

**CITY OF BERKELEY MEASURE HH**

**HH**

**MEASURE HH:** Shall the appropriation limit under Article XIII B of the California Constitution (or ceiling on city expenditures) be increased to allow for the expenditure of taxes previously approved by voters for parks maintenance; libraries; emergency medical services (EMS), and emergency services for severely disabled persons for fiscal years 2009 through 2012?

**YES**

**NO**

Financial Implications: Not a tax increase, authorizes expenditure of existing voter-approved taxes.

**CITY ATTORNEY’S IMPARTIAL ANALYSIS OF MEASURE HH**

A MEASURE TO INCREASE THE APPROPRIATION LIMIT UNDER ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION TO ALLOW FOR EXPENDITURE OF TAXES PREVIOUSLY APPROVED BY THE VOTERS FOR PARKS MAINTENANCE, LIBRARIES, AND EMERGENCY MEDICAL SERVICES (EMS), AND EMERGENCY MEDICAL SERVICES FOR SEVERELY DISABLED PERSONS FOR FY 2009 THROUGH FY 2012

This measure would authorize the City to continue to spend the proceeds of the Parks Maintenance Tax, Library Relief Tax, Emergency Medical Services Tax, and the Emergency Services for Severely Disabled Personal Tax, all of which were previously approved by the voters. Under Article XIII B of the California Constitution a city is limited to appropriating (i.e. authorizing expenditure of) the amount of taxes (adjusted by inflation) that is spent in the 1986-1987 fiscal year. This limit may only be exceeded if the voters approve the excess expenditures by a majority vote. This constitutional restriction on appropriations (expenditures) is in addition to the constitutional requirement that special taxes must be approved by a two-thirds (2/3) vote of the people. Although the appropriations (expenditure) limit was raised by the voters to allow continued expenditure of the proceeds of these taxes when the taxes were approved, voter authorization to raise the spending limit must be renewed every four years. A city has two years to obtain voter approval on this expenditure. After that, the tax increase would have to be returned to the taxpayers within two years. Submitting the measure individually would cost \$5,000 per measure and could confuse voters since the net effect of the measures is to raise the City’s expenditure limit by the amount of taxes previously approved by the voters. For this reason, a single measure would raise the City’s expenditure limit by the aggregate amount of the taxes raised by prior voter-approved tax measures.

Financial Implications

The measure would not increase taxes nor adopt a new tax. It would authorize the City to continue to spend tax funds previously approved by the voters for the purposes specified in those voter-approved tax measures for fiscal years 2009 through 2012.

s/ZACH COWAN

Acting Berkeley City Attorney

**ARGUMENT IN FAVOR OF MEASURE HH**

**Join a unanimous Berkeley City Council in voting YES ON MEASURE HH.**

The State of California requires that cities ask voters every four years for permission to spend tax revenues previously approved. Over the last two decades, more than two-thirds of Berkeley voters have approved several tax measures to fund the City’s libraries (1988), parks (1997), Emergency Medical Services (1997), and Emergency Services for Severely Disabled Persons (1998). Measure HH will allow City of Berkeley Departments to continue to provide these important community services.

Measure HH **does not** create a new tax.

Measure HH only authorizes the City to continue using already approved tax dollars to fund Berkeley’s libraries, parks, and emergency medical services.

If Measure HH does not pass, the City will lose tens of millions of dollars in already approved tax revenue – forcing dramatic reductions in city services.

**Join the League of Women Voters in supporting Measure HH.**

s/Tom Bates

Mayor, City of Berkeley

s/Darryl Moore

Councilmember, Dist 2

s/Therese Powell

individually and on behalf of, Chair, Board of Library Trustees

s/Jan Garrett

Executive Director, Center for Independent Living

s/Zachary Weiner

Chair, City of Berkeley Disaster & Fire Safety Commission