor que no use perfumes a esta reunión como cortesía para los que tienen sensibilidad a los productos químicos. Gracias.

會場有適合輪椅出入設施。需要殘障輔助設施, 手語, 西班牙語, 粵語或國語翻譯服務, 請在會議前五個工作天電郵 dboyd@oaklandnet.com 或致電 (510) 238-7532 或 (510) 238-3254 TDD/TTY。請避免塗搽香氛產品, 參加者可能對化學成分敏感。



**CITY OF OAKLAND
Oakland Parks & Recreation**

TO: C.N.E. Corbin, Chair, Parks and Recreation Advisory Commission
FROM: Angela Robinson Piñon, Oakland Public Works
DATE: June 10, 2020
SUBJECT: **Request For The Parks And Recreation Advisory Commission To Adopt A Motion Recommending That the City Council Assign The Role Of Citizen Oversight For Portions Of The 2020 City Of Oakland Parks And Recreation Preservation, Litter Reduction, And Homelessness Support Act (Measure Q, 2020).**

SUMMARY

Purpose or Origin of Report

The purpose of the report is to provide sufficient detail and background for the Parks and Recreation Advisory Commission (PRAC) to determine whether or not it will adopt a motion recommending that the Oakland City Council assign the PRAC the role of “citizen oversight” for the parks and recreation and stormwater related expenditures authorized under The 2020 City of Oakland Parks and Recreation Preservation, Litter Reduction, and Homelessness Support Act (Measure Q, 2020). The action taken by the PRAC at this meeting will be included in a forthcoming Oakland City Council Agenda Report regarding citizen oversight for Measure Q, 2020.

Essential background

On March 3, 2020, Oakland voters approved Measure Q, 2020 (Exhibit A) to create a special tax for twenty (20) years to support parks maintenance, homelessness support services, and stormwater infrastructure planning and enhancements.

Tax revenue from Measure Q is limited to the following purposes:

- 64% for parks, landscape maintenance and recreational services
- 30% for services to address homelessness and enable unsheltered and unhoused residents to access temporary shelters, transitional and supportive housing, and permanent housing.
- 5% for services and projects to address water quality and litter reduction, including by maintaining and cleaning stormwater and trash collection systems.
- 1% to cover the costs of auditing and evaluating programs, strategies and services undertaken pursuant to the measure.

The tax revenue would be imposed beginning fiscal year 2020-2021 through the fiscal year 2039-2040.

Most Significant Issues

Section 5 of Measure Q, 2020 requires that:

“The City Council shall assign to one or more existing Boards or Commissions, the responsibility for citizen oversight of this measure. This Board or Commission or Boards and Commission shall review reports related to the expenditure of the revenue collected by the City from the special tax imposed by this Ordinance and provide reports to the City Council when requested, and perform other functions as assigned by the City Council.”

On February 18, 2020, the Oakland City Council adopted Ordinance No. 13584 C.M.S., which among other things, created a Commission on Homelessness and assigned the Commission the responsibility of oversight for funds received under Measure W, 2018 (“The Vacant Parcel Tax”) and funds for homelessness support services received under Measure Q, 2020. The legislative history of that action is linked here:

<https://oakland.legistar.com/LegislationDetail.aspx?ID=4309164&GUID=96A859BD-A646-49FF-B1A1-65E1BF028276&Options=&Search=>.

Major Recommendations and Rationale

Staff recommends that the PRAC pass a motion recommending that the City Council amend Ordinance No. 11731 C.M.S (Exhibit B) which establishes the duties of the PRAC. Extending the responsibility for oversight of portions of Measure Q, 2020 to the PRAC will ensure that proposed expenditures are evaluated in a wholistic manner. Additionally, the PRAC is already familiar with the operations of parks and recreation programs. Given Measure Q’s funding priorities, the bulk of which are parks related, the PRAC is the appropriate entity to provide oversight on appropriations of funds received.

Action Requested of the PRAC and Why

The PRAC is being asked to consider whether or not it would like to provide oversight of Measure Q. The specific duties may be summarized as follows:

- Review proposed parks and water quality related expenditures to ensure that they meet the objectives, uses and allocations as stated in Measure Q. The special taxes may only be used for the purposes set forth in Section 3 Measure Q.
- Ensure that the City complies with the “Maintenance of Effort” section of Measure Q which requires the City to allocate the same level of funds for parks and the stormwater system as were appropriated in the City’s 2019-21 Adopted Policy Budget for fiscal year 2019-2020. If the City fails to do so, the City may not expend revenues collected under Measure Q.
- Review financial audits which analyze and report upon the use of funds in accordance with the Measure Q and standard governmental accounting practices.
- Meet periodically to review reports on Measure Q.

If the PRAC accepts this role of oversight, the next step will be for the City Council to adopt a resolution granting that authority to the PRAC by amending Ordinance No. 11731 C.M.S.

Staff will also begin working with the PRAC to develop processes to enable the PRAC to fulfil its new role.

FISCAL IMPACT

There is no additional impact to the General Purpose Fund (Fund 1010) as a result of this action. The legislation provides for up to one percent (1%) of ballot measure proceeds to be used for administrative costs.

BACKGROUND / LEGISLATIVE HISTORY

On November 13, 1969, the City Council adopted Ordinance No. 8065 C.M.S. (Exhibit C) which dissolved the Parks and the Recreation Commissions and merged their functions into the Parks and Recreation Advisory Commission (PRAC). The purpose of the PRAC was “to formulate policy recommendations and plans for the future development the Park Department and the Recreation Department.” It was also to “advise the City Manager and City Council...on matters affecting [those departments’] facilities, functions, exhibits and duties.”

On July 26, 1994, the City Council adopted Ordinance No. 11731 C.M.S. which amended Ordinance No. 8065 C.M.S. to incorporate uniform requirements that the City had established for the selections of members and their duties, as well as the general responsibilities of boards and commissions.

RECOMMENDATION

Oakland Public Works staff recommends that the Park and Recreation Advisory Commission adopt a motion recommending that the Oakland City Council assign the role of citizen oversight to the PRAC for Measure Q expenditures under the categories of parks, recreation and stormwater related uses as authorized under the Measure.

Respectfully submitted,

 /s/ David Ferguson

Prepared by:
Angela Robinson Piñon
Assistant to the Director

 /s/ Angela Robinson Piñon

Approved by:
David Ferguson
Interim Director, Oakland Public Works

Attachments: Exhibit A – *Text of Measure Q, 2020*
Exhibit B – *Ordinance No. 11731 C.M.S.*
Exhibit C – *Ordinance No. 8065 C.M.S.*

19 DEC -2 PM 4:46

CITY ATTORNEY'S BALLOT TITLE AND SUMMARY OF MEASURE _____

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

BALLOT TITLE:

A Proposed Ordinance to Approve a Parcel Tax to Fund Parks & Recreational Facilities, Services for Unhoused and Unsheltered Persons, and Maintenance of Stormwater Trash Collection Systems.

BALLOT SUMMARY:

This measure would approve an ordinance, "The 2020 Oakland Parks and Recreation Preservation, Litter Reduction, and Homelessness Support Act," and authorize a twenty-year annual special parcel tax.

The tax revenue would be limited to the following purposes:

- 64% for parks, landscape maintenance, and recreational services.
- 30% for services to address homelessness and enable unsheltered and unhoused residents to access temporary shelters, transitional and supportive housing, and permanent housing.
- 5% for services and projects to address water quality and litter reduction, including by maintaining and cleaning stormwater trash collection systems.
- 1% to cover the costs of auditing and evaluating programs, strategies, and services undertaken pursuant to this measure.

The parcel tax would be imposed beginning fiscal year 2020–2021 through the fiscal year 2039–2040.

Tax rates would be as follows:

- Single-family residential parcels: \$148.00 per parcel.
- Multiple-unit residential parcels: \$101.08 per residential unit.
- Non-residential parcels: Varied depending on parcel frontage and square footage.
- Hotels: Either the rate applicable to multiple-unit residential parcels or non-residential parcels, depending upon percentage of transient occupancy.

The measure requires that the City maintain current ongoing funding levels for homeless services and the City's stormwater system; and no more than 55% of the revenue allocated to parks, landscape maintenance, and recreational services may be used to preserve current parks operational services, unless the City Council suspends such requirements by resolution to meet urgent and changing needs in the event of extreme fiscal necessity.

Exemptions from the parcel tax would be available to qualifying low-income households, senior households, and certain religious organizations and schools. The City would provide a rebate of 50% of the tax to qualifying tenants in single-family homes that have been foreclosed and to owners of certain affordable housing projects. Prior to the initial collection of the tax, the measure requires that the City adopt an exemption for certain "distressed homeowners," as that term would be defined by the City Council.

Beginning in the fiscal year 2021-2022, and each year thereafter, the City Council could increase the parcel tax for inflation by a percentage that is up to the greater of:

- The change in cost of living in the immediate San Francisco Bay Area, as determined by the U.S. Department of Labor; or
- The change in California per capita personal income, as determined by the California Department of Finance.

Passage of this measure requires approval by two-thirds of voters who cast ballots. A "yes" vote will approve the parcel tax; a "no" vote will reject the parcel tax.

A handwritten signature in black ink, appearing to read "Barbara J. Parker". The signature is written in a cursive style with a large initial "B".

BARBARA J. PARKER
City Attorney

19 DEC -2 PM 4:47

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE _____

This measure would approve an ordinance, "The 2020 Oakland Parks and Recreation Preservation, Litter Reduction, and Homelessness Support Act," and authorize a twenty-year annual special parcel tax.

The tax revenue would be limited to the following purposes:

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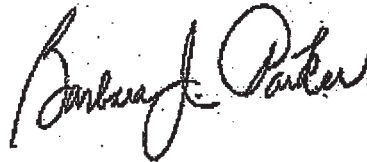
The measure requires the City to maintain current ongoing funding levels for homeless services and the City's stormwater system; and no more than 55% of the revenue allocated to parks, landscape maintenance, and recreational services may be used to preserve current parks operational services, unless the City Council suspends such requirements by resolution to meet urgent and changing needs in the event of extreme fiscal necessity.

Exemptions from the parcel tax would be available to qualifying low-income households, senior households, and certain religious organizations and schools. The City would provide a rebate of 50% of the tax to qualifying tenants in single-family homes that have been foreclosed and to owners of certain affordable housing projects. Prior to the initial collection of the tax, the measure requires the City to adopt an exemption for certain "distressed homeowners," as that term would be defined by the City Council.

Beginning in the fiscal year 2021–2022, and each year thereafter, the City Council could increase the parcel tax for inflation by a percentage that is up to the greater of:

- The change in cost of living in the immediate San Francisco Bay Area, as determined by the U.S. Department of Labor; or
- The change in California per capita personal income, as determined by the California Department of Finance.

This measure was placed on the ballot by the Oakland City Council. Passage of this measure requires approval by two-thirds of voters who cast ballots.

A handwritten signature in black ink, appearing to read "Barbara J. Parker". The signature is written in a cursive, flowing style.

BARBARA J. PARKER
City Attorney

19 DEC -2 PM 2:45

Summary

The measure, if approved by two-thirds of the voters, authorizes the City of Oakland to impose an annual parcel tax for 20 years to provide funding for 1) maintaining and improving parks, landscape maintenance, and recreational facilities and services, 2) providing homeless services, and 3) reducing trash and litter in the City's watershed and storm drain system.

Financial Impact

The City estimates that it would receive approximately \$21 million in FY 2020-21 by imposing the following tax rates on the parcel types shown below:

Type of Parcel	Annual Tax Rate
Single-family	\$148.00
Multiple residential units	\$101.08 per residential unit
Non-residential/residential hotels/transient hotels	Various rates based on established formulas

Revenues from this parcel tax will be deposited into a restricted fund(s) and allocated for spending in the following service categories, net of any collection and tax levy costs and fees:

Service Categories	Tax Allocation Percentage	Estimated Amount for FY 2020-21*
Parks, Landscape Maintenance and Recreational Facilities and Services	Not less than 64%	\$13.4 million
Homeless Services	30%	\$6.3 million
Water Quality and Related Litter Reduction Services	5%	\$1.1 million
Audit and Evaluation of the Strategies and Services	1%	\$0.2 million

*Finance staff estimate that the FY 2020-21 allocation may be reduced by \$1 million due to costs associated with the election.

The City Council may approve minor variations to these allocations in the future.

Central Services Overhead costs (the City's cost of internal services such as human resources, information technology, legal, accounting, etc.) may not be recovered from this revenue. The City, however, may recover other administrative costs from the tax revenues.

Low-income seniors, very low-income residents, and other groups can request an exemption or reduction from this tax.

Beginning in FY 2021-22, the City Council may annually increase the tax rates based on the greater of the Consumer Price Index for the San Francisco Bay Area or the percentage change in California's per capita personal income.

The City may impose a one-time penalty, for delinquent tax payments, at a rate up to 25 percent of the tax due each fiscal year. Additionally, the City Council may assess interest at the rate of one percent per month on unpaid taxes and penalties.

The measure includes maintenance of effort language, which requires the City to maintain a minimum level of funding for each service category, in order to spend the revenues received in any year this tax is in effect. The minimum level of funding for each service category will be based on FY 2019-20 funding levels for these services.

In the event of an extreme fiscal crisis, the City Council may approve a resolution to forego the maintenance of effort requirements and still spend the tax revenues.

The measure is subject to biennial audits by the City Auditor, annual financial audits, and citizen oversight.

References to information in our independent analysis represents the best information at the time of this analysis.

FULL TEXT

PART 1. General

SECTION 1. Title and Purpose.

- A. TITLE. This Ordinance may be cited as the "The 2020 Oakland Parks and Recreation Preservation, Litter Reduction, and Homelessness Support Act".
- B. PURPOSE. The taxes imposed under this Ordinance are solely for the purpose of raising revenue necessary to maintain, protect and improve parks and recreational facilities and services, to provide homeless support services, to improve water quality, and to pay for certain administrative expenses related to the taxes.

Because the proceeds of the parcel tax will be deposited in a special fund or funds restricted for the services and programs specified in Section 3, the tax is a special tax.

SECTION 2. Findings.

This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 *et seq.* ("CEQA"), since in accordance with CEQA Guidelines Section 15061, subd. (b)(3), it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment.

SECTION 3. Use of Proceeds.

- A. Objectives. The tax proceeds raised by the special tax created by this Ordinance may be used only to pay for costs or expenses relating to or arising from efforts to achieve the following desired outcomes and objectives:
 - 1. Support the equitable distribution of maintenance services to parks and recreational facilities throughout Oakland in order to decrease disparities in life outcomes of marginalized communities and to facilitate equity of opportunity throughout Oakland;
 - 2. Provide ongoing maintenance and facilitate the use and operation of parks and recreational facilities for Oakland residents and visitors;
 - 3. Improve and increase maintenance, tree, and landscape services for parks and recreational facilities throughout Oakland;
 - 4. Maintain fixed assets within parks and recreational facilities to avoid more costly repairs;

5. Increase services to unhoused and unsheltered persons within Oakland, with an emphasis on those living in or adjacent to City of Oakland parks, to reduce homelessness and its impacts to public health;
6. Improve water quality through actions that include the maintenance and cleaning of stormwater trash collection systems and reducing trash and litter in our parks, creeks, and waterways; and
7. Cover the direct and indirect administrative expenses associated with the special tax.

B. Uses. Taxes collected pursuant to the special taxes imposed by this Ordinance shall be used only in connection with programs and services that further the objectives set forth in Section 3(A), such as but not limited to the following:

1. Parks, landscape maintenance, and recreational services. Includes costs associated with maintaining, protecting, and improving parks, open space, and recreational facilities and services throughout Oakland, such as, but not limited to:
 - (a) Mowing City operated sports fields frequently, every other week or as may be required by the time of year;
 - (b) Collecting trash and litter several times per week, including Saturdays and Sundays, from the City's most used parks, assuring equitable distribution of resources;
 - (c) Performing regular maintenance on frequently used trails, open spaces and parkland;
 - (d) Performing regular maintenance of park assets including buildings, play structures, and trees;
 - (e) Cleaning park restrooms more than once per day, especially on weekends;
 - (f) Acquiring furniture, fixtures, and equipment to enhance parks and recreational services;
 - (g) Acquiring and installing non-structural improvements to maintain and enhance parks and recreational facilities;
 - (h) Providing maintenance and custodial services to parks and recreational facilities;
 - (i) Enhancing safety and security at parks;

- (j) Purchasing equipment, such as vehicles and computers, supplies, facility improvements, minor additions, and building modifications;
- (k) Training city staff to provide any of the above services, and others, in an efficient manner and in compliance with all City policies;
- (l) Developing measurable tools to ensure equitable maintenance of all parks and open spaces, using the expertise of the Public Works Department, Parks Recreation and Youth Development, and the Department of Race and Equity; and
- (m) Providing dedicated staff at major parks. "Major parks" means City operated Community Parks, Region-Serving Parks, and Resource Conservation Areas, as those terms are used in the Open Space Conservation & Recreation (OSCAR) element of the Oakland General Plan.

2. Services to address homelessness. Includes costs associated with alleviating homelessness or its impacts within Oakland, such as but not limited to:

- (a) Providing programs and services that enable unsheltered and unhoused residents to access temporary shelters, transitional and supportive housing, and permanent housing;
- (b) Expanding cleaning, health, and hygiene services for unsheltered and unhoused residents and alleviating public health impacts associated with lack of sanitation and hazardous conditions and materials;
- (c) Developing City-run programs to prevent homelessness and providing matching funds for programs developed by nonprofit organizations;
- (d) Implementing programs, services, and actions included in Oakland's Permanent Access to Housing (PATH) Strategy, or other housing and homelessness policies adopted by the Oakland City Council;
- (e) Providing services to currently or formerly unhoused persons that help them obtain or retain housing, including employment services, rapid rehousing services, and services to persons residing in shelters, transitional housing, and permanent supportive housing developments;

- (f) Increasing the number of shelter beds that include support services and housing resources;
 - (g) Supporting safe RV parking sites with health, hygiene, security, and case management services;
 - (h) Increasing case management services and quick financial assistance programs to keep people from becoming homeless; and
 - (i) Providing employment training programs to provide job training, job placement, and wage paying work experience for current or recent homeless residents.
3. Services to address water quality and related litter reduction. Includes costs associated with meeting the City's water quality objectives, such as but not limited to:
- (a) Acquiring, installing, and maintaining full trash capture systems, including hydrodynamic separator and connector pipe screens;
 - (b) Sponsoring Creek and Shoreline Clean-ups;
 - (c) Expanding illegal dumping enforcement and education to reduce trash in our creeks, storm water system, and waterways;
 - (d) Installing green infrastructure to reduce litter and improve water quality;
 - (e) Supporting the City's Adopt-a-Drain and Adopt-a-Spot programs and related educational efforts to reduce trash;
 - (f) Performing routine operations and maintenance of the City's storm water system to reduce potential for flooding;
 - (g) Conducting inspections of facilities contributing to trash overflow into our storm drains;
 - (h) Implementing the City's Direct Trash Discharge Control Plan, or related plans approved by the San Francisco Bay Regional Water Quality Control Board;
 - (i) Enforcing ordinances seeking to reduce the use and disposal of plastic food ware and packaging;

- (j) Picking up litter and debris to keep trash out of storm systems and improve water quality;
- (k) Updating the City Storm Drainage Master Plan; and
- (l) Pursuing other actions that support and enable the City to meet the objectives and requirements of Provision C.10 "Trash Load Reduction" of the San Francisco Regional Water Quality Control Board's National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP).

4. **Administrative Expenses.** Includes direct and indirect costs associated with this special tax and the provision of the aforementioned services, such as but not limited to:

- (a) Paying any fees charged by County of Alameda to collect and remit the special tax;
- (b) Paying any costs related to an audit and financial monitoring of the special tax, costs necessary to levy the special tax, costs to implement a performance tracking system, or to conduct an evaluation of the effectiveness of services or programs that are funded by the special tax; and
- (c) Paying costs required to implement the services and programs in Part 1, Section 3(B)(1)-(3).

C. **Allocation.** The proceeds of the special tax shall be appropriated in the budget process or by resolution of the City Council. To achieve the objectives stated herein:

1. One percent (1%) of the total funds annually appropriated each fiscal year by this special tax, net of any collection and tax levy costs & fees, shall be appropriated for audit and evaluation of the programs, strategies and services funded by this measure, and associated administrative expenses.
2. Not less than sixty-four percent (64%) of the total funds annually appropriated each fiscal year by this special tax, net of any collection and tax levy costs & fees, shall be appropriated for parks, landscape maintenance, and recreational services such as those noted in Part 1, Section 3(B)(1), and associated administrative expenses.
3. Thirty percent (30%) of the total funds annually appropriated each fiscal year by this special tax, net of any collection and tax levy costs & fees, shall be appropriated for services to address homelessness such as those noted in Part 1, Section 3(B)(2), and associated administrative expenses.

4. Five percent (5%) of the total funds annually appropriated each fiscal year by this special tax, net of any collection and tax levy costs & fees, shall be appropriated for services and projects to address water quality and litter reduction such as those noted in Part 1, Section 3(B)(3), and associated administrative expenses.
 5. These allocations shall be net of the amount needed to reimburse the City for costs incurred in connection with the election seeking voter approval of this Ordinance.
 6. Notwithstanding any of the above, the City Council may approve minor variations in these allocations and such minor variations will not be considered inconsistent with the purposes of this Ordinance.
- D. **Authorized Uses of Tax Revenues.** Except as otherwise expressly authorized by this Ordinance, the special taxes authorized and collected pursuant to this Ordinance shall be used only for the purposes set forth in Section 3.

SECTION 4. Maintenance of Effort

- A. **Parks Maintenance.** For so long as the parcel tax is in effect, the City's operative budget may not appropriate more than fifty-five percent (55%) of the estimated revenue allocated to parks, landscape maintenance, and recreational services pursuant to Part 1, Section 3(C)(2) to preserve parks maintenance operational services at the level provided for in the City's 19-21 Adopted Policy Budget for fiscal year 2019-2020.
- The City may spend revenue allocated to parks, landscape maintenance, and recreational services pursuant to Part 1, Section 3(C)(2) only if the City's operative budget is in compliance with this subsection.
- B. **Homeless Services.** For so long as the parcel tax is in effect, if the City's operative fiscal year budget appropriates less in ongoing, unrestricted revenue, not including any revenue attributable to this parcel tax, to homeless services than is appropriated to direct homeless services from ongoing, unrestricted revenue, and not including any revenue from the Affordable Housing Trust Fund, Fund 1870, in the City's 19-21 Adopted Policy Budget for fiscal year 2019-2020, the City may not expend any revenue attributable to this parcel tax on any purposes described in Part 1, Section 3(A)(5).
- C. **Stormwater System.** For so long as the parcel tax is in effect, if the City's operative fiscal year budget appropriates less in ongoing revenue, not including any revenue attributable to this parcel tax, for ongoing operations and maintenance costs of the uses described in Part 1, Section 3(A)(6) than is appropriated to those same uses from ongoing revenue in the City's 19-21 Adopted Policy Budget for fiscal year 2019-2020, the City may not

expend any revenue attributable to this parcel tax on any purposes described in Part 1, Section 3(A)(6).

- D. The City Administrator may determine, in their reasonable discretion, any minimum amounts required to be appropriated for particular uses pursuant to this Section 4.
- E. The City Council may temporarily suspend the provisions of Section 4 by resolution to meet urgent and changing needs in the event of extreme fiscal necessity.

SECTION 5. Planning and Accountability

- A. **Commission.** The City Council shall assign to one or more existing Boards or Commissions, the responsibility for citizen oversight of this measure. This Board or Commission or Boards and Commissions shall review reports related to the expenditure of revenue collected by the City from the special tax imposed by this Ordinance and provide reports to the City Council when requested, and perform other functions as assigned by the City Council.
- B. **City Auditor's Audit.** The City Auditor shall perform a biennial audit to ensure accountability and proper disbursement of all revenue collected by the City from the special tax imposed by this Ordinance, in accordance with the objectives stated herein and in compliance with provisions of State Law.
- C. **Annual Financial Audit.** An independent audit may be performed annually to ensure accountability and proper disbursement of the proceeds of this tax in accordance with the objectives stated herein as provided by Government Code sections 50075.1 and 50075.3. The City will, from time to time, retain an engineer for services pertaining to this parcel tax.

SECTION 6. Special Fund.

All funds collected by the City from the special tax imposed by this Ordinance shall be deposited into one or more special funds in the City treasury and appropriated and expended only for the purposes and uses authorized by this Ordinance.

SECTION 7. Central Services Overhead.

Expenditures for "Central Services Overhead," as that term is defined in the City's 19-21 Adopted Policy Budget, may not be recovered from any special fund or funds created to collect funds from the special tax imposed by this Ordinance.

SECTION 8. Savings Clause.

If any provision, sentence, clause, Section or part of this Act 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 Act and shall not affect

any of the remaining provisions, sentences, clauses, Sections or parts of this Ordinance. It is hereby declared to be the intention of the city, that the City would have adopted this Act had such unconstitutional, illegal or invalid provision, sentence, clause Section or part thereof not been included herein.

If any tax or surcharge imposed by this Act is found to be unconstitutional, illegal or invalid, the amounts, services, programs and personnel required to be funded from such taxes and surcharges shall be reduced proportionately by any revenues lost due to such unconstitutionality, illegality or invalidity.

SECTION 9. Regulations.

The City Administrator may promulgate appropriate regulations to implement the provisions of this Act.

SECTION 10. Amendment.

Except as otherwise expressly provided herein, the tax rates set forth herein may not be increased by action of the City Council without the applicable voter approval but the City Council may make any other changes to this Ordinance as are consistent with its purpose, except that the City Council may only change the allocations defined in Part 1, Section 3(C) as provided in that Section.

SECTION 11. Challenge to Tax.

Any action to challenge the taxes imposed by this ordinance shall be brought pursuant to Government Code section 50077.5 and Code of Civil Procedure section 860 et seq.

SECTION 12. Severability.

If any provision of this Act, or part of this Act, or the application of any provision or part to any person or circumstances, is for any reason held to be invalid, the remaining provisions, or applications of provisions, shall not be affected, but shall remain in full force and effect, and to this end the provisions of this measure are severable. If a court were to find in a final, unreviewable judgment that the exclusion of one or more entities or activities from the applicability of the Act renders the Act unconstitutional, those exceptions should be severed and the Act should be made applicable to the entities or activities formerly exempt from the Act. It is the intent of the voters that this Act would have been enacted regardless of whether any invalid provision had been included or any invalid application had been made.

SECTION 13. Conflicting Initiatives.

- A. In the event that this measure and one or more conflicting measures appear on the same City ballot, the provisions of the measure that receives the greatest number of affirmative votes shall prevail in their entirety, and the other measure or measures shall be null and void.

- B. If this measure is approved by the voters but superseded by law by any other conflicting measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.

SECTION 14. Reimbursement.

At the discretion of the City Council, special tax revenues collected by the City pursuant to this Ordinance may be used to reimburse the City for costs incurred in connection with the election seeking voter approval of this Ordinance.

SECTION 15. Liberal Construction.

This Act shall be liberally construed to effectuate its purposes.

SECTION 16. Effective Date.

The taxes imposed by this Ordinance shall be effective only if approved by two-thirds of the voters voting in the election held on March 3, 2020 and shall go into effect ten (10) days after the vote is declared by the City Council.

SECTION 17. Term of Tax Imposition.

The taxes enacted by this Ordinance shall be imposed and levied for a period of twenty (20) years. The City shall place delinquencies on subsequent tax bills.

PART 2. Parcel Tax

SECTION 1. Definitions.

For purposes of this Part 2 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. "City" shall mean the City of Oakland, California.
- C. "Family" shall mean one (1) or more persons related by blood, marriage, domestic partnership, or adoption, legal guardianship, 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 be as defined by Oakland Municipal Code Section 4.24.020.

- E. "Multiple Residential Unit Parcel" shall mean a Parcel zoned for a Building, or those portions thereof, that accommodates or is intended to contain two (2) or more residential units, whether or not developed.
- F. "Non-Residential" shall mean all Parcels that are not classified by this Act as Single-Family Residential or Multiple Residential Unit Parcels, and shall include, but not be limited to, Parcels for industrial, commercial and institutional improvements, whether or not developed.
- G. "Occupancy" shall be as defined by Oakland Municipal Code Section 4.24.020.
- H. "Operator" shall be as defined by Oakland Municipal Code Section 4.24.020.
- I. "Owner" shall mean the Person having title to real estate as shown on the most current official assessment role 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 role of the Alameda County Assessor.
- K. "Person" shall mean an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- 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. "Single-Family Residential Parcel" shall mean a Parcel zoned for single-family residences, whether or not developed.
- O. "Tax" shall mean the parcel tax created by this Act and further described in Part 2, Section 2, below.
- P. "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.

SECTION 2. Imposition of Parcel Tax.

There is hereby imposed a special tax on all Owners of Parcels in the City of Oakland for the privilege of using municipal services and the availability of such services. The tax imposed by this Section shall be assessed on the Owner unless the Owner is by law exempt from taxation, in which case, the tax imposed shall be assessed to the holder of any Possessory Interest in such Parcel, unless such holder is also by law exempt from taxation. The tax is imposed as of July 1 of each year on the person who owned the Parcel on that date. The tax shall be collected at the same time, by the same officials, and pursuant to the same procedures as the one percent tax imposed pursuant to Article XIII A of the California Constitution.

The tax hereby imposed shall be set as follows subject to adjustment as provided in Section 4 of this Act:

- A. For owners of all Single-Family Residential Parcels, the Tax shall be at the annual rate of \$148.00 per Parcel.
- B. For owners of all Multiple Residential Unit Parcels, the Tax shall be at the annual rate of \$101.08 per Residential Unit.
- C. The tax for Non-Residential Parcels is calculated using both frontage and square footage measurements to determine total single-family residential unit equivalents (SFE). A frontage of eighty (80) feet for a commercial institutional Parcel, for example, is equal to one (1) SFE. (See matrix.) An area of six thousand four hundred (6,400) square feet for the commercial institutional Parcel is equal to one (1) SFE. For tall buildings (more than five (5) stories), the SFE computation also includes one (1) SFE for every five thousand (5,000) square feet of net rentable area. The Tax is the annual rate \$148.00 multiplied by the total number of SFEs (determined by the frontage and square footage).

LAND USE CATEGORY	FRONTAGE	AREA (SF)	BUILDING AREA (SF)
Commercial/Institutional	80	6,400	N/A
Industrial	100	10,000	N/A
Public Utility	1,000	100,000	N/A
Golf Course	500	100,000	N/A
Quarry	1,000	250,000	N/A
Tall Buildings > 5 stories	80	6,400	5,000

Example: assessment calculation for a Commercial Institutional Parcel with a Frontage of 160 feet and an Area of 12,800 square feet:

Frontage 160 feet + 80 = 2 SFE
Area 12,800 square + feet 6,400 = 2 SFE

2 SFE + 2 SFE = 4 SFE

4 SFE x \$148.00 = \$592.00 tax

D. The Tax imposed by this Act shall be imposed on each Hotel within the City as follows:

1. Residential Hotels. Rooms in a Hotel occupied by individuals who were not Transients for eighty percent (80%) or more of the previous fiscal year shall be deemed Residential Units and the Parcel on which they are located shall be subject to the Tax imposed on Multiple Residential Unit Parcels. The remainder of the Building shall be subject to the applicable tax computed in accordance with the single-family residential unit equivalent formula set forth in Section 2(c) of this Act.
2. Transient Hotels. Notwithstanding paragraph (1) of this subdivision, if eighty percent (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 4.24.010 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/institutional, and shall be subject to the applicable tax computed in accordance with the single-family residential unit equivalent formula set forth in Section 2(c) of this Act, and the Tax imposed on Multiple Residential Units shall not apply.

SECTION 3. Exemptions.

- A. Very-Low income household exemption. The following is exempt from this tax: an Owner of a Single-Family Residential Unit (1) who resides in such unit and (2) whose combined family income, from all sources for the previous year, is at or below the income level qualifying as sixty percent (60%) of area median 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.), or successor legislation, for such year. The Director of Finance shall set forth procedures for annual applications from Owners for the exemption, which may require information such as federal income tax returns and W-2

forms of owner occupants eligible for the exemption, or procedures for an alternative process.

- B. Senior household exemption. The following is exempt from this tax: an Owner of a single-family residential unit (1) who resides in such unit, (2) who is sixty-five (65) years of age or older and (3) whose combined family income, from all sources for the previous year, is at or below the income level qualifying as eighty percent (80%) of area median 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.), or successor legislation, for such year. The Director of Finance shall set forth procedures for annual applications from Owners for the exemption, which may require information such as federal income tax returns and W-2 forms of owner occupants eligible for the exemption, or procedures for an alternative process.
- C. Fifty percent reduction for affordable housing projects. Rental housing owned by nonprofit corporations and nonprofit-controlled partnerships for senior, disabled and low-income households that are exempt from ad valorem property tax pursuant California Revenue and Taxation Code 214(f), (g) and (h) shall be liable for only 50% of the Tax. The exemption shall apply in the same proportion that is exempted from ad valorem property tax.
- D. Rebate to tenants in foreclosed single-family homes. The City will provide a rebate of one-half (1/2) of the Tax and subsequent increases thereto to tenants in single-family homes that have been foreclosed upon who have paid a passed through Parcel Tax. To qualify for this rebate, a tenant must: (1) have lived in the unit before foreclosure proceedings commenced; and (2) be at or below the income level qualifying as sixty percent (60%) of area median 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.), or successor legislation, for such year. The City will provide this rebate for every month that the Tax was applied and the tenant occupied the unit. The City will provide this rebate at the end of each year, or when the tenant vacates the unit, whichever is earlier. The City Administrator will promulgate regulations to effectuate this subdivision.
- E. Real property owned by a religious organization or school that is exempt from property taxes under California law is exempt from this Tax. To qualify for this exemption, each religious organization or school seeking such exemption shall submit such information required to determine eligibility for such exemption.
- F. Prior to the initial imposition of the Tax, the City Council shall adopt a further exemption that applies to "distressed homeowners."

SECTION 4. Reduction in Tax Rate; Rate Adjustment.

- A. Subject to paragraph (B) of this section, 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 the Ordinance may be suspended, reduced or eliminated by the City Council to the full extent allowed by Section 2 of Article XIII C of the Constitution of the State of California.
- B. Beginning for the Fiscal Year 2021-2022, and each year thereafter, the City Council may increase the Tax imposed by a percentage that is up to the greater of:
 - 1. The percentage change in the cost of living in the immediate San Francisco Bay Area, as determined by the twelve-month (12) Annual Percentage Change in the Consumer Price Index (CPI) for all items in the San Francisco Bay Area as published by the U.S. Department of Labor Statistics; or
 - 2. The percentage change in California per capita personal income, as determined by the California State Department of Finance and shown in the Price Factor and Population Information Report issued each May.

SECTION 5. Duties of the Director of Finance; Notice of Decisions.

It shall be the duty of the Director of the Finance to collect and receive all taxes imposed by this Act. The Director of Finance is charged with the enforcement of this Act and may adopt rules and regulations relating to such enforcement.

SECTION 6. Examination of Books, Records, Witnesses; Penalties.

The Director of Finance or the Director of Finance's 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 Act.

The Director of Finance or the Director of Finance's designee is hereby authorized to examine the books, papers and records of any person subject to the Tax imposed by this Act, including any person who claims an exemption, 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 the Director of Finance's 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 Act and for this purpose may compel the production of books, papers and records, whether as parties or witnesses, whenever the Director of Finance 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 Act and of the Oakland Municipal Code and subject to any and all remedies specified therein.

SECTION 7. Collection of Tax; Interest and Penalties.

The tax shall be delinquent if the City does not receive it on or before the delinquency date set forth in the notice mailed to the Owner's address as shown on the most current assessment roll of the Alameda County Tax Collector; and the Tax shall be collected in such a manner as the City Council may decide. The City may place delinquencies on a subsequent tax bill.

A one-time penalty at a rate set by the City Council, which in no event shall exceed twenty-five percent (25%) of the Tax due per fiscal year, is hereby imposed by this Act on all taxpayers who fail to timely pay the Tax provided by this Act. In addition, the City Council may assess interest at the rate of one percent (1%) per month on the unpaid tax and the penalty thereon.

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

The City may authorize the County of Alameda to collect the Taxes imposed by this Act in conjunction with and at the same time and in the same manner as the County collects property taxes for the City. If the City elects to authorize the County of Alameda to collect the Tax, penalties and interest shall be those applicable to the nonpayment of property taxes.

SECTION 8. Collection of Unpaid Taxes.

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

SECTION 9. 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 Act 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 written claim for refund, stating the specific ground upon which such claim is founded, is received by the Director of Finance within one (1) year of the date of payment. The claim shall be filed by the person who paid the Tax or such person's guardian, conservator, or the executor of her or his estate. No representative claim may be filed on behalf of a taxpayers or a class of taxpayers. 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, or such person's administrators or executors. Filing a claim shall be a condition precedent to legal action against the City for a refund of the tax.

SELECTED

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OAKLAND

19 DEC 12 PM 12:05

City of Oakland — Parcel Tax Measure — March 3, 2020

Argument in Favor of Measure Q

Measure Q will clean up our local parks, waterways and recreation areas while also addressing Oakland's homelessness crisis. It will provide our most vulnerable populations with access to support services that help them find shelters and housing, *and* help to ensure that all Oakland parks, estuaries, and recreation centers are clean, safe, and equitably well-maintained.

Oakland's parks and recreation centers are critical to our community, hosting after-school programs, arts instruction, community meetings, senior events, and a variety of sports and other activities valued by residents. But while use of our parks and recreation centers has grown tremendously, the investment required to keep these areas clean and protect our water supply has not increased.

At the same time, Oakland's homelessness crisis continues and the park system is not equipped to provide the necessary services for our unsheltered communities. Our neighbors struggling with the high cost of housing in the Bay Area need assistance to avoid homelessness, and those who've become homeless need pathways into housing.

Specifically, Measure Q will:

- Provide programs to help homeless individuals, including those living in or near parks, move into shelters and obtain housing and support services.
- Increase removal of trash and debris from city parks and recreation areas.
- Increase restroom cleaning at parks and recreation centers.
- Mow playing fields more frequently.
- Protect the water quality in Oakland's creeks, streams, Lake Merritt and the Estuary.

Independent community oversight of Measure Q is required. Please read Measure Q (available at www.yesforoakland.com) to see specific projects and services that will result from its passage.

Measure Q specifically exempts seniors, low-income Oaklanders, and affordable rental housing.

Join civic leaders, park users, homeless advocates, and residents from every Oakland neighborhood who've joined together to show that Oaklanders value our parks and all our residents!

Vote Yes on Q.

www.yesforoakland.com

SELECTED

Measure Q Ballot Signatories:

- 1. Chris Jackson, Representative, Northern Alameda County, Sierra Club SF Bay Chapter**
- 2. Deborah Shefler, President, League of Women Voters of Oakland**
- 3. Rue Mapp, Founder and CEO, Outdoor Afro**
- 4. James Vann, Co-Founder, Oakland Tenants Union**
- 5. Barbara Leslie, CEO, Oakland Metropolitan Chamber of Commerce**

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OAKLAND

ARGUMENT AGAINST MEASURE Q

19 DEC 13 AM 11:55

Oakland politicians are again asking you to raise your taxes. (Oakland taxpayers already pay for over 30 separate taxes including taxes for parks, landscape maintenance, and homelessness).

Every election cycle city politicians poll voters to determine the hot issues they can milk to raise taxes. This year is no different. They hired a polling company and a PR firm to draft a new tax measure. To no one's surprise homelessness and parks were polled as the hot issues. Magically they drew up a new tax that purports to deal with parks and homelessness.

Oakland's number one financial problem is the cost of pensions, but city officials know voters won't approve raising taxes to pay for pensions.

This proposed tax is not about cleaning up parks or homelessness. It is a money grab plain and simple. Just last November Oakland voters approved Measure W to deal with homelessness. Where is that money? No one in the city seems to know. What they do know is they want more of YOUR money.

Measure Q has no independent oversight, No commitment to use the money as promised. In short, it allows the city to use the money for anything, including paying for Oakland's growing city bureaucracy.

Even worse the tax will last for 20 years and each year the City Council can (and will) unilaterally increase the tax without voter approval.

It's clear local politicians have no plan to address homelessness. By continuing to tax homeowners, many of whom are on fixed and limited incomes, Oakland elected officials are pushing long time residents out of Oakland.

The City is currently being audited to "find" millions of dollars that have gone missing that no one can seem to find. Let's not give them another \$20 million a year to lose or waste.

Please vote NO.

s/Marcus Crawley
President of Alameda County Taxpayers Association

s/A.J.A Short
Artist/ Taxpayer

s/Frank Bradley Briscoe
Homeowner/ Taxpayer

s/Carmen Madden
Homeowner/ Taxpayer

s/Fred Morse
Oakland Homeowner/ Taxpayer

19 DEC 20 PM 1:23

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE Q

Just last election, Oakland voters approved a new tax, Measure W, whose stated purpose was to "end homelessness and blight." Sound familiar? Where has this tax, an estimated \$10,000,000 a year gone?

In addition, Measure DD provided almost \$200 MILLION to "protect water quality in Oakland creeks, streams, Lake Merritt and the Estuary." This is exactly the same language proponents are using today to convince you to vote for yet another new tax.

The City claims this measure will fund "parks" and "homeless services" because they think that's what voters will support. They don't mention that Oakland is already taxing voters to pay for these things. The City wants to charge us TWICE for the same services. Measure Q will actually fund debt service on pensions and a growing and inefficient city bureaucracy.

The city's plan (not mentioned in the ballot statement) is to house homeless in neighborhood parks. There is no plan to provide permanent shelter or to get homeless off the streets.

Worse, Measure Q allows the city to unilaterally increase the tax EVERY YEAR without voter approval.

Oakland already has some of the highest taxes in the state. The tech industry does not have to pay this tax – only homeowners and renters whose rents will increase. Make no mistake, rents will go up to pay for this and other new taxes.

A recent court ruling called Oakland's last attempt to increase taxes a "fraud on the voters." Measure Q is the City's latest attempt to trick voters. Please vote NO.

s/Marcus Crawley
President of Alameda County Taxpayers Association

s/Marleen Sacks
Attorney/ Homeowner

s/Frank Bradley Briscoe
Homeowner/ Taxpayer

s/Carmen Madden
Homeowner/ Taxpayer

s/Fred Morse
Oakland Homeowner/ Taxpayer

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19 DEC 20 AM 10:21

**Rebuttal to the Argument Against Measure Q
For Oakland Parks**

The few opponents of Measure Q are not just taxpayers; some are major rental property owners and members of the local landlord political action committee. They frequently oppose local measures and they've misstated critical facts.

Before you vote, know the facts:

FACT: Measure Q funds can only be used for projects and services outlined in the ballot resolution and plan. Oakland Parks Foundation leaders advocated fiercely to ensure Measure Q would require specific deliverables.

FACT: Oakland's parks and recreation facilities desperately need investment to address decades of increased use. Measure Q will focus on the basics: picking up trash and debris, cleaning park restrooms and mowing sport fields and lawns more often.

FACT: Oakland's homelessness crisis must be addressed. Measure Q will provide programs and services to help homeless individuals access services and move out of parks and into housing.

FACT: Independent community oversight of Measure Q is required, including annual fiscal audits and bi-annual city auditor review.

FACT: Measure Q specifically exempts seniors, low-income Oaklanders, and affordable rental housing.

Don't be misled, Measure Q is on the ballot because community advocates fought for it. Park advocates, housing activists and environmental leaders joined together to push city council to invest in our parks and our people.

Join the League of Women Voters of Oakland, the Sierra Club, the Oakland Tenants Union, the Oakland Chamber of Commerce and hundreds of Oakland neighbors who've worked hard to place this measure on the ballot.

Yes on Q!

Read the detailed Measure Q plan: www.yesforoakland.com

Ballot Signatories:

1. Chris Jackson, Representative, Northern Alameda County, Sierra Club SF Bay Chapter
2. Deborah Shefler, President, League of Women Voters of Oakland
3. Ken Lupoff, Executive Director, Oakland Parks and Rec Foundation
4. James Vann, Co-Founder, Oakland Tenants Union
5. Barbara Leslie, CEO, Oakland Metropolitan Chamber of Commerce

ORDINANCE No. 11731 C. M. S.

**ORDINANCE ADOPTED PURSUANT TO ARTICLE VI OF
THE CITY CHARTER AMENDING ORDINANCE NO. 8065
C.M.S. ESTABLISHING THE PARKS AND RECREATION
ADVISORY COMMISSION**

WHEREAS, the Parks and Recreation Advisory Commission (Commission) was established by the City Council of the City of Oakland on November 13, 1969 by Ordinance No. 8065 C.M.S., for the purpose of researching and formulating policy recommendations and plans for the future development of the Office of Parks and Recreation (OPR) and advising the City Manager and City Council on matters affecting the operation of the OPR and their facilities, functions, exhibits and duties; and

WHEREAS, at a Special Meeting of the City Council convened on or about April 26, 1994, the City Council determined that existing boards and commissions should be amended to incorporate uniform requirements regarding the selection of members, the duties of said members, and the general responsibilities of boards and commissions. and

WHEREAS, in the interest of expanding and broadening representation for all groups with an interest in matters related to the City's parks and recreation areas, membership to the Commission should be expanded to eleven (11) members.

The Council of the City of Oakland does ordain as follows:

Section 1. The duties and functions of the duly appointed commissioners of the Park and Recreation Advisory Commission (Commission) as provided in Section V of Ordinance No. 8065 C.M.S., are amended to read as follows:

"Section V. Duties and Functions.

(a) Pursuant to Section 601 of the Charter, there is hereby created a Parks and Recreation Advisory Commission. It shall be the function and duty of the Parks and Recreation Advisory Commission (Commission) to study, investigate and research into such areas and matters as the City Manager or the Council, through the City Manager, may direct, or as it may deem advisable; to make reports and recommendations thereon and to formulate policy recommendations and plans for the future development of the Office of Parks and Recreation; to

EXHIBIT B

advise the City Manager and the Council, through the City Manager, on matters affecting the useful and efficient operation of the Office of Parks and Recreation so that their facilities, functions and exhibits can be utilized to the fullest advantage of the citizens of this community; to hold, control, and administer such properties and trusts as may be required by the terms of the particular instrument creating or conveying the same; and to perform such other duties and functions as the City Manager may from time to time direct.

(b) The Commission shall submit regular status reports to the City Council committee designated as liaison to the Commission at least once a year.

(c) Status reports submitted in fulfillment of subsection (b) above must include a detailed description of operating and staffing needs, to be developed and maintained by the department responsible for staffing and administration of the Commission.

(d) Each year, the Commission shall review the annual goals and objectives of the City Council. Review of City Council goals and objectives shall be undertaken to provide the Commission the opportunity to better integrate the activities of the Commission with the City's overall goals and objectives.

(e) City Council approval must be obtained prior to the creation of any standing committee of the Commission. A proposal to create a standing committee of the Commission must include information regarding the costs associated with staffing the standing committee, and the costs of complying with noticing and reporting requirements resulting from the establishment of any such standing committee of the Commission."

Section 2. Section V(a) of Ordinance No. 8065, relating to the number and appointment of members to the Commission, shall be renumbered as Section VI and amended to read as follows:

"Section VI. Composition.

(a) The Commission shall consist of eleven (11) members who will be appointed pursuant to Section 601 of the Charter, and who shall serve without compensation. Six (6) Commissioners shall constitute a quorum.

(b) To the extent practicable, appointments to the Commission shall be made in accordance with the City's affirmative action policies.

(c) To the extent practicable, appointments to the Commission shall reflect the geographical diversity of the City.

(d) In making appointments to the Commission the Mayor shall accept for consideration recommendations for appointments offered by each Councilmember. Councilmembers must submit recommendations to the Mayor for consideration at least 30 days prior to expiration of an existing Commission member's term."

Section 3. Sections V(a) and V(b) of Ordinance No. 8065, relating to the length and frequency of the terms of members appointed to the Commission, shall be renumbered as Section VII and amended to read as follows:

"Section VII. Appointment.

(a) Staggered Terms. Commencing with the effective date of this Ordinance, Commission members shall be appointed to staggered terms, said terms to commence upon the date of appointment, except that an appointment to fill a vacancy shall be for the unexpired portion of the term only.

(b) Length of Terms. Except for the initial appointments made immediately following passage of this Ordinance which may be for lesser terms of two (2) years or one (1) year in order to establish staggered terms pursuant to subsection A, all appointments shall be for a period of three (3) years.

(c) Limit on Consecutive Terms. Commencing with the effective date of this Ordinance, no person shall be appointed to serve more than two (2) consecutive terms as a member of the Commission. Members of the Commission sitting on the effective date of this ordinance shall not be appointed to serve more than (1) additional consecutive term as a member of the Commission.

(d) Removal. To assure participation of Commission members, attendance by the members of the Commission to all regularly scheduled and special meetings of the Commission shall be recorded, and such record shall be provided semi-annually to the Office of the Mayor for review. A member may be removed pursuant to Section 601 of the City Charter. Among other things, conviction of a felony, misconduct, incompetency, inattention to or inability to perform duties, or absence from three (3) consecutive regular meetings except on account of illness or when absent from the City by permission of the Commission, shall constitute cause for removal."

Section 4. Section V(c) of Ordinance No. 8065, relating to the meetings of the Commission, shall be renumbered as Section VIII.

Section 5. Section V(d) of Ordinance No. 8065, relating to the rules and procedures of the Commission, shall be renumbered as Section IX and amended to read as follows:

"Section IX. Rules and Procedures.

The Commission shall, in consultation with the City Manager and with the approval of the Council, establish rules and procedures for the conduct of its business. The affirmative vote of six (6) members shall be required for the adoption of any motion. The Commission shall make its reports, findings and recommendations in writing unless otherwise directed by the City Manager. All reports, findings and recommendations shall be made to the City Manager who shall forward to the Council those matters within the province of the Council. Recommendations from the Commission to the City Manager shall be carefully and fully considered by him/her. If rejected by the City Manager, the Commission may submit its recommendations to the Council for its consideration, as appropriate."

Section 6. Section V(e) of Ordinance No. 8065, relating to the staff assistance to the Commission, shall be renumbered as Section X.

JUL 26 1994

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 19 _____

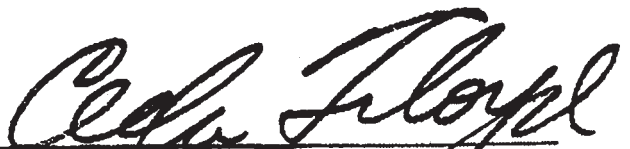
PASSED BY THE FOLLOWING VOTE:

AYES— BAYTON, DE LA FUENTE, JORDAN, MILEY, MOORE, ~~OGATA~~, SPEES, WOODS-JONES, and PRESIDENT, HARRIS -8

NOES— NONE

ABSENT— NONE

ABSTENTION— NONE

ATTEST: 

-4-

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

AN ORDINANCE ADOPTED PURSUANT TO ARTICLE V OF THE CHARTER DISCONTINUING THE PARK COMMISSION AND THE RECREATION COMMISSION; TRANSFERRING THE POWERS AND DUTIES HERETOFORE EXERCISED BY SAID COMMISSIONS TO THE CITY MANAGER AND COUNCIL RESPECTIVELY; AND CREATING A PARK AND RECREATION ADVISORY COMMISSION TO ASSIST AND ADVISE THE CITY MANAGER AND THE COUNCIL.

The Council of the City of Oakland does ordain as follows:

SECTION I. Pursuant to Section 502 of the Charter, the Park Commission of the City of Oakland is hereby discontinued. Nothing herein shall affect the validity or enforceability of any legislation, bond, contract, or other obligation heretofore enacted or entered into for, or on behalf of, the City by the Park Commission.

SECTION II. Pursuant to Section 502 of the Charter, the Recreation Commission of the City of Oakland is hereby discontinued. Nothing herein shall affect the validity or enforceability of any legislation, bond, contract, or other obligation heretofore enacted or entered into for, or on behalf of, the City by the Recreation Commission.

SECTION III. To the extent permitted by law, all duties, powers and functions heretofore exercised by the Park Commission and by the Recreation Commission will be exercised by the City Manager. Any power, duty, or function which by law may not be exercised by the City Manager shall be exercised by the Council. It is the intent of this ordinance, pursuant to subdivision (a) of Section 404 of the Charter, to transfer to the City Manager, to the fullest extent permitted by law, all of the duties, powers, and functions presently exercised by each of the above-named Commissions over their respective departments, facilities and properties. In furtherance of this purpose and without limiting the generality of the foregoing, the City Manager, with respect to the Park Department and the Recreation Department, heretofore governed by the said Commissions respectively, shall have the following powers and duties:

(a) He may, to the extent permitted by law, prescribe and enforce such general and specific rules and regulations as he may deem necessary or expedient to the general operation and conduct of each of the said Departments. He may, by directive, modify or terminate any resolution, order, rule, regulation, or by-law, heretofore adopted by or promulgated under the authority of either of the said Commissions. Until so modified or terminated, all such resolutions, orders, rules, regulations, and by-laws shall, by virtue of this ordinance, remain in full force and effect, and shall be enforced by the City Manager.

(b) Subject to the Charter and appropriate rules of the Civil Service Board, he shall appoint, regulate, and control all personnel of the said Departments, and shall exercise with respect to said personnel the powers and duties set forth in Section 404 of the Charter. Pending

such action by the City Manager, all existing appointments made by either of the said Commissions, shall remain effective for all purposes. The compensation of the personnel of the said Departments shall, pursuant to Section 207 of the Charter, be fixed by the Council, and until so fixed shall remain as presently established.

(c) He shall control and administer the financial affairs of the said Departments, and shall control and administer all moneys and funds which may now or hereafter be allocated by the Council to said Departments, or either of them, including the Park Fund and the Recreation Fund, which funds are hereby continued. The City Manager shall, to the extent permitted by law, control and administer the disbursement of said funds, and each of them. Subject to §1103 of the Charter, the City Manager shall have the right to control, administer, and disburse all moneys that may be derived from any donation, legacy, or bequest to the said Departments, or either of them, unless otherwise provided by the terms of such donation, legacy, or bequest.

(d) He shall perform with respect to the said Departments all of the powers and duties enjoined upon him, with respect to City affairs generally, by §§403 and 404 of the Charter.

SECTION IV. As the governing body of the City, the Council shall exercise those powers and duties which under former Charter were vested in each of the said Commissions and which may not legally be exercised by the City Manager. The City Attorney, the City Clerk, and the City Auditor shall exercise with regard to the said Departments the powers and duties conferred upon them by the Charter with respect to the other departments of the City.

SECTION V. Pursuant to §501 of the Charter, there is hereby created a Parks and Recreation Advisory Commission. It shall be the function and duty of the Parks and Recreation Advisory Commission to study, investigate and research into such areas and matters as the City Manager or the Council, through the City Manager, may direct, or as it may deem advisable; to make reports and recommendations thereon and to formulate policy recommendations and plans for the future development of the Park Department and the Recreation Department; to advise the City Manager and the Council, through the City Manager, on matters affecting the useful and efficient operation of the Park Department and the Recreation Department so that their facilities, functions and exhibits can be utilized to the fullest advantage of the citizens of this community; to hold, control, and administer such properties and trusts as may be required by the terms of the particular

instrument creating or conveying the same; and to perform such other duties and functions as the City Manager may from time to time direct. The following special provisions shall apply to the Parks and Recreation Advisory Commission:

(a) The Commission shall consist of seven members who will be appointed pursuant to §501 of the Charter, and who shall serve without compensation. Four Commissioners shall constitute a quorum. Of the Commissioners first appointed, one shall be appointed for a term of one year, two for two years, two for three years, and two for four years, said terms to commence upon the date of appointment. Thereafter each appointment shall be for a term of four years, except that an appointment to fill a vacancy shall be for the unexpired term only.

(b) A vacancy in the Commission will exist whenever a Commissioner dies, resigns, or is removed, or whenever an appointee fails to be confirmed by the Council within ten days of appointment. A Commissioner may be removed pursuant to §501 of the Charter. Conviction of a felony, misconduct, incompetency, inattention to or inability to perform his duties, and absence from three consecutive regular meetings except on account of his own illness or when absent from the City by permission of the Commission, shall constitute cause for removal.

(c) Each year at its first regular meeting in July, the Commission shall elect a chairman and a vice chairman from amongst its members. The Commission shall meet at least once each month at an established time and place suitable for its purpose. Such meetings shall be designated regular meetings. Meetings called by the Mayor or City Manager, and meetings scheduled for a time or place other than for regular meetings, shall be designated special meetings. Written notice of special meetings shall be given to the Commission members, the Council, and the public press at least twenty-four hours before the meeting is scheduled to convene.

(d) The Commission shall, in consultation with the City Manager and with the approval of the Council, establish rules and procedures for the conduct of its business. The affirmative vote of four members shall be required for the adoption of any motion. The Commission shall make its reports, findings and recommendations in writing unless otherwise directed by the City Manager. All reports, findings and recommendations shall be made to the City Manager who shall forward to the Council those matters within the province of the Council. Recommendations from the Commission to the City Manager shall be carefully and fully considered by him. If rejected by the City Manager, the Commission may submit its recommendations to the Council for its consideration, as appropriate.

(e) The City Manager may provide the Commission with assistance from City employees under his jurisdiction. The provisions of Section 221 of the Charter shall apply to members of the Commission.

I certify that the foregoing is a full, true and correct copy of an Ordinance finally passed by the Council of the City of Oakland, Calif., on November 13, 1969, effective immediately.

GLADYS H. MURPHY, City Clerk

Per *W. J. ...* Deputy