

CITY OF BERKELEY MEASURE GG

GG	MEASURE GG: To enable the City to keep fire stations open and improve emergency medical response and disaster preparedness, shall a special tax be authorized of \$.04083 per square foot of improvements in dwelling units and \$.06179 per square foot on all other improvements?	YES
	Financial Implications: This tax would raise \$3.6 million in the first full year. The annual cost for a 1,900 square foot home would be \$78 and for a nonresidential building would be \$118.	NO

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE GG

ORDINANCE AUTHORIZING AND ADOPTING A SPECIAL TAX TO FUND FIRE PROTECTION AND EMERGENCY RESPONSE AND PREPAREDNESS

The City's Fire Department, including its capital and operating costs, is supported almost entirely from the City's general fund. This ordinance would authorize a special tax of 4.083¢ per square foot of improvements in dwelling units and 6.179¢ per square foot on all other improvements. Each year Council may adjust the tax rate over the previous year's rate by the greater of the increase in the cost of living in the immediate San Francisco Bay Area, or *per capita* personal income growth in California. Property owned or held by nonprofit corporations and used for charitable purposes would be exempt from this tax, as provided by the California Constitution.

Tax proceeds would be used first to eliminate rotating closures of operating fire stations. Remaining tax proceeds would be used to provide advanced life support ("ALS") personnel (paramedics) and equipment on all first responder vehicles (ambulances, fire engines and ladder trucks) and hire a training officer to provide Emergency Medical Service training for first responders; provide funding to hire staff to conduct Community Emergency Response Training and other similar public disaster training and preparedness efforts and for neighborhood emergency preparedness caches; and to acquire and maintain equipment to enhance emergency preparedness, including equipment to allow compatible radio communications throughout the City and with outside public safety agencies. The Council could alter these spending priorities if it were to declare a fiscal emergency by a two-thirds vote. In such cases the Council would still be required to spend the tax proceeds exclusively for the enumerated purposes. Expenditure reports will be provided to the Disaster and Fire Safety Commission. The Disaster and Fire Safety Commission shall provide recommendations and feedback on the scope of the Emergency Response and Preparedness tax to the City Council.

Financial Implications

The proposed City special tax rate of 4.083¢ per square foot for dwelling units would limit the annual cost for an

average 1,900 square foot home to approximately \$78. If the tax is not passed, the Council may have to cut funding of other general fund programs, to free up the necessary funds for fire department staffing, or reduce that staffing. Non-residential properties would pay at the higher rate of 6.179¢ per square foot. In FY 2009 the tax would raise \$3,600,000.

It is estimated that the tax will cost residential and non-residential taxpayers no more than the following average amounts during FY 2009.

	Square Feet	Annual Tax	Rate
Residential	1900	\$78	4.083¢
Non-residential	1900	\$118	6.179¢
s/ZACH COWAN Acting Berkeley City Attorney			