



## STAFF REPORT

Approved and Forwarded to City Council:

  
Bryan H. Montgomery, City Manager

**Date:** Tuesday, July 14, 2015  
**To:** Bryan H. Montgomery, City Manager  
**From:** Kevin Rohani, Public Works Director/City Engineer  
**SUBJECT:** Ratify Election: Approval of Ordinance No. 07-15, Establishing Zone 154 for a Special Tax for Police Protection for Subdivision 9104

### **Background and Analysis**

On November 18, 2014, the City Council adopted Resolution 109-14 conditionally approving the Final Map for Subdivision 9104, a 20-lot residential subdivision south of Laurel Road along the north side of Cedar Glenn Drive, approximately 450' east of Rose Avenue.

Condition of Approval 54 requires the Subdivision's participation in the provision of funding to maintain police services by voting to approve a special tax ("Special Tax") created by the subdivision approval. 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 Kiper development into the P-6 Special Taxing District.

### **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 Fiscal Year 2014-15 special tax rate per single family parcel is \$964.42. Therefore, successful creation of the zone could provide up to \$19,288 in revenue annually when all of the units are occupied. The taxes will be collected on the property tax rolls commencing in Fiscal Year 2015-2016.

### **Staff Recommendation**

Conditions of approval for subdivision 9104 require the property owners to augment police services. On May 12, 2015, the City Council waived the first reading and introduced ordinance 07-15, subject to voter confirmation, calling for an election to be held on June 23, 2015. One (1) ballot was issued and returned before the deadline of 5:00 p.m. on June 23, 2015.

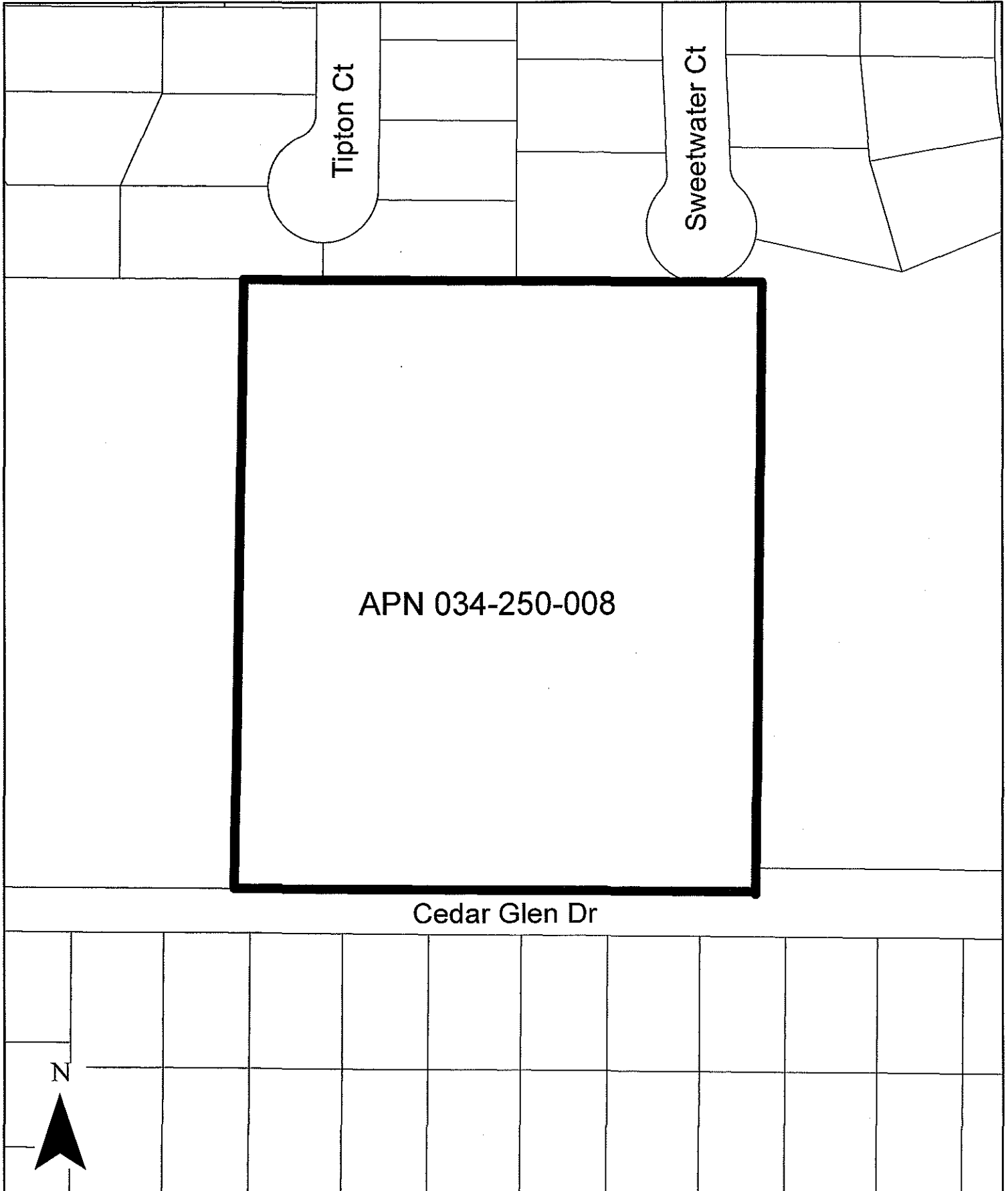
Staff recommends that the City Council ratify the election wherein the ordinance No. 07-15 was approved by the appropriate property owners establishing a special police tax for police protection.

**Attachments**

Attachment A: Diagram  
Attachment B: One (1) ballot  
Attachment C: Ordinance No. 07-15

EXHIBIT A  
SPECIAL POLICE TAX AREA ZONE 154  
CITY OF OAKLEY  
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

Attachment 1



**SPECIAL POLICE TAX AREA BALLOT**  
**CREATING ZONE 154 FOR SUBDIVISION 9104**

Assessor's Parcel Number: 034-250-008

Record Owner: Kiper Development Incorporated  
Attn: John Kiper

Address: 1646 N. California Boulevard  
Oakley, CA 94596

Shall Ordinance No. 07-15 of the City Council of the City of Oakley be approved so as to authorize a special tax on property located in Zone 154 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 parcel and \$482.21 per vacant parcel (all FY 2014-15 rates) per the current rate schedule. I also acknowledge that the tax rate can be adjusted annually as described in the Ordinance.

Yes, Ordinance No. 07-15 shall be approved.

No, Ordinance No. 07-15 shall not be approved.



Signature of Authorized Representative for  
Kiper Development Incorporated

John Kiper

Printed Name

UP of Operations

Title

**CITY OF OAKLEY**

**ORDINANCE NO. 07-15**

**AN ORDINANCE OF THE CITY OF OAKLEY  
ESTABLISHING ZONE 154 FOR A SPECIAL TAX FOR  
POLICE PROTECTION FOR SUBDIVISION 9104**

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 154 (Subdivision 9104) 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 154.

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 154 (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 154 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 June 23, 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 July 14, 2015 by the following vote:

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Doug Hardcastle, Mayor

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date