



Agenda

***Special Meeting of the Oakland Parks and Recreation Advisory Commission (PRAC)**

Wednesday, October 14, 2020, 4:30 PM

Meeting Participation Information

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

When: Oct 14, 2020 04:30 PM Pacific Time (US and Canada)

Topic: Parks and Recreation Advisory Commission (PRAC) Special Meeting - October 14, 2020

Observe

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Public Comments:

Public comments on action items will be taken after the presentation of each report on the agenda. Comments on 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 comments are 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.

3. To submit comments to the PRAC prior to the meeting, send an email to: publiccomments2prac@oaklandca.gov by 10:00 a.m. the day before. List the following information on the “subject” line of your email:

Public Comments: PRAC item #____, dd/mm/yy (date of the scheduled meeting)

>>>Replies will not be sent from this email address<<<

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

Thank you.



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

**Special Meeting Agenda
Wednesday, October 14, 2020, 4:30 P.M.
Zoom Teleconference**

AGENDA

1. CALL TO ORDER:
2. ROLL CALL:
**AIKENS, COLE, DUHE, HA, HOWZE, KOS-READ, MOORE, REILLY, SMITH,
TORRES, WOLFSON**
3. DISPOSITION OF MINUTES:
September 16, 2020 Special Meeting Minutes
4. OPEN FORUM
5. MODIFICATIONS TO THE AGENDA:
6. CONSENT NEW BUSINESS:
7. NEW BUSINESS:
 - A. **Tree Permit Appeal for 863 Vermont Street**
 - B. **Request For The Parks And Recreation Advisory Commission To Review, Provide Comments, And Recommend Acceptance Of A Gift From Under Armour, In Partnership With Eat. Learn. Play. Foundation, And Project Delivery Partners Connor Sports, And Oakland Artist Hueman, For The Manzanita Recreation Center Outdoor Basketball Court Project**
 - C. **Information Report and Overview of the 2020 City of Oakland Parks and Recreation Preservation, Litter Reduction, and Homeless 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, November 18, 2020
TeleConference**

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

Minutes

Wednesday, September 16, 2020, 4:30 P.M.

Zoom Teleconference

1. **CALL TO ORDER: 4:33 P.M.**

2. **ROLL CALL:**

AIKENS, COLE, DUHE, HA, HOWZE, KOS-READ, MOORE, REILLY, SMITH, TORRES, WOLFSON

Present - 10: Commissioners Aikens, Cole, Duhe, Ha, Howze, Kos-Read, Moore Reilly, Smith, and Wolfson. **Excused -1:** Commissioner Torres

3. **DISPOSITON OF MINUTES:**

August 19, 2020 Special Meeting Minutes

Motion: Commissioner Cole entertained a motion to recommend approval of the minutes from the August 19, 2020, Special Meeting. **Moved by:** Commissioner Kos-Read.

Second by: Commissioner Duhe. **Vote:** Yes (9): Aikens, Cole, Duhe, Ha, Howze, Kos-Read, Smith, Reilly, and Wolfson. Abstained (1): Moore **Motion:** Passed.

4. **OPEN FORUM**

5. **DIRECTOR'S REPORT**

Following recommended COVID-19 safety procedures, Oakland Parks, Recreation and Youth Development (OPRYD) is offering Youth Enrichment programming, homework assistance and hot meals to 210 youth.

6. **MODIFICATIONS TO THE AGENDA:**

7. **CONSENT NEW BUSINESS:**

8. **NEW BUSINESS:**

9. **PLANNING AND CONDITIONAL USE PERMITS:**

A. Request for the Parks and Recreation Advisory Commission to Endorse the Mosswood Park Master Plan and Recommend Approval of the Proposed Minor Conditional Use Permit for the Mosswood Community Center Phase 1 Building Project.

The Parks and Recreation Advisory Commission (PRAC) reviewed the staff report for item 9A prepared by Christine Reed, CIP Coordinator, Oakland Public Works (OPW) and architect and landscape architect consultant team members Sarah Kuehl, Charmin Baaqee and Dominique Elie and Ryan Jang.

The Master Plan is the culmination of a nine-month long community engagement process and provides comprehensive recommendations to upgrade or modernize the existing 11-acre Mosswood Park by addressing two components: buildings and park. During this process, it was determined that to meet the needs of the community, the programs for Oakland Parks, Recreation & Youth Development (OPRYD), and to maximize recreational benefits for the Public, construction would be carried out over three-phases: Phase 1- Mosswood Community Center building, Phase 2 – indoor gymnasium and Phase 3- indoor therapeutic pool buildings. The project began with a mandate to rebuild the community center that was lost to fire in 2016.

Project staff and the consulting team's community engagement process provided for a diversity of voices to be heard and provide input on the project design through a series of online platform surveys, print media and in person workshops.

The history of Mosswood and the natural beauty of its trees and plants will be used to create the framework for what to pass forward in the design. The indoor-outdoor connection between the community center and park upgrades will be a leading factor.

Resiliency of the project is paramount and should be accessible to all including local wildlife. Flexibility in new and previously held programming including festivals and concerts should be accommodated. A cooling center, a space for respite and shelter should also be considered. All aspects of the park present before the new design plan concept are still in place. There will be ADA access to all features including a loop trail, and accommodations for teenagers and other special elements.

The Commission pointed out that a dog play area was not included in the plan and was informed by staff that it may be considered in Phase 3 of the Master Plan and until then will stay at its current location.

The Commission thought the inclusion of an outdoor pool would provide for a better community experience, however, the consulting team reminded the Commission that the pool was intended for therapeutic use and is best located indoors.

The Commission learned that funding for Phase I was provided for in part by a Proposition 68 grant in the amount of \$2,201,100.00, and \$4,000,000.00 in Measure KK funds. Additional funds for the project include the insurance settlement from the 2016 fire. The project must raise between \$8 - 10 million to cover the total anticipated \$18-20 million cost of Phase 1.

The new energy efficient building will require ongoing maintenance. The consulting team is researching all electric buildings to determine the best path for a sustainable design which will also include storm water options and natural ventilation. Measure Q Funds may be available for park maintenance.

The Commission requested further details regarding maintenance and care of the project as well, ongoing encampment concerns.

Note: The draft Master Plan and Community Center Concept Design may be viewed on the City website. For more information contact Christine Reed at creed@oaklandca.gov.

Motion: Commissioner Cole entertained a motion to recommend the PRAC endorse the Mosswood Park Master Plan and recommend approval of the proposed Minor Conditional Use Permit for the Mosswood Community Center Phase 1 Building Project. The proposed master plan and project will result in a park with improved facilities that better serves the recreational needs of the surrounding area. **Moved by:** Commissioner Aikens. **Second by:** Commissioner Moore. **Vote:** Yes (10): Aikens, Cole, Duhe, Ha, Howze, Kos-Read, Moore, Smith, Reilly, and Wolfson. **Motion:** Passed.

10. COMMITTEE AND/OR ADVISORY COUNCIL UPDATES:

- Update from the Lake Merritt Ad Hoc Committee

On August 19, 2020, at the Special meeting of the Parks and Recreation Advisory Commission (PRAC), members Aikens, Kos-Read, Reilly, Mouton-Smith and Torres formed the Lake Merritt Ad Hoc Committee to provide feedback to City staff regarding concerns of vending, park use, traffic and other issues around the Lake and to make recommendations on the implementation of a pilot vending program.

The Committee held a meeting with the Lake Merritt community on August 28, 2020. They met with local business owners park users, and park vendors over the Labor Day weekend, and past. On September 2, Council District 2 held an online meeting with Lake Merritt residents. For additional community feedback the Committee reviewed online conversations and received written input from residents and vendors.

Through this process, The Committee endeavored to engage in a sound process and find a path that would address the safety and health needs for all.

The Committee determined that City staff engagement is critical in addressing The free for all activities occurring at Lake Merritt. A plan to implementation reasonable and enforceable rules must be established

Food vending was not recommended by the Committee as licenses are distributed by the County of Alameda Ordinance and creates a liability for the City.

The pilot program would create community engagement and information sharing opportunities for the City and County.

Committee members reiterated that PRAC has no jurisdiction over Alameda County, but public health orders need to followed including food vending.

Recommendations also included: operating the program during limited hours on Friday, Saturday and Sunday; giving Oakland based businesses and residents' priority in participating; inclusion of a litter abatement plan; enhance traffic controls; develop a cost

analysis and flow chart; and support emergency housing for the homeless living around the Lake.

It was noted that, prior to the shelter in place order related to COVID-19, PRAC had an established process for approving events and vending activities on Lake Merritt. Pop-up vending activities are not authorized to do business. Alcohol and Cannabis issues must be addressed by OPD.

El Embarcadero was cited as a location for the pilot program. The location would facilitate moving traffic away from Lake Shore. El Embarcadero can contain the activities while, better able to monitor those vendors non-compliant with established procedures. Other locations considered were the Kaiser Center and Library parking lots and the Pergola. Splash Pad Park was considered, but not for every day programming. Shoreline Middle Harbor Park is not operated by the City of Oakland and was not considered in the process. Members acknowledge that promotion of the pilot will be important regardless of the program's location. Staff reported that promotional and outreach materials could be quickly produce for the pilot at El Embarcadero. Fees could be waived to incentivize participation and CARES funding could possibility leveraged.

From the Committee:

The Committee requested City staff keep in mind that the community has been at odds for 3 months. They encourage mindfulness of pressing national issues impacting the Oakland community and request help pushing through this pilot program process.

Oakland residents are facing economic challenges. Income equity must be considered under the pilot program. Equitable and respectful engagement must be implemented across the community.

There are issues of affordable housing facing the community not just vending. The issue is greater than vending and PRAC. Brick and mortar businesses have not heard of the program for vendors. Some who are not vending want to participate.

From the Chair:

Vending does not fall under the Parks and Recreation Advisory Commission. The proposed pilot program is not just a Parks and Recreation concern, but has multiple City of Oakland departmental connections. The Chair requested to hear from OPD, OFD and OPW at the next update including the disposition of the Parks Rule/Noise Ordinance.

The Chair confirmed from staff that there continues to be opportunity for community engage with the Ad Hoc process. Staff will explore establishing a website to aid additional engagement in the pilot program process.

**Note: For Lake Merritt, Ad Hoc Committee information contact:
Joe DeVries at jdevries@oaklandca.gov.**

Motion: Commissioner Cole entertained a motion to recommend that PRAC accept the Lake Merritt Ad Hoc Committee written recommendations to provide vending at Lake Merritt. **Moved by:** Commissioner Aikens. **Second by:** Commissioner Smith. **Vote:** Yes (10): Aikens, Cole, Duhe, Ha, Howze, Kos-Read, Smith, Moore. Reilly, and Wolfson.
Motion: Passed.

1. PLANNING AND CONDITIONAL USE PERMITS:
2. COMMITTEE AND/OR ADVISORY COUNCIL UPDATES:
3. ANNOUNCEMENTS AND COMMUNICATIONS:
 - Acting Chair Cole announced that the election of a Chair and Vice Chair will be placed on the agenda once the new Ordinance governing PRAC is adopted.
4. CONTINUATION OF OPEN FORUM:
5. ADJOURNMENT: 8:50 P.M.

Respectfully submitted,

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

/s/ Diane L. Boyd
Diane L. Boyd
Recording Secretary

Next Meeting:
Wednesday, October 14, 2020
TeleConference



CITY OF OAKLAND

INFORMATIONAL REPORT

TO: Amy Cole, Acting Chair, Parks and Recreation Advisory Commission
FROM: Jason Mitchell, Director, Public Works Agency
DATE: March 11, 2020
SUBJECT: Tree Permit Appeal for 863 Vermont Street

The following report is prepared for the PRAC's consideration.

SUMMARY

On November 18, 2019, the Tree Services Division made a decision for tree removal permit ND19-172 (**Attachment A**) for 863 Vermont Ave. The Applicant (Christopher Kula) wanted to remove two black acacia trees and one beefwood tree on his property. After inspection, Tree Services approved the removal of the trees.

The Appellant (Thelma Fajardo) appealed the tree permit decision on November 26, 2019 (**Attachment B**). On the appeal claim form the appellant has stated that the removal of the trees will cause significant soil instability and will likely result in a possible landslide that will damage her property at 872 Walker Ave. The PRAC is the hearing body for non-development tree removal permit appeals, per Chapter 12.36.110 of the Oakland Municipal Code (OMC), the Protected Trees Ordinance (PTO).

BACKGROUND

On October 18, 2019 Tree Services received a non-development tree removal application ND19-172 for 863 Vermont Ave (**Attachment C**). The applicant and property owner is Christopher Kula. He requested the removal of the 2 black acacia trees and the one beefwood tree on the grounds of: (a) concerns the trees will break, (b) complaints from neighbors about tree debris falling in their yard, (c) improving the view and (d) providing space for a garden. On November 18, 2019 Tree Services approved tree permit ND19-172 on the basis that the trees have structural defects. Section 12.36050(A) of the Protected Trees Ordinance states a tree can be removed to insure the public health and safety as it relates to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, or interference with utilities or sewers.

Tree permit ND19-172 was appealed on November 26, 2019 by Thelma Fajardo, the property owner of 872 Walker Ave. The appellant claims that the removal of the trees will cause significant soil erosion and that will lead to a landslide. The Appellant attached a letter (**Attachment D**) to the claim form from Tracy Cael, a licensed professional, engineer giving an opinion that the trees are healthy and alive, bearing green leaves and serving the vital purpose of abating soil erosion. According to the appeal, the removal of the trees could result in a landslide.

DISCUSSION

Tree Services approved the removals of tree removal permit application ND19-172 on November 18, 2019. City staff determined that the trees had significant structural defects. See detailed account listed below of staff findings:

Tree (#1) (**Attachment E**) is a 20" DBH black acacia tree that has a 44.5 degree lean, an unbalanced canopy that is in the direction of the lean and has signs of root plate movement in the past. Leans of more than 30 degrees are significant and the likelihood of whole tree failure is high. At the first stem junction, on the trunk, there is an 18" cracking seam of included bark with a narrow angle of attachment. This is a substantial structural defect that puts the tree at a high risk of trunk failure by splitting. The tree is recommended for removal under section 12.36.050(A)1 of the Protected Trees Ordinance.

Tree (#2) (**Attachment F**) is a 30" DBH black acacia tree that has codominant stems that develop at 6' measuring from the ground up on the trunk. At the attachment point of the 2 stems there is a 40" seam of included bark with a narrow angle of attachment. On the downhill side of the trunk the included bark seam is bulging. This is a sign that the include bark defect is in an advanced state. This is a substantial structural defect that puts the tree at a high risk of trunk failure by splitting. The tree has an unbalanced weighted canopy on the downhill side. The unbalanced canopy is from being shaded from the beefwood tree that is on the home side of the tree. The tree has ivy growing up the interior trunk and limbs. This adds weight to a tree with an unbalanced canopy. The tree is recommended for removal under section 12.36.050(A)1 of the Protected Trees Ordinance.

Tree (#3) (**Attachment G**) is a 5-stem 14", 18", 19", 10", 23" DBH beefwood tree. The tree separates into 5 stems at 3' on the trunk measuring from the ground up. At the attachment point of the 5 stems there is included bark with narrow angles of attachment. At 15' measuring from the ground up, the tree was topped in the past. From the old topping cuts the tree has grown poorly-attached 25' suckers. At the topping point the 18" DBH and 10" DBH stems have split out and died. There is a high likelihood of decay being present where the topping cut was made. The 5 interior stems are covered with ivy, adding to the weight of each stem. The upper canopy has many 1" to 3" diameter dead limbs. The tree is recommended for removal under section 12.36.050(A)1 of the Protected Trees Ordinance.

The Appellant, Thelma Fajardo, has stated that the removal of the trees will negatively impact the health and safety of her property and tenants located at 872 Walker Ave. Removal of the trees will pose possible hillside erosion / landslide onto her property.

The Protected Trees Ordinance 12.36.05(A)2 calls for adequate provision for drainage, erosion, land stability or windscreen. Tree Services believes that adequate provisions for drainage will be made by the property owner. In the past the backyard had been terraced. The property owner indicated on the application that that a raised garden will be put in place in the middle of the yard and shrubs will be planted at the rear of the yard for screening. After the trees have been

removed, there will be 5 small fruit trees, a clump of bamboo, 2 medium size shrubs and patches of ivy. The backyard will not be void of vegetation.

Chapter 12.36.110(C) of the OMC states, "In considering the appeal, the Park and Recreation Advisory Commission shall determine whether the proposed tree removal conforms to the applicable criteria. It may sustain the decision of the Public Works Agency or require such changes or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said criteria."

RECOMMENDATION

The Public Works Agency recommends that the Park and Recreation Advisory Commission:

- Deny the appeal by Thelma Fajardo of 872 Walker Ave.

Respectfully submitted,

Prepared by:
Tod Lawsen
Arboricultural Inspector

Approved by:
Jason Mitchell
Director

For questions please contact David Moore, Senior Forester, at 510-615-5852

Attachments

- A – Tree removal Permit Decision, ND19-172
- B – Tree Appeal Claim Form dated November 26, 2019 for 863 Vermont Ave.
- C – Non-development tree removal application for 863 Vermont Ave.
- D – Letter form from Tracy Cael a licensed professional engineer
- E – Photo of tree (#1) a 20" DBH black acacia tree
- F – Photo of tree (#2) a 30" DBH black acacia tree
- G – Photo of tree (#3) a 5-stem 14", 18", 19", 10", 23" DBH beefwood tree



CITY OF OAKLAND
Oakland Parks, Recreation and Youth Development

TO: Vice Chair Amy Cole, Parks and Recreation Advisory Commission
FROM: Donte Watson and E. Harith Aleem Jr., Recreation General Supervisors, Parks, Recreation and Youth Development
DATE: October 14, 2020
SUBJECT: Request For The Parks And Recreation Advisory Commission To Review, Provide Comments, And Recommend Acceptance Of A Gift From Under Armour, In Partnership With Eat. Learn. Play. Foundation, And Project Delivery Partners Connor Sports, And Oakland Artist Hueman, For The Manzanita Recreation Center Outdoor Basketball Court Project

SUMMARY

Staff requests that the Parks and Recreation Advisory Commission provide comments on the Manzanita Recreation Center Outdoor Basketball Court Renovation Project gifted from Under Armour, in partnership with Eat. Learn. Play. Foundation, Connor Sports (Sports Court), and the Oakland Artist, Hueman. The project scope of work includes cleaning and patching surface cracks and the installation of a Sport Court basketball tile surface, and two new basketball goal system.

The project would be a great enhancement to the park, especially as no funds are currently budgeted to provide such enhancements. The park improvement would be of great benefit to the community, by offering an updated amenity in a community where basketball has been historically popular. Additionally, and more importantly this is an opportunity for the execution of our departmental mission, with a focus on equity outcomes.

FISCAL IMPACT

Under Armour is gifting the improvement valued at \$49,000 to the City of Oakland in accordance with Oakland City Council Resolution No. 79714 Acceptance of Grants with a value of fifty thousand dollars or less. There is no negative fiscal impact to the City as the new court replaces an aged asset and its associated maintenance costs. Work on City property will be authorized through a construction contract with Connor Sports valued at one dollar. Separate payment arrangements, if any, will be made between Connor Sports, gift sponsor and project delivery partners. The project will meet Oakland Public Works Department standards.

PROJECT / PROGRAM DESCRIPTION

The Manzanita Recreation Center is located at 2701 22nd Avenue, where the San Antonio and Fruitvale neighborhoods of Oakland's City Council District 5 intersect. Manzanita offers a variety of enrichment programs and seasonal camps for families in the immediate community and throughout Oakland. The program offerings include tot playgroups, Town After-School Enrichment program, Town Camp (summer), karate, basketball, and soccer. Manzanita, a meal distribution hub, also hosts popular community events, such as Family Friday's, where families from all over the community gather to enjoy free music, food, activities, performances, basketball and more.

Basketball is a sport that draws many in the community to the park. The current court is a half court, with only one hoop. The surface has aged and cracked and the striping is worn. The improvement project includes expanding the court to include two hoops that will allow for full-court games, cleaning and patching surface cracks and installation of a Sports Court basketball tile surface and two new basketball goal systems. The project is expected to be complete November 20, 2020.

Under Armour is committed to a process that is inclusive and that allows for community feedback on this project. Currently, Under Armour is in the design process of finalizing the graphic for the court. Once a draft of the design is complete, it will be shared at a virtual community engagement meeting where members of the community will be invited to preview the design, ask questions of the artist, and provide feedback. Once the community engagement process is concluded the design will be finalized and incorporated into the project.

Under Armour has identified, local artist, Hueman, for this project. Allison Torneros, known in the art world as “Hueman”, is a multidisciplinary artist based in Oakland, CA. Her distinctly gauzy art style draws on the human condition to create colorful mash-ups of the abstract and figurative. Hueman’s unique freestyle process involves creating tightly refined compositions from a spontaneous beginning of paint splashes, drips, and sprays, and her layered works can be seen on public streets and in galleries worldwide. Examples of Hueman’s work can be found around Oakland and at www.huemannature.com.

Founded by Stephen and Ayesha Curry, Eat. Learn. Play. Foundation’s mission to unlock the amazing potential of every child by fighting to end childhood hunger and ensuring children have access to nutritious food, establishing that students have access to quality education, and the resources to succeed, and providing opportunities and safe places for all children to play and be active.

Under Armour is a private company whose vision is to inspire the community with performance solutions. This project is part of their commitment to creating spaces and investing in people that make participation in sport and recreation possible.

Connor Sports will be contracted to oversee this project. The project will use Sport Court surfaces that are used by some of the biggest organization names in sports, such as the NCAA, US Soccer Foundation, Olympics, US Youth National Futsal Championships, and NBA Jam Session. Athletes and doctors know that concrete is an enemy of the knee. In contrast to pavement, the shock absorbing Sport Court surface takes it easy on joints reducing knee strain on every cut or pivot made with its Lateral Forgiveness technology.

Absorption - Sport Court surfaces come in a range of densities, all of which provide excellent shock absorption at the point of contact.

Deflection - Sport Court flooring helps to control the downward and side to side surface movement where floor contact is made.

Friction - Sport Court flooring provides the ideal amount of friction for all movements.

Ball Bounce - Sport Court surfaces have consistent, true ball bounce and sound. As a result, they have the highest ratings of any synthetic court.

RECOMMENDATION

Staff recommends that the Parks and Recreation Advisory Commission review, provide comments, and recommend acceptance of a gift from Under Armour, in partnership with Eat. Learn. Play. Foundation, and project delivery partners, Connor Sports, and Oakland Artist *Hueman* for the Manzanita Recreation Center Outdoor Basketball Court Project.

Respectfully submitted,

E. Harith Aleem, Jr. & Donté Watson

E. Harith Aleem Jr. and Donté Watson, Recreation General Supervisors

Attachments: Exhibit A - Existing Manzanita Recreation Center Exterior Basketball Court
Exhibit B – Project Area Map
Exhibit C - Example of Court Design

Exhibit A



Exhibit B



Exhibit C



To: Amy Cole, Acting Chair, Parks and Recreation Advisory Commission and members of the Commission

From: John Bliss and Brooke Levin, Co-Chairs Measure Q

Date: October 5, 2020

Subject: Overview of the 2020 City of Oakland Parks and Recreation Preservation, Litter Reduction, and Homeless Support Act (Measure Q, 2020)

Summary

Yes on Measure Q advocates and other parks maintenance stakeholders in Oakland are fully committed to supporting the City to ensure that Measure Q is fully implemented consistent with the will of local voters and constituents. (More broadly, it is imperative that Measure Q is implemented to the satisfaction of Oaklanders in order for the City to maintain the ability to credibly ask voters for additional revenue in the future)

The purpose of this report is to share the goals/recommendations/expectations of Measure Q Co-Chairs (on behalf of the Yes on Q Committee) with the Parks and Recreation Advisory Commission (PRAC) in its critical new oversight role. The Measure Q Co-chairs and other volunteers worked closely with Oakland Public Works (OPW) , Finance, City Administrator and Human Services Departments in reaching agreement on the provisions included in the Ballot Language – including specific required “deliverables” strongly desired and readily measurable by Oaklanders. It is our intent to closely monitor the implementation of Measure Q and continue to advocate for the fiscal and operational provisions within the Measure.

We strongly recommend that the PRAC evaluate compliance with and provide rigorous detailed review and Council input on the three most critical element of Measure Q:

- 1) Allocation of Revenue
- 2) Service Deliverables
- 3) Maintenance of Effort (i.e. control general fund supplanting)

Background

The placement of Measure Q on the March 3, 2020 was a community driven effort which took several years to plan, develop, secure and obtain voter approve. Measure Q was approved by the voters with 68.08 % of the vote, and a total of 89,363 yes votes. Measure Q had specific allocations for each category and detailed deliverables. Measure Q is for a 20-year term.

1) Allocations:

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

- 64% for parks, landscaping maintenance and recreational services
- 30% for services to address homelessness (oversight will be with the Homeless Commission)
- 5% for services and projects to address water quality and litter reduction, including by maintaining and cleaning stormwater and trash collection systems and for a Storm Water Masterplan
- 1% to cover the costs of auditing and evaluating programs, strategies and services undertaken pursuant to the measure

Tax revenue will be imposed beginning fiscal year 2020-2021 through fiscal year 2039-2040.

A breakdown of the \$23,350,000 in revenue to each of the categories in fiscal year 2020-2021 is as follows:

- Parks, landscaping maintenance and recreational services: \$14,944,000
- Homeless services: \$7,005,000
- Water Quality: \$1,167,500
- Administration: \$233,500

2) Specific Deliverables:

Specific, and broadly communicated service-level deliverables were agreed on by the City Departments as doable and they provided details on when equipment and staffing would be in place. Most staff was funded beginning January 2021 to provide funding to purchase vehicles and equipment needed to be operational.

The key deliverables for Parks Maintenance in Measure Q address the following items: (directly quoted from Measure Q)

- Mowing City operated sports fields frequently, every other week or as may be required by the time of year
- Cleaning park restrooms more than once per day, especially on weekends
- Collecting trash and litter several times per week, including Saturdays and Sundays, from the most used parks, assuring equitable distribution of resources
- Providing dedicated staff at major parks. "Major parks" means City operated Community Parks, Region-Serving Parks, and Resource Conversation Areas, as those terms are used in the Open Space Conservation & Recreation (OSCAR) element of the General Plan

Measure Q includes additional items in all categories, these other items can be funded depending on the priorities of the City.

3) Maintenance of Effort

One of the key roles of the PRAC will be to ensure that the "Maintenance of Effort" provision in the Measure is adhered to. The intent of the "Maintenance of Effort" provision is to ensure the City continues to fund parks maintenance to the agreed-upon level from existing sources and fully resists the tendency to use all Measure Q revenue to supplant general fund shortfalls.

1. "For so long as the parcel tax is in effect, the City's fiscal year budget may not appropriate more than **fifty-five percent (55%)** of the estimated revenue allocated to parks, landscaping maintenance and recreational services pursuant to Part 1, Section 3(C)(2) to preserve parks maintenance at the level provided for in the City's 19-21 Adopted Policy Budget for fiscal year 2019-2020"

In other words, at least 45% of the allocated Measure Q revenue for parks, landscaping maintenance and recreational services must be spent on new, additional services – while the remaining 55% can be used to balance the parks maintenance budget.

2. Simply put, the parks maintenance budget in 2019-2020 was about \$28 million and Measure Q Maintenance of Effort provision requires that this total amount is increased by (45% of \$14,944,000) to about \$35 million!

Without compliance to this provision, the City may not expend revenues collected under Measure Q.

Action Requested of the PRAC

Listed below are recommended actions to prepare for monitoring the progress of Measure Q and for the two-year budget that will begin in early 2021.

1. Request and schedule presentations from Oakland Public Works on each of the operational areas that will be within the PRAC jurisdiction, including:
 - Parks: Detailed information about the resources and deliverables currently in place including the staffing and deployment model used for park and landscape maintenance. This should include an overview of all the assets Park Services oversees (parks, ballfields, landscaping at City facilities, parking lots etc.)
 - Trees: An overview of the Tree Section and the resources and staffing currently in place. This should include park trees, street trees, median trees.
 - Facilities: An overview of the work that Facilities Services provides to support recreational facilities, tot lots, free-standing restrooms and park infrastructure.
 - Clean Water: An overview of the program and the mandates that regulate the City of Oakland's responsibility including the Alameda County Clean Water Permit and the Storm Drainage Master Plan that is being funded by Measure Q.

3. Request and schedule a presentation on the Budget process with OPW and Finance on how the various funding sources make up the budget for the items also funded in Measure Q.
4. Request the monthly staffing matrix for Measure Q be on the PRAC Agenda to inform PRAC on the progress made on hiring, especially during the initial 24 month ramp-up period. This report is being created for the Civil Service Board and should be readily available to the PRAC.
5. Request detailed financial and service level data from the City's OPW and Finance departments in order evaluate compliance with Measure requirements. Sufficient time for PRAC members to discuss this at public meetings is recommended. We recommend that this analysis be performed every 6 months for the first 36 month of the Measure Q ramp up and annually after that.

Request for Oakland Public Works Support

The PRAC meetings include Open Forum and items for Park renovations and new parks as part of development projects. It would get helpful to have OPW staff available at the meetings to hear from the community and PRAC members on questions and concerns that are raised.

Also, OPW was funded for a full-time staff position to provide evaluation and monitoring of Measure Q. It is recommended that a monthly tracking matrix be provided to the PRAC to see the progress of the deliverables outlined in the Ballot Measure.

Recommendation

It is recommended that the PRAC move forward with the requests from Measure Q.

Respectfully,

John Bliss

Brooke Levin

Co-Chairs Measure Q

Attachment: Measure Q Ballot Language

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, flowing style.

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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- Hotels: Either the rate applicable to multiple-unit residential parcels or non-residential parcels, depending upon percentage of transient occupancy.

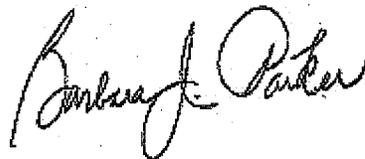
The measure requires the City to maintain current ongoing funding levels for homeless services and the City's stormwater system; and no more than 55% of the revenue allocated to parks, landscape maintenance, and recreational services may be used to preserve current parks operational services, unless 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 cursive script, appearing to read "Barbara J. Parker".

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.

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OFFICE OF THE CITY CLERK
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

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