The City Council has placed before the voters the question whether to enact an Ordinance authorizing a tax on all developed property within the City of Albany to fund maintenance and improvement of City parks and open space. A full copy of the Ordinance text is printed in these ballot materials.

In 1996, the voters approved an advisory ballot measure (“Measure R”) supporting formation of a Landscape and Lighting Assessment District (“LLAD”) to fund acquisition, improvement, and maintenance of open space on Albany Hill, recreational playfields throughout the City, and creek restoration. After the LLAD became operative, property owners in Albany received annual assessments, with the rate for a single-family home set at $69 per year. The City subsequently issued improvement bonds secured by the LLAD revenue. The final LLAD assessments will be levied in fiscal year 2018-19, and the bonds will be fully repaid in September 2019.

The proposed Ordinance would establish a tax on developed residential and non-residential property within Albany, to take effect in the fiscal year following termination of the LLAD. The tax would be a flat amount annually that varies with the size and type of property. The rate would be $69 annually for a single-family residential parcel. The rate for an apartment, condominium or townhouse would be $51.75 annually per residential unit. The rate for a non-residential parcel would depend on the parcel size. For parcels of less than 0.25 acre, the rate would be $69 annually. For parcels of 0.25 acre or greater, the rate would be $259 annually per acre. Tax rates would be adjusted annually for inflation, based on the Consumer Price Index for the Bay Area. The tax would be collected by Alameda County with regular property taxes. The tax does not have an automatic expiration date; it would remain in effect unless terminated by the voters.

Authorized uses of tax proceeds include park and open space maintenance and improvements, as more specifically set forth in the Ordinance. Tax proceeds may also be used to fund related administrative expenses and rebates to qualifying low-income renters. The tax contains an exemption for qualifying low-income individuals who own and occupy residential properties.

Because the revenue from the parcel tax is legally restricted to certain specific purposes, it is classified as a “special tax,” not a “general tax.” All revenue from the tax would be placed into a special account and restricted to the uses authorized in the Ordinance. The City’s Finance Director is required to prepare and submit to the City Council an annual report regarding the collection and expenditure of the special tax revenues.
A “Yes” vote is a vote in favor of the parcel tax. A “No” vote is a vote against the tax. This measure will be approved if it receives a two-thirds majority of “Yes” votes.

DATED: August 10, 2018

CRAIG LABADIE

CITY ATTORNEY