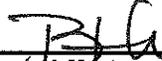




STAFF REPORT

Date: Tuesday, December 9, 2014
To: Bryan H. Montgomery, City Manager
From: Kevin Rohani, Public Works Director/City Engineer
SUBJECT: Creating Zone 153 within the City of Oakley Special Police Tax Area for Subdivision 9032

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Background and Analysis

On September 14, 2010, the City Council approved Resolution 107-10 to subdivide the Emerson Ranch property into 567 single family parcels and one 22.88 acre commercial parcel through Vesting Tentative Map 9032. In 2013 Resolution 35-13 approved an amendment to the Emerson Ranch Final Development Plan to make minor modifications to the internal street circulation, park configuration, and lot sizes.

The Emerson Ranch property is located on the northwest corner of East Cypress Road and Sellers Avenue. Conditions of approval for the project require the applicant to augment police services. Currently, the City has a Police Services Special Tax (P-6) to facilitate augmentation of police services. The developer has requested that their development be annexed into the P-6 Special Taxing District. This is the first step to annex the Emerson Ranch development into the P-6 Special Taxing District.

P-6 is a special tax that is collected annually by the County Auditor on the property tax rolls. On June 12, 2000, the City Council approved the sample resolution and ordinance to be used for the formation of zones within the Citywide special police tax area. On June 26, 2000, the City Council approved the schedule for police service tax. On July 8, 2002, the City Council approved an amendment to the rate schedule that included an automatic escalator. On March 22, 2004, the rate schedule was again amended to include an automatic inflator based on the actual cost of police services. The most recent approved Council items have been used for the proposed creation of Zone 153 within the tax area to satisfy the conditions of approval for the project. Adoption of this resolution and ordinance will set an election date for January 13, 2015, which shall be conducted by the City Clerk via a mail ballot election. The vote will then be ratified at the January 27, 2015 regular City Council meeting, and the ordinance will take effect at that time.

Since some of the units or structures may be occupied prior to the taxes being levied for the first year, a provision has been added to the ordinance to require a pro-rated fee to be paid at the time of certificate of occupancy, or final building permit inspection for each residential unit to cover the remainder of the fiscal year. It should also be noted that vacant lots are taxed at half the rate of improved lots. Since the

project is relatively large, it is possible that build-out could take several years and the total police services tax for the project will not be realized until all building permits have been finalized. This has been taken into account in the police services tax projections.

Fiscal Impact

There will be no financial impact to the City's General Fund. The applicants have funded all costs associated with the zone creation. The FY 2014-15 special tax rate per single family parcel is \$964.42. Therefore, successful creation of the zone could provide up to \$548,630 in revenue annually when all of the units are occupied. The taxes will be collected on the property tax rolls commencing in Fiscal Year 2015-16.

Recommendation

The conditions of approval for Vesting Tentative Map 9032 require the property owners to augment police services. Adoption of this resolution and ordinance will set an election to be held on January 13, 2015. The election will then be ratified at the January 27, 2015 regular City Council meeting. Staff recommends that the City Council:

1. Adopt the Resolution creating Special Tax Zone 153 within the Oakley Special Police Tax Area for Vesting Tentative Map 9032; and
2. Introduce the Ordinance establishing a special tax for police protection subject to voter confirmation.

Conclusion

Staff recommends that the City Council adopt the Resolution creating Special Police Tax Zone 153 within the Oakley Special Police Tax Area for Vesting Tentative Map 9032, and adopt the Ordinance establishing a special tax for police protection subject to voter confirmation.

Attachments

- 1) Resolution Creating Zone 153
 - a. Exhibit A - Diagram
- 2) Ordinance Establishing a Special Tax
 - a. Exhibit A – Diagram
 - b. Exhibit B – Schedule for Police Service Tax

CITY OF OAKLEY

RESOLUTION NO. __-14

A RESOLUTION CREATING SPECIAL TAX AREA ZONE 153 FOR A SPECIAL TAX FOR POLICE PROTECTION FOR SUBDIVISION 9032

WHEREAS, it is the intention of the City Council to create Zone 153 within the City of Oakley Special Police Tax Area and authorize an election; and

WHEREAS, it is the intention of the City Council to adopt an ordinance establishing a special tax for police services within Zone 153; and

WHEREAS, the City recognizes the need for increased police protection services in Zone 153 and the difficulty of funding the current or increased level of services with revenues now available; and

WHEREAS, it is the intention of the City Council to direct the City Clerk to conduct the election required by Government Code Section 53978, to be conducted by mail ballot pursuant to Elections Code Section 4108 and to be held on the earliest date permitted by law; and

WHEREAS, on September 14, 2010 the City Council adopted Resolution 107-10 conditionally approving the tentative map for Subdivision 9032 (Emerson Ranch), a 567 lot single family subdivision and 22.88 acre commercial parcel on the northwest corner of East Cypress Road and Sellers Avenue. Condition #95 requires the applicant to participate in the provision of funding to maintain and augment police services by voting to approve a special tax for the lots created by the approval. The initial annual tax is to be \$964.42 per single family lot (FY 2014-2015 rate) per the rate schedule that was adopted by the City Council on March 22, 2004 by Resolution No. 26-04; and

WHEREAS, this Resolution is adopted pursuant to Government Code section 53978; and

WHEREAS, under Government Code section 53978 and for the purposes of this Resolution, a "voter" entitled to vote on the creation of Zone 153 is a person who owns real property within Zone 153 at the time Ordinance No. __ is adopted, as shown on the last equalized assessment role prepared by the Contra Costa County Assessor's Office.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby finds and determines as follows:

1. All of the City of Oakley shall be considered as the Oakley Special Police Tax Area.
2. That portion of the City of Oakley shown on the plats titled Exhibit "A" is

established as Zone 153 of the Oakley Special Police Tax Area.

3. That Ordinance No. adopted this date is to be presented for approval of the voters of Zone 153 by a mail ballot election, to be held on January 13, 2015. The ballot proposition shall read as follows:

"Shall Ordinance No. of the City Council of the City of Oakley be approved so as to authorize a special tax on property located in Zone 153 of the Oakley Special Police Tax Area to maintain the present level of police protection service and provide additional funding for increased police protection service. The initial annual tax is to be \$964.42 per single family lot and \$482.21 per vacant lot (all FY 2014-15 rates) per the current rate schedule"

4. The City Clerk is directed to take all steps necessary to conduct the election required by this order. Said election shall be conducted by mailed ballot pursuant to Elections Code Section 4000 and shall be held on a date other than the same date as a statewide direct primary election on statewide general election as specified above.
5. Zone 153 of the Oakley Special Police Tax Area shall not be created, and the tax authorized in Ordinance No. ___ shall not be imposed if the Ordinance is not approved by two-thirds of the voters participating in the election called in Ordinance No. _____.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 9th of December, 2014 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

CITY OF OAKLEY

ORDINANCE NO. __-14

**AN ORDINANCE OF THE CITY OF OAKLEY
ESTABLISHING ZONE 153 FOR A SPECIAL TAX FOR
POLICE PROTECTION FOR SUBDIVISION 9032**

The Voters of the City of Oakley do ordain as follows:

Section 1. Purpose. Intent and Authority.

It is the purpose and intent of this Ordinance to authorize the levy of a tax on parcels of real property on the secured property tax roll of Contra Costa County that are within Zone 153 (Subdivisions 9032) of the Oakley Special Police Tax Area in order to provide funding for police protection to serve the property and persons within said Zone.

This Tax is a special tax within the meaning of Section 4 of the Article XIII A of the California Constitution. Because the burden of this tax falls upon property, this tax also is a property tax, but this tax is not determined according to nor in any manner based upon the value of property; this tax is levied on a parcel and use of property basis. Insofar as not inconsistent with this Ordinance or with legislation authorizing special taxes and insofar as applicable to a property tax that is not based on value, such provisions of the California Revenue and Taxation Code and of Article XIII of the California Constitution as relate to ad valorem property taxes are intended to apply to the collection and administration of this tax (Section 4 of this Ordinance), as authorized by law.

The revenues raised by this tax are to be used solely for the purposes of obtaining, furnishing, operating, and maintaining police protection equipment or apparatus, for paying the salaries and benefits of police protection personnel, and for such other police protection service expenses as are deemed necessary for the benefit of the residents of Zone 153.

This Ordinance is enacted pursuant to the authority of Government Code Section 53978.

Section 2. Definitions.

The following definitions shall apply throughout this Ordinance.

A. "Constant first year dollars" shall mean an actual dollar amount which, in years subsequent to the first fiscal year the tax is levied, shall have the same purchasing price as the base amount in first fiscal year dollars as measured by the actual cost of services for the City of Oakley's cost of obtaining police services, measured currently using its contract with the Contra Costa County Sheriff's Department. The base amount shall be

the amount of tax per parcel as specified in Section 3.A herein. The adjustments from actual to constant dollars shall be made by use of the actual cost of services, as specified in Section 3.B herein.

B. "Actual Cost of Services" means the estimated fully-loaded average cost for the positions of police officer, Sergeant and Lieutenant [or comparable positions while the City contracts for police services with Contra Costa County] as provided to the City by the Contra Costa County Sheriff's Department during or about March of each calendar year.

C. "Fiscal year" means the period of July 1 through the following June 30.

D. "Oakley Special Police Tax Area" includes all properties within the jurisdictional limits of the City of Oakley.

E. Oakley Special Police Tax Area Zone 153 (hereinafter called "Zone") means that portion of the incorporated area of the City of Oakley located within the boundaries as shown on the map Exhibit A hereto.

F. "Parcel" means the land and any improvements thereon, designated by an assessor's parcel map and parcel number and carried on the secured property tax roll of Contra Costa County. For the purposes of this Ordinance, parcel does not include any land or improvements outside and boundaries of Zone 153 nor any land or improvements owned by any governmental entity.

G. Pursuant to Government Code §53978, "voter" means a person owning real property within the Zone at the time this Ordinance was adopted, as shown on the last equalized assessment role prepared by the Contra Costa County Assessor's Office.

Section 3. Amount and Level of Taxes.

The tax per year on each parcel in the Zone shall not exceed the amount applicable to the parcel, as specified below.

A. For First Fiscal Year:

The tax per year for the first fiscal year (July 1, 2014 through June 30, 2015) shall be the amount of Tax Per Parcel for a Property Use Code Category as set forth on Exhibit B hereto. If any new development, including new residential units, is completed prior to the tax being effective for the first fiscal year, the owner of the Parcel, as shown on the latest assessment roll, shall pay the tax for the remainder of such fiscal year on a pro-rated basis to the City, no later than receipt of Certificate of Occupancy or final building permit inspection.

B. For Subsequent Fiscal Year:

In order to keep the tax on each parcel in constant first year dollars for each fiscal year subsequent to the first fiscal year, the tax per year shall be adjusted as set forth below to reflect any increase in the Actual Cost of Services beyond the first fiscal year the tax is levied.

In June or July of each year, City Council shall determine the amount of taxes to be levied upon the parcels in the Zone for the then current fiscal year as set forth below.

For each Property Use Category on Exhibit B, the tax per year on each parcel for each fiscal year subsequent to the first fiscal year shall be an amount determined as follows:

$$\begin{array}{l} \text{Tax Per Parcel} \\ \text{For then Current} \\ \text{Fiscal Year} \end{array} = \begin{array}{l} \text{Tax Per Parcel} \\ \text{For First} \\ \text{Fiscal Year} \end{array} \times \begin{array}{l} \text{(Actual Cost of Services} \\ \text{for immediately} \\ \text{Preceding Fiscal Year)} \\ \text{(Actual Cost of Services} \\ \text{for First Fiscal Year} \\ \text{of Levy)} \end{array}$$

Provided, however, that in no event shall the tax per parcel for any fiscal year be less than the amount established for the first fiscal year.

C. The taxes levied on each parcel pursuant to this Article shall be a charge upon the parcel and shall be due and collectible as set forth in Section 4, below.

Section 4. Collection and Administration.

A. Taxes as Liens Against the Property.

The amount of taxes for each parcel each year shall constitute a lien on such property, in accordance with Revenue and Taxation Code Section 2187, and shall have the same effect as an ad valorem real property tax lien until fully paid.

B. Collection.

The taxes on each parcel shall be billed on the secured roll tax bills for ad valorem property taxes and are to be collected in the same manner in which the County of Contra Costa collects secured roll ad valorem property taxes. Insofar as feasible and insofar as not inconsistent with this Ordinance, the times and procedure regarding exceptions, due dates, installment payments, corrections, cancellations, refunds, late payments, penalties, liens, and collections for secured roll ad valorem property taxes shall be applicable to the collection of this tax. Notwithstanding anything to the contrary in the foregoing, as to this tax:

- i) The secured roll tax bills shall be the only notices required for this tax, and

- ii) The homeowners and veterans exemptions shall not be applicable because such exemptions are determined by dollar amount of value.

C. Costs of Administration by County.

The reasonable costs incurred by the County officers collecting and administering this tax shall be deducted from the collected taxes.

Section 5. Severability Clause.

If any article, section, subsection, sentence, phrase of clause of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The voters of the Zone hereby declare that they would have adopted the remainder of this Ordinance, including each article, section, subsection, sentenced phrase or clause, irrespective of the invalidity of any other article, section, subsection, sentence, phrase or clause.

Section 6. Effective Date and Posting.

This Ordinance shall take effect immediately upon its confirmation by two-thirds of the voters voting within the Zone in an election to be held on January 13, 2015 so that taxes shall first be collected hereunder for the tax year beginning July 1, 2015. If not confirmed by two-thirds of the voters participating in the election, this Ordinance and the tax approved herein shall not become effective.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on December 9, 2014 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

Mayor

ATTEST:

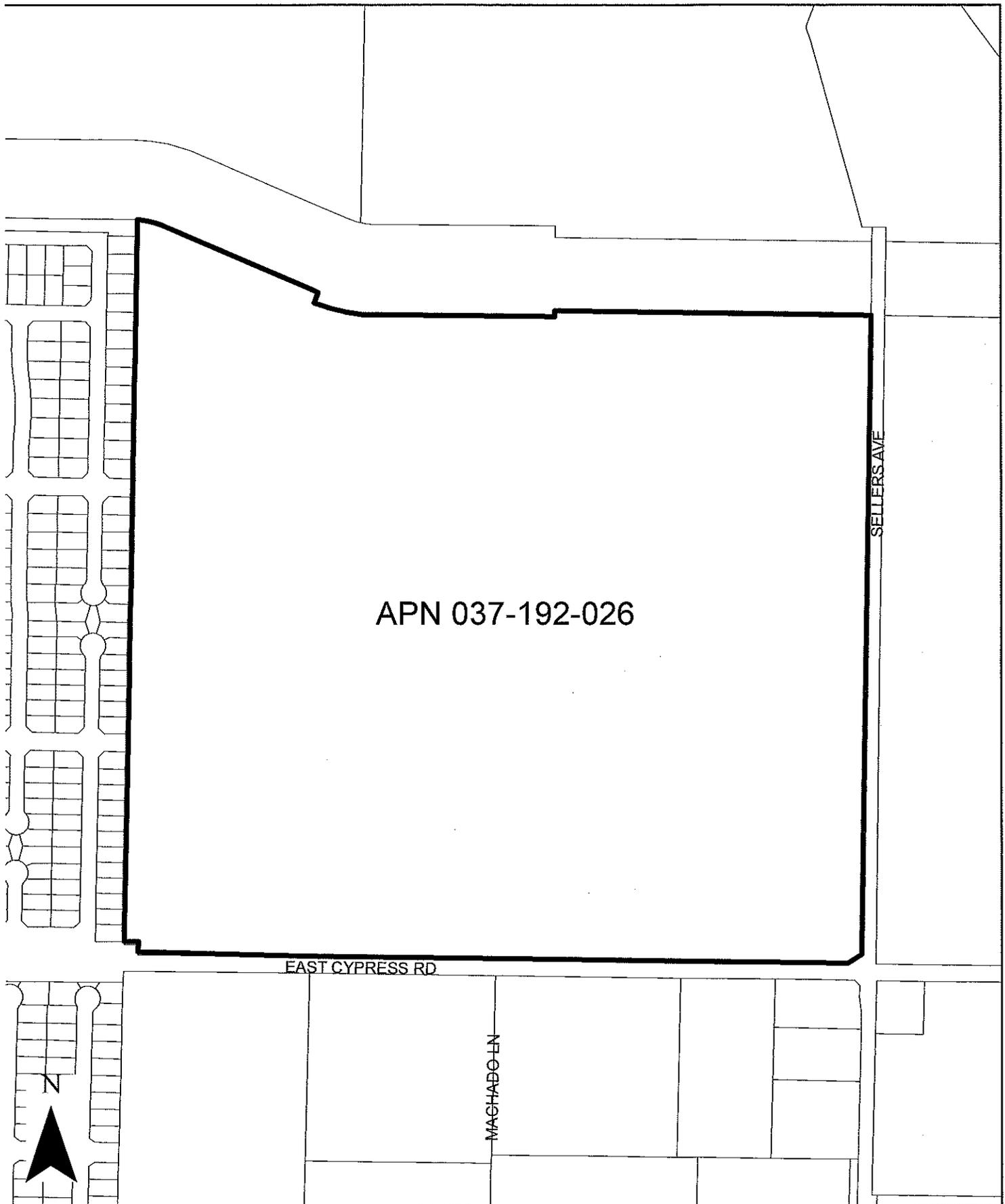
Libby Vreonis, City Clerk

Date

EXHIBIT A
SPECIAL POLICE TAX AREA ZONE 153
CITY OF OAKLEY

Exhibit A

COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA



City of Oakley
Police Services Special Tax (P-6)
FY14-15 SCHEDULE OF RATES

Exhibit **B**

PROPERTY USE CODE CATEGORY	EXPLANATION	FY13/14 TAX PER PARCEL	FY14/15 TAX PER PARCEL
11	Single Family Residence – 1 res., 1 site	\$886.10	\$964.42
12	Single Family Residence – 1 res., 2 or more sites	\$886.10	\$964.42
13	Single Family Residence – 2 res., on 1 or more sites	\$1,417.75	\$1,543.08
14	Single Family Residence – other than single fam. Land	\$886.10	\$964.42
15	Misc. Improvements – 1 site	\$886.10	\$964.42
16	Misc. Improvements – 2 or more sites	\$886.10	\$964.42
17	Vacant – 1 site	\$443.05	\$482.21
18	Vacant – 2 or more sites	\$443.05	\$482.21
19	Single Family Residence – Det. W/common area	\$886.10	\$964.42
20	Vacant – Multiple	\$443.05	\$482.21
21	Duplex	\$1,417.75	\$1,543.08
22	Triplex	\$2,126.63	\$2,314.61
23	Fourplex	\$2,835.51	\$3,086.15
24	Combinations	\$886.10	\$964.42
25	Apartments (5 –12 Units)	\$3,555.46	\$3,869.74
26	Apartments (13 – 24 Units)	\$9,215.40	\$10,029.99
27	Apartments (25 – 59 Units)	\$17,721.93	\$19,288.44
28	Apartments (60+ units)	\$42,532.63	\$46,292.26
29	Attached PUDs: Cluster Homes, Condos, etc.	\$886.10	\$964.42
30	Vacant – Commercial	\$443.05	\$482.21
31	Commercial Stores – Not Supermarkets	\$1,772.19	\$1,928.84
32	Small Grocery Stores – (7-11, etc.)	\$2,658.29	\$2,893.27
33	Office Buildings	\$1,772.19	\$1,928.84
34	Medical, Dental	\$1,772.19	\$1,928.84
35	Service Stations, Car Wash	\$1,772.19	\$1,928.84
36	Garages	\$1,772.19	\$1,928.84
37	Community Facilities (Recreational, etc.)	\$3,544.39	\$3,857.69
38	Golf Courses	\$1,772.19	\$1,928.84
39	Bowling Alleys	\$886.10	\$964.42
40	Boat Harbors	\$2,215.24	\$2,411.06
41	Supermarkets – (not shopping centers)	\$2,658.29	\$2,893.27
42	Shopping Centers	\$3,544.39	\$3,857.69
43	Financial Buildings – (Ins., Title, Banks, S&L)	\$886.10	\$964.42
44	Motels, Hotels & Mobile Home Parks	\$4,430.48	\$4,822.11
45	Theaters	\$1,993.72	\$2,169.95
46	Drive-in Restaurants	\$1,329.14	\$1,446.63
47	Restaurants	\$1,329.14	\$1,446.63
48	Multiple & Commercial	\$1,329.14	\$1,446.63
49	New Car Agencies	\$1,329.14	\$1,446.63
50	Vacant Land (not part of Ind. Park or P. & D.)	\$332.29	\$361.66
51	Industrial Park	\$2,658.29	\$2,893.27
52	Research & Development	\$1,329.14	\$1,446.63
53	Light Industrial	\$1,329.14	\$1,446.63
54	Heavy Industrial	\$1,329.14	\$1,446.63
55	Mini Warehouses (public storage)	\$2,658.29	\$2,893.27
56	Misc. Improvements	\$2,658.29	\$2,893.27
61	Rural, Res., Improvement 1A-10A	\$664.57	\$723.32
62	Rural, w/or w/o structure 1A-10A	\$664.57	\$723.32
70	Convalescent Hospitals / Rest Homes	\$1,329.14	\$1,446.63
73	Hospitals	\$1,329.14	\$1,446.63
74	Cemeteries / Mortuaries	\$1,329.14	\$1,446.63
75	Fraternal & Service Organizations	\$1,329.14	\$1,446.63
76	Retirement Housing Complex	\$4,430.48	\$4,822.11
78	Parks & Playgrounds	\$2,658.29	\$2,893.27
85	Public & Private Parking	\$1,329.14	\$1,446.63
87	Common Area	\$1,329.14	\$1,446.63
88	Mobile Homes	\$664.57	\$723.32
89	Other (split parcels in different tax code areas)	\$664.57	\$723.32
99	Homeowner's Association Owned Common Areas	\$539.49	\$587.17

The City Manager shall automatically adjust the amounts shown on this schedule on July 1 of each fiscal year by the increase or decrease in the cost to the City for police services, which increase or decrease shall be calculated by taking the annual increase/decrease in the fully-loaded average cost for the positions of Deputy, Sergeant and Lieutenant [or comparable positions while the City contracts for police services with Contra Costa County] and applying that percentage to the prior year amounts for each property use code category.

CALCULATION OF COST OF LIVING INCREASE		
Average Cost Per Officer for FY 2013/14 (previous period) ¹	\$	255,130.97
Average Cost Per Officer for FY 2014/15 (current period) ¹	\$	277,683.01
Difference (equals current period minus previous period)	\$	22,552.04
Percent Change (equals difference divided by previous index times 100)		8.84%

¹Source for average cost per officer data is "Personnel Costs, Estimated Salary and Benefits" published by the Contra Costa County Sheriff's Fiscal Services