

FULL TEXT OF MEASURE GG

ORDINANCE NO. –N.S.

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

BE IT ORDAINED by the people of the City of Berkeley as follows:

That Berkeley Municipal Code Chapter 7.81 is hereby added to read as follows:

Chapter 7.81 Special Tax to Fund Fire Protection and Emergency Response and Preparedness

7.81.010 Imposition of special tax for fire protection and emergency response and preparedness.

7.81.020 Tax Rate and inflation adjustments.

7.81.030 Definitions.

7.81.040 Exemptions.

7.81.050 Authority of the City Manager.

7.81.060 Planning and oversight.

7.81.070 Interest and penalties.

7.81.080 Refunds.

7.81.090 Collection.

7.81.100 Appropriations limit.

7.81.110 Effective date.

7.81.120 Severability.

7.81.010 Imposition of special tax for fire protection and emergency response and preparedness.

A. A special tax for the purpose of funding fire protection and emergency response and preparedness is hereby authorized to be imposed on all improvements in the City of Berkeley (“City”) as more fully set forth in this Chapter.

B. The City Council may impose the tax authorized by this Chapter at the rates, and subject to the inflation adjustments, set forth in Section 7.81.020.

C. This special tax is imposed in compliance with Article 13 of the California Constitution, pursuant to Government Code Section 53978, and the City’s constitutional authority under Article 11 section 5 of the California Constitution, in its capacity as a charter city.

D. The proceeds of the tax imposed by this Chapter shall be placed in a special fund to be used for the purpose of enhancing emergency response and preparedness by funding the following:

1. Eliminating the rotating closure of operating fire stations by enhancing the City’s ability to pay costs needed to maintain full staffing;

2. Providing advanced life support (“ALS”) personnel (paramedics) and equipment on all first responder vehicles and hiring a training officer to provide Emergency Medical Service (“EMS”) training for first responders;

3. Providing funding to hire staff to conduct Community Emergency Response Training and other similar public disaster training and preparedness efforts, and for annual allocation for neighborhood emergency preparedness caches; and

4. Acquiring and maintaining equipment to enhance

emergency preparedness, including equipment necessary to allow compatible radio communications throughout the City and with outside public safety agencies, and reserving tax proceeds as necessary to fund such acquisition.

E. Tax proceeds shall be allocated first to the estimated amount necessary to eliminate rotating closures of operating fire stations, provided that the Council may alter this priority allocation in the event it declares a fiscal emergency by a two-thirds vote. In such cases the Council may allocate the proceeds of this tax among the purposes set forth in subdivision (D) of this Section in its sole discretion.

F. For purposes of this Chapter, “first responder vehicle” shall mean any piece of fire department apparatus used to routinely respond to fire and/or medical emergencies.

7.81.020 Tax Rate and inflation adjustments.

A. The rate of tax for the fiscal year 2009-2010 shall be as follows:

1. For all dwelling units, the tax shall be imposed at the rate of \$.04083 per square foot.

2. For all other property the tax shall be imposed at the rate of \$.06179 per square foot.

B. Annually in May, the City Council may increase the previous year’s tax by up to the greater of the cost of living in the immediate San Francisco Bay Area or *per capita* personal income growth in the state, as verified by official United States Bureau of Labor statistics. If either index referred to above is discontinued, the City shall use any successor index specified by the applicable agency, or if there is none, the most similar existing index then in existence.

7.81.030 Definitions.

For purposes of this Chapter, the following terms shall be defined as set forth below:

A. “Building” means 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. “Dwelling” shall mean a building or portion of a building designed for human occupancy.

C. “Dwelling unit” shall mean a building or portion of a building designed for or occupied exclusively by one family.

D. “Family” shall mean one or more persons related by blood, marriage or adoption, and, in addition, any domestic servants or gratuitous guests thereof who are living together in a single dwelling unit and maintaining a common household. Family shall also mean all unrelated persons who live together in a single dwelling unit and maintain a common household.

E. “Improvements” means all buildings of structures erected or affixed to the land.

F. “Parcel” means a unit of real estate in one ownership as shown on the most current official assessment role of the Alameda County Assessor.

G. “Square footage” means the total gross horizontal areas of all floors, including usable basement and cellars,