



BALLOT MEASURE SUBMITTAL FORM

Official Use Only: Date Stamp

BALLOT MEASURE QUESTION

Jurisdiction Name: **City of Albany**

Election Date: **November 6, 2018**

Note: The information as it appears within the text box will be printed on the ballot and voter guide.

Insert ballot question text here:

To continue providing and maintaining essential City services, such as: fire and police protection, public safety and emergency response, facilities maintenance, and environmental preservation, shall the City of Albany measure making its existing one-half cent transactions and use (sales) tax permanent, providing \$1.4 million annually for unrestricted general revenue purposes, without increasing the rate, with annual independent audits, and all funds spent only in Albany, be adopted?

TYPE OF MEASURE

- Regular Measure Parcel Tax
 Bond Measure Charter Amendment

PERCENTAGE NEEDED TO PASS

- 50% + 1 66.6667% 2/3
 Other: _____

FULL TEXT OPTION

Full Text to be printed in the Voter Information Pamphlet:

- YES** (*note: must provide a MS Word file*)
 NO – Do not print, but it's accessible at: _____

AUTHORIZED REPRESENTATIVE/CONTACT PERSON

(office use)

Print Name: [REDACTED]

Signature:

Phone #: [REDACTED]

Email: [REDACTED]

CONTACT INFORMATION

(public use)

Phone #: 510-528-5710

Email: cityclerk@albanyca.org

Website: www.albanyca.org

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE ____

The City Council has placed before the voters the question whether to enact an Ordinance making an existing one-half cent (0.5%) sales tax permanent. A full copy of the Ordinance text is printed in these ballot materials.

In November 2012, the Albany voters approved an Ordinance enacting a temporary transactions and use tax within the City of Albany to fund municipal services and facilities. The tax was authorized to remain in effect for eight years after it became operative, unless extended by the voters. This tax was codified at Section 4-12 of the Albany Municipal Code.

Technically, the City's existing "sales tax" is a combination of "sales and use tax" and "transactions and use tax." Both are levied on the sale or use of tangible personal property sold at retail, with certain limited exceptions. Retailers collect the tax at the time of sale and remit the funds to the California Department of Tax and Fee Administration, which administers the tax.

Because the revenue from the City's retail sales taxes is not legally restricted to any specific purposes, it is classified as a "general tax," not a "special tax." The tax proceeds are deposited into the City's general fund and are available to support the full range of municipal services and facilities.

Currently, the tax on retail sales in Albany is 9.75% of the purchase price. If the one-half cent transactions and use tax approved by the voters in 2012 is allowed to expire, the tax rate will be reduced to 9.25%. If the proposed Ordinance is approved, the total tax rate will remain at 9.75% with no automatic expiration date.

A "Yes" vote is a vote in favor of the tax extension. A "No" vote is a vote against the tax extension. This measure will be approved if it receives a simple majority of "Yes" votes.

DATED: August 10, 2018

CRAIG LABADIE

CITY ATTORNEY

Argument In Favor of Measure L

The City of Albany worked hard to maintain fiscal stability after the 2008 financial crisis and to avoid the dire fiscal consequences that other cities faced. A large part of our success was due to Measure F, the one-half percent local sales tax passed by Albany voters in 2012.

Because of the support of voters, Albany has been able restore and enhance city services including fire and police protection, emergency response, recreational programs, senior and youth programs, community development and environmental preservation, maintenance of parks and playgrounds, and other general city services.

We are asking Albany voters to continue to support our city by renewing our half-cent sales tax with Measure L. This measure is not a tax increase. It simply asks to maintain the one-half percent local sales tax that Albany voters approved in 2012. Even with our local half-percent sales tax, Albany's total sales tax rate is 9.75 percent. This is the same rate as our neighboring city, El Cerrito, and less than the rate of many cities in California.

Measure L's one-half percent sales tax goes directly to the City of Albany's general fund, where it helps support the core services of the city, including police and fire fighters. The rest of the sales tax goes to the State of California and Alameda County. Some of this state and county revenue does find its way back to Albany in the form of restricted grants. However, if Measure L is not approved, the city's general fund will lose \$1.3 million annually.

The City of Albany has spent the sales tax revenue thoughtfully. With your help, the city will continue to do so. Albany is a good place to live. Please help of keep it that way by voting yes on Measure L.

Michael Barnes, Albany City Council Member

Peter Maass, Albany City Council Member

Peggy McQuaid, Albany Mayor

Rochelle Nason, Albany Vice Mayor

Nick Pilch, Albany City Council Member

Rebuttal to Argument In Favor of Measure L/ Sales Tax

This Sales Tax Measure is NOT 'simply a request to maintain the one-half percent sales tax' as the Argument in Favor claims. The new sales tax is a FOREVER tax. The existing sales tax must be renewed by the voters who approve the performance of City leadership. Measure L will require dissatisfied voters to launch an initiative process, pay legal fees and collect thousands of signatures to challenge this sales tax. The Full Text of the Measure explains that this is a '**permanent**' tax.

The City Council's Argument in Favor skipped over its attack on the voters' right to hold the leadership accountable. The City Attorney's 'Impartial Analysis' joined the City Council in a failure to advise the voters that their legal rights are being compromised. The leadership's use of selective facts proves that the bureaucracy needs more scrutiny, not less scrutiny. The voters must not give the politicians a free pass.

Part of the problem with this sales tax is that it is presented to the voters as a special tax that 'helps support the core services of the city, including police and fire fighters' but it is actually only a general tax that 'goes directly to the City of Albany's general fund' to be spent on ANYTHING.

When the City is forthright with the financial facts, the voters can trust the City. Until then Vote NO.

Submitted by

Dan B. Walden, Executive Director

Alameda County Taxpayers Association

ARGUMENT AGAINST MEASURE L – HALF CENT SALES TAX

This measure proposes to renew the expiring half-cent sales tax with a FOREVER sales tax. The best way to hold politicians accountable is to require them to occasionally explain how they are doing at managing the tax funds. This measure proposes to eliminate an important test of their stewardship. The Measure explains that the half-cent sales tax pays for the ‘essential City services, such as: fire and police protection, public safety and emergency response, facilities maintenance, and environmental preservation.’ Now is the time to examine how well the City is managing these duties. The study of ‘Sen. John Moorlach Ranks California’s 482 Cities for Financial Soundness’ shows that the Albany City Council is performing poorly. Albany ranks 366 compared with the 482 California cities. Each Albany citizen’s share the City deficit is \$736.

This is no time to give the City leadership less scrutiny. Vote NO on this FOREVER sales tax. Don’t open the door to exploitation. Require the leadership to prove why each department needs funding help. Require the leadership to prove that ‘parks’ and ‘play structures’ need more funding to be well maintained.

Amendments to the City Charter must have more vigorous taxpayer protection. Accountability must be ironclad, not the meaningless ‘independent audit’ this measure proposes.
Vote NO.

Submitted by
Dan B. Walden, Executive Director
Alameda County Taxpayers Association

REBUTTAL to Argument Against Measure L

The author of the argument against Measure L, Dan Walden, does not live in Albany and does not understand our city finances. Walden's generic anti-tax arguments attempt to obfuscate the reality of our City's finances. Measure L is no more a "FOREVER" tax than continuing payment for an online newspaper is a "forever" charge. Both can be cancelled at will. If Measure L passes, and at some point in the future Albany voters want to repeal it, either the citizens or the city council can place a repeal measure on the ballot. This is how, in 2016, Albany voters modernized parking standards when they approved Measure N1. Measure L is not a charter amendment and has nothing to do with pension liabilities, the topic of the report by Orange County's Senator Moorlach. What drives the numbers in the Moorlach report is a quirk in how long-term pension liabilities are reported. Albany has its own police and fire departments and responsibly reports and monitors long-term pension liabilities. Albany is fiscally responsible. California state law requires a Comprehensive Annual Financial Report (CAFR) of city spending. Albany's CAFR is conducted by independent, professional auditors and is the standard for ironclad accountability. Albany's most recent CAFR showed that the city's budget is balanced. Anyone interested in learning more about city finances can review these reports on the City's website, and attend, or view on line, Council Meetings. The Albany City Council welcomes your participation. Please vote Yes on Measure L.

Michael Barnes, Albany City Council Member

Peter Maass, Albany City Council Member

Peggy McQuaid, Albany Mayor

Rochelle Nason, Albany Vice Mayor

Nick Pilch, Albany City Council Member

FULL TEXT OF MEASURE ____

ORDINANCE NO. 2018-07

**AN ORDINANCE OF THE CITY OF ALBANY AMENDING ARTICLE 4-12,
CHAPTER IV OF THE CITY OF ALBANY MUNICIPAL CODE EXTENDING THE
DURATION OF A TRANSACTIONS AND USE (SALES) TAX FOR GENERAL
MUNICIPAL PURPOSES ADMINISTERED BY THE CALIFORNIA DEPARTMENT
OF TAX AND FEE ADMINISTRATION**

WHEREAS, Measure F was adopted by the voters in 2012 imposing a Transactions and Use (Sales) Tax at the rate of one-half of one percent (0.5%) to remain in effect for a period of eight years after the tax was first collected; and

WHEREAS, the proceeds of the tax imposed by Measure F have helped the City of Albany to continue providing and maintaining a wide variety of essential public services, including: fire and police protection, safety, and emergency response; recreational programs, parks, playgrounds and open space; senior and youth programs and facilities; community development; environmental preservation; and other general City services and facilities; and

WHEREAS, the City has determined that it is in the best interest of the People of Albany that the tax remain in effect permanently; and

WHEREAS, the tax, if its proposed extension is approved, would continue to be imposed on the sale of tangible personal property and the storage, use, or other consumption of such property; and the tax revenue would be collected by the California Department of Tax and Fee Administration (performing functions formerly performed by the California State Board of Equalization) and remitted to the City; and

WHEREAS, the tax, if its proposed extension is approved, would continue to be a general tax that can be used for any legitimate governmental purpose and not committed to any particular purposes; and the ballot measure extending the duration of the tax shall be approved if it receives at least a simple majority of affirmative votes.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

SECTION 1.

This Ordinance is enacted in accordance with the authority granted to cities by Article XI, Section 7, of the California Constitution and Revenue and Taxation Code section 7285.9.

SECTION 2.

Chapter IV, Article 4-12, Section 4-12.17 of the City of Albany Municipal Code is hereby amended to read:

4-12.17 TERMINATION DATE

The authority to levy the tax shall remain in effect unless a later ordinance terminating said tax is adopted and approved by the voters.

SECTION 3.

All references in Article 4-12 of the City of Albany Municipal Code to the “State Board of Equalization” are hereby deleted and replaced with “California Department of Tax and Fee Administration.”

SECTION 4.

The People of the City of Albany find that all Recitals contained in this Ordinance are true and correct and are incorporated herein by reference.

SECTION 5.

Pursuant to California Constitution Article XIII B, the appropriation limit for the City of Albany is hereby increased by the aggregate sum authorized to be levied by this special tax for fiscal year 2018/19 and each year thereafter.

SECTION 6.

The findings for this Ordinance in compliance with the California Environmental Quality Act (“CEQA”) are the same as those set forth in City Council Resolution No. 2018-98 calling for an election on this Ordinance. The CEQA findings set forth in Resolution No. 2018-98 are incorporated herein by reference.

SECTION 7.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 8.

This Ordinance relates to the levying and collection of the City Transactions and Use Taxes and shall take effect immediately.

Ordinance No. 2018-07 was submitted to the People of the City of Albany at the November 6, 2018 general municipal election. It was approved by the following vote of the People:

YES:

NO:

Ordinance No. 2018-07 was thereby adopted by the voters at the November 6, 2018 election and took effect upon adoption of a resolution declaring the results of the election at a regular meeting of the City Council held on December ____, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance duly and regularly adopted by the People of the City of Albany, California.

Anne Hsu, City Clerk