CITY OF ALAMEDA
Memorandum

To: Honorable Mayor and
Members of the City Council

From: John A. Russo
City Manager

Date: March 7, 2012

Re: Adopt a Resolution Calling an Election in the City of Alameda on June 5, 2012, for the Purpose of Submitting to the Electors a Ballot Measure Seeking Enactment of a One-Half of One Percent Special Transactions and Use (Sales) Tax, Establishing the Policies and Procedures for Such an Election and Requesting that the County of Alameda Conduct Such an Election

I. BACKGROUND

The City of Alameda faces a $4.4 million General Fund budget gap and an even more significant shortfall in funding for facility maintenance, equipment, and public safety vehicles. Due to declining revenues, the City has been forced, over the past several years, to focus its limited resources on current operations. Consequently, the City's funding for equipment (Attachment 1) and facilities (Attachment 2) is well below that in neighboring jurisdictions and is dangerously inadequate for Alameda's future needs. Absent dramatic action to increase funding for the City's aging facilities and its public safety infrastructure, Alameda will be at risk in the event of disaster, and the City's public safety officers' ability to respond promptly and effectively to crime and fire will be compromised. If the City continues down its current fiscal path, its aging public safety infrastructure will become more costly to repair and replace in the future, which will either place even more fiscal pressure on the City's quality of life services such as libraries and parks, or degrade the City's ability to respond to 911 emergency calls. Neither choice is desirable for Alameda.

Additionally, the condition of the pool at the Emma Hood Swim Center at Alameda High School is dire. Neither the School District nor the City has any financial ability to replace or rebuild this highly used sports facility when (not if) it becomes unusable.

Finally, Alameda's Historic Carnegie Library has been vacant for years, with no hope of reopening due to lack of funds. At the same time, Alameda does not have a viable, permanent location to preserve, catalogue and display its historic cultural artifacts and the City's old newspapers and records. The preservation of local history is essential to any city that is truly committed to a sense of place and community.

Therefore, staff is strongly and urgently recommending that the City Council place a 1/2 cent special sales tax surcharge onto the June ballot to remedy this unacceptable situation. Because this would be a Special Tax under California law, revenues raised by this measure would not go to the General Fund; instead, expenditures would be restricted to facilities construction, planning and pre-construction, purchase and/or leasing of public safety equipment, and operation of a strong, grass-roots emergency response program through a new Emergency Operations Center.

II. DISCUSSION

A. Infrastructure Needs: Summary

City staff has identified critical and immediate infrastructure needs, all of which are currently unfunded. The needs include, but are not limited to:

1) A new Emergency Operations Center to replace the existing outdated, seismically unsafe center.

2) A new Fire Station 3 to replace the existing outdated, seismically unsafe station on Grand Street.

3) A standard public safety training facility for joint use by Police and Fire.

4) Upgrades to Fire Stations 1, 2 & 4 to meet the needs of modern fire apparatus and to install greener and more energy efficient features.

5) A new fleet of police vehicles, both for patrol and for crisis and rescue situations.

6) Replacement of antiquated fire engines and trucks, ambulances, and tow vehicles.

B. Quality of Life Facility Needs: Summary

Staff has also identified facilities with no foreseeable source of funding that have significant impact upon the quality of life in Alameda. These facilities include, but are not limited to:

1) State and Federal disability access laws required upgrades to and historic renovation of the Carnegie Library to prepare it for use as a museum.

2) A new 50 meter swimming pool and locker rooms to be located at a site in central Alameda.

C. Infrastructure Needs: Details

1) Emergency Operations Center

The City's Emergency Operation Center (EOC), which was built in 1978, is located in the basement of the Police Administration Building. This location is unsuitable in an area prone to earthquakes and the risk of liquefaction. Moreover, the EOC is not a dedicated facility. It is used on a daily basis as the Patrol Division Briefing Room, thus making it logistically more difficult to activate in the event of an emergency.

A modern EOC must have sufficient space for staff to work effectively together, as well as to break into smaller workgroups in separate areas to establish critical priorities and develop action plans. These workgroups must be able to meet in a quiet setting, with minimal interruptions, while they make important decisions. The current EOC is inadequate for this task.

An EOC also must have communications and computer systems that match modern standards. The current EOC relies on dial-up phones and cell phones that often do not work in the basement. Up-to-date communications, computer, and data handling systems are vitally important to effective outcomes of any emergency operation; and in the event the City's very viability is at stake, they are critical. A modern EOC should be able to accept staff member's own computers as plug and play items. This feature makes the transition from normal duty to emergency duty easier and less stressful for staff members and provides for more effective management of computer hardware. In addition, data management systems in modern EOCs provide a means to track every communication from cradle to grave. This tracking of messages is critical in an effective EOC to ensure that all issues are dealt with in a timely fashion.

An EOC is necessary but, without a public that is organized and prepared for emergency conditions and/or natural disaster, it will not be sufficient to get Alameda through a moment of crisis. Accordingly, staff proposes to create an Emergency Coordinator position to insure that Alameda residents and businesses know how to cope with disaster. This position would be funded by the special sales tax surcharge. It is the only salaried position contemplated by the measure.

2) Fire Station 3

Fire Station 3, located at 1703 Grand Street, was built in 1922. The station is centrally located in the city, and Engine 3 responds to all full alarm responses, such as fires and water rescues, Alameda. Additionally, Engine 3 is the first responder on all emergency medical calls in District 3.

In 2001, the station was inspected and determined to be seismically unsafe for habitation. As a result, the firefighters assigned to Station 3 have lived at the house next door to the station at 1709 Grand Street, at a cost of $3500 per month in rent. Although the apparatus bay at Station 3 was reinforced to meet seismic standards in order to house the fire engine, a study conducted to determine if the station could be seismically upgraded to meet the needs of the Fire Department found that the structural upgrades required would leave the facility unable to house modern day apparatus and equipment.

For that reason, a new fire station has been proposed, and is currently in the design phase, at the corner of Buena Vista and Grand Street. The design calls for an environmentally friendly facility that can house apparatus, equipment, and personnel, and provide the City with a much-needed, modern EOC on the second floor.

3) Public Safety Training Facility

The City has no public safety training facility, and trainings are now conducted in a variety of locations throughout the city. In order to adequately and appropriately train Police and Fire personnel, a joint training facility has been proposed that will incorporate a computer lab, classroom facilities, a gymnasium, locker facilities, an indoor firearms range, and a two-story "shoot house" for SWAT, K9, patrol, investigations, and fire/rescue training. In addition, the facility will include an emergency vehicle operations course to accommodate requirements for Police and Fire driver training and defensive driving. Finally, given the dearth of fire training towers in surrounding communities, staff proposes to include a fire training tower both for Alameda Fire Department use and as a facility that can be leased to other nearby agencies that need to train in a fire tower.

4) Modernizing Fire Stations 1, 2 & 4

Fire Station 1 was built in 1968, Station 2 in 1926, and Station 4 in 1991. These facilities run 24 hours a day, 365 days a year, and require a great deal of work to meet the specifications necessary to adequately house modern fire equipment and to become "greener" and more energy efficient. Staff has prioritized the extensive list of capital improvements required at these facilities.

Fire Station 1, among other things, needs a new roof and floor, a more energy efficient HVAC system, and replacement windows.

Fire Station 2 must have new apparatus doors/bays to accommodate modern fire apparatus as well as a complete electrical upgrade.

Fire Station 4 doesn't need as much work as the others, but still needs updated kitchen and bath facilities as well as new flooring.

5) Replacement of Police Vehicles

The City of Alameda prides itself on prompt and vigorous response to citizen calls for help from the Alameda Police Department. In order to preserve this ability to respond, the City's police officers cannot be saddled with outdated and undependable patrol cars. Over the past several years, the Police vehicle fleet has aged, and Alameda Police Department cars spend an inordinate amount of time at the City's Maintenance Garage getting repaired. The City's Vehicle Replacement Policy generally calls for the replacement of patrol vehicles at four years or 85,000 miles. There are a total of 28 marked vehicles in patrol. At this time, there are eight patrol vehicles that exceed the mileage. An additional 10 vehicles exceed the four-year age limit. A number of other patrol vehicles will eclipse either the mileage or age requirement in the coming years.

In regards to the unmarked fleet, there are currently 14 vehicles that eclipse the four-year age limit. Some are as old 1996 models. Four of these vehicles have in excess of 100,000 miles, while several others are on the verge of exceeding the mileage requirement.

Additionally, the City needs specialized vehicles for rescue and crisis situations. The existing equipment in this field is antiquated and must be replaced. This specialty equipment is rarely called upon; however, in a crisis environment, these vehicles can mean the difference between life and death.

6) Replacement of Antiquated Fire Vehicles

Fire trucks are supposed to have a frontline life of 12 years. The Alameda Fire Department's fire trucks have an average age of 20 frontline. Fire engines are supposed to be replaced after 10 years; Alameda's fire engines average 18 years of use, and some are as much as 27 years old. As with the Police fleet, this means Fire Department vehicles are spending too much time at the City's Garage. The City's ability to respond promptly and reliably to calls for fire service depends upon having an effective, operational fleet of fire vehicles.

D. Quality of Life Facility Needs: Details

1) The Carnegie Library

Alameda's historic Carnegie Library has been unused for over 10 years now. In 2002, the City of Alameda invested a significant sum of money to perform an earthquake retrofit to the building and to installi a high-quality roof. In

2007, the City commissioned an extensive architectural survey to determine what to do with the Carnegie and how much different uses would cost. (Costs should be lower today given that the economy is much weaker than it was in 2007.) One of the options studied involved completing the renovation of the building and housing the Alameda Museum in it. (See Attachment 3). Staff believes this option should be implemented now. The renovation would upgrade the building to conform with State and Federal disability access laws and prepare the Carnegie to house the Alameda Museum's extensive collection of archival materials, including municipal records and an irreplaceable newspaper collection, and to display the Museum's unmatched trove of Alameda artifacts and architectural samples.

The City intends to lease the Library to the Alameda Museum free of charge for 10 years, with a five-year option to renew. However, the Museum will need to become a more full time and professionalized organization during this period. The City will require the Museum to meet certain benchmarks during the initial term of the lease. These benchmarks are listed in a letter sent by the City Manager's Office to the President of the Alameda Museum. (See Attachment 4). Additionally, the City will use some limited funds from the Special Sales Tax Surcharge to assist the Museum with this transition, including temporary rental costs incurred while waiting for the renovation to be completed, and retention of a museum consultant to assist the Alameda Museum with strategic planning and fund raising strategies.

2) 50 Meter Swimming Pool

The main swimming pool in the central part of Alameda is the Emma Hood Swim Center at Alameda High School. It is no secret that the pool at Emma Hood is in serious trouble. The Alameda Unified School District and the City have struggled over the past several years to keep the pool open, but there is a consensus that the pool cannot last much longer, and is in regular need of repairs. Moreover, Alameda does not have a 50 meter pool available for swim meets.

Staff believes that the City should set aside $5 million to construct a 50 meter pool with locker and shower facilities somewhere in central Alameda. Staff proposes to explore the creation of a full swim center with a "family pool" and a warm water therapy pool. This future swim center should be built by the City in partnership with Alameda's active and diverse swim community in a model similar to the City's new partnership with Friends of the Alameda Animal Shelter to run the Animal Shelter. Staff cannot, at this time, predict whether such a partnership can be concluded. Nor can staff, at this time, determine a specific location for such a swim center. Nevertheless, Alameda should commit to constructing a 50 meter pool, within walking distance of Alameda High School, as soon as practicable.

Sales Tax Measure

The sales tax rate in the City of Alameda is currently 8.75%, the same tax rate paid in all Alameda County cities except San Leandro (9%) and Union City (9.25%). Staff estimates that a half-cent increase in the sales tax rate would safely produce a minimum of $1.8 million annually in additional funding for the life of the tax, assuming no growth in sales tax. The addition of a large sales tax generator, such as Target, would increase the yield from the tax.

By bonding against this revenue stream, the City could raise approximately $15 million in the near term to develop and build the new Emergency Operations Center, Fire Station 3, and the new 50 meter pool, as well as the construction costs associated with the renovations and ADA upgrades at the Carnegie Library. This would allow the City to take advantage of the current low construction costs resulting from the slowdown in the economy. The bond proceeds would also be used to replace the outdated existing fleet of police patrol vehicles which is critically needed and cannot be purchased given the City's existing budget.

After paying the debt service on the bonds, the City would still have an estimated $900,000 each year to pay for additional equipment or facility construction upgrades, the categories of expenditures specifically identified in the tax measure.

Election Details

In order to place the proposed sales tax increase on the ballot for the June 2012 election, the City Council must adopt a resolution calling for a Special Municipal Election to be consolidated with the Statewide Primary Election on Tuesday, June 5, 2012. In addition, there are several additional issues that require the City Council's attention: approve the language for the ballot question, determine the process for submission of an argument in favor of the measure, and direct the City Attorney to submit an impartial analysis of the measure to the City Clerk.

State election law provides for the inclusion in the ballot pamphlet of a ballot question of no more than 75 words. The City Council must approve the exact wording for the question that will appear on the ballot. The recommended language for the sales tax increase is:

> To maintain neighborhood crime patrols, fire protection and 911 emergency response; improve earthquake preparedness; replace an unsafe fire station; establish a citywide Emergency Operations Center, a joint police/ fire training facility and other cultural and recreational facilities; replace outdated police/ fire vehicles and equipment; and for other capital equipment and facilities, shall the City of Alameda enact a one-half cent sales tax, with all revenue staying in the City, mandatory annual audits and public expenditure reports?

State election law also allows the City Council to determine its interest in authoring an argument in favor of the ballot measure for the sales tax increase. The law provides for arguments to be filed with the City Clerk as the Elections Official. Arguments of no more than 300 words each for and against any ballot measure will then be included in the sample ballot. Ballot arguments for and against the sales tax increase are due in the City Clerk's Office by March 15, 2012. Rebuttal arguments cannot exceed 250 words and are due in the City Clerk's Office by March 22, 2012.

The City Council has several options regarding the preparation of ballot arguments. The City Council may draft an argument in favor of the measure as a whole body in open session; authorize up to two Councilmembers to meet as a subcommittee of the City Council to draft the argument and authorize the remaining Councilmembers to sign the argument; or authorize up to two Councilmembers to draft and sign the argument and have three other eligible voters who are proponents sign. In order to meet the ballot argument deadline established by the City Clerk's Office, staff recommends that the City Council designate a Council subcommittee to draft the ballot argument and submit it to the City Clerk's Office by March 15, 2012. Staff also recommends that the City Council determine whether all five members of the City Council will sign the ballot argument or whether other members of the community will be invited to sign the argument. This determination must be made during the March 7 meeting in order to submit the argument, with signatures, to the City Clerk's Office in time.

The final step the City Council must take is to direct the City Attorney to prepare an impartial analysis for the measure. That impartial analysis will be included in the voter pamphlet.

FINANCIAL IMPACT

According to the County Registrar of Voters, the cost of consolidating the election with the Statewide June Primary Election will range from $123,798 to $206,330. Although this cost is currently unfunded, there are sufficient monies in the Non-Departmental contingency account (001 1010 79101) to pay for the costs of the election.

BUDGET MANAGEMENT IMPACT

There is a significant budget management impact associated with this measure. It took many years for the City of Alameda to find itself without any funds set aside for the replacement of equipment and facilities. This sales tax increase will be in place for 30 years. It would be foolish to use these new taxpayer dollars to remedy the current facility and equipment gap -- yet fail to budget appropriately for equipment depreciation and facility maintenance in the future, thereby condemning the next generation of Alameda residents and businesses to the same crisis the City now seeks to solve. Accordingly, staff will use this opportunity to insure that proper depreciation practices are followed in the future for all public safety facilities and equipment.

ENVIRONMENTAL REVIEW

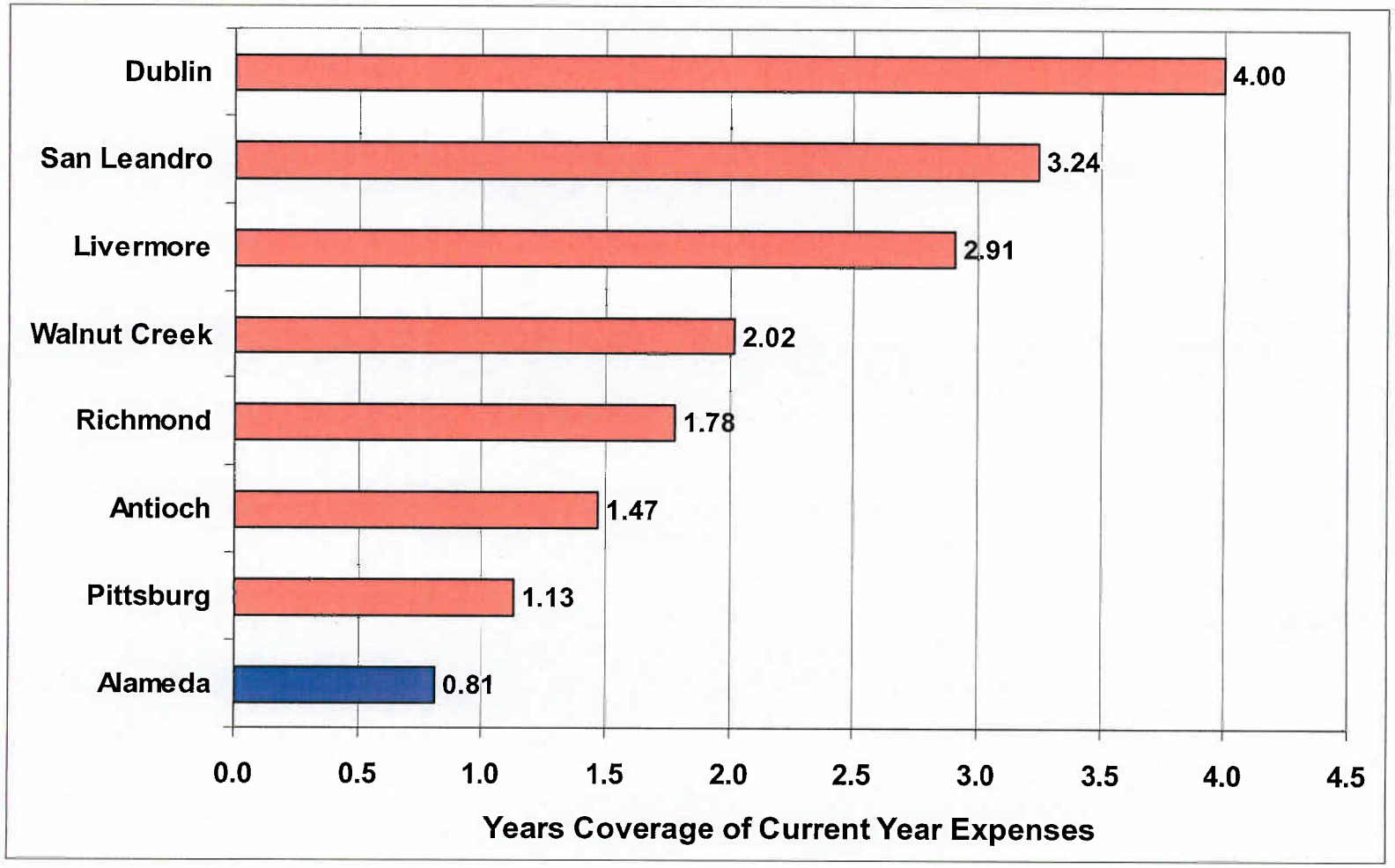
The decision to place a proposed increase in sales tax before the voters is not a project for the purposes of California Environmental Quality Act (CEQA), pursuant to Guidelines Section 15378(b)(4), which states that a project does not include the creation of government funding mechanisms or government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Accordingly, no CEQA review is required.

RECOMMENDATION

Adopt a Resolution calling an election in the City of Alameda on June 5, 2012, for the purpose of submitting to the electors a ballot measure seeking enactment of a one-half of one percent special transactions and use (sales) tax, establishing the policies and procedures for such an election and requesting that the County of Alameda conduct such an election.

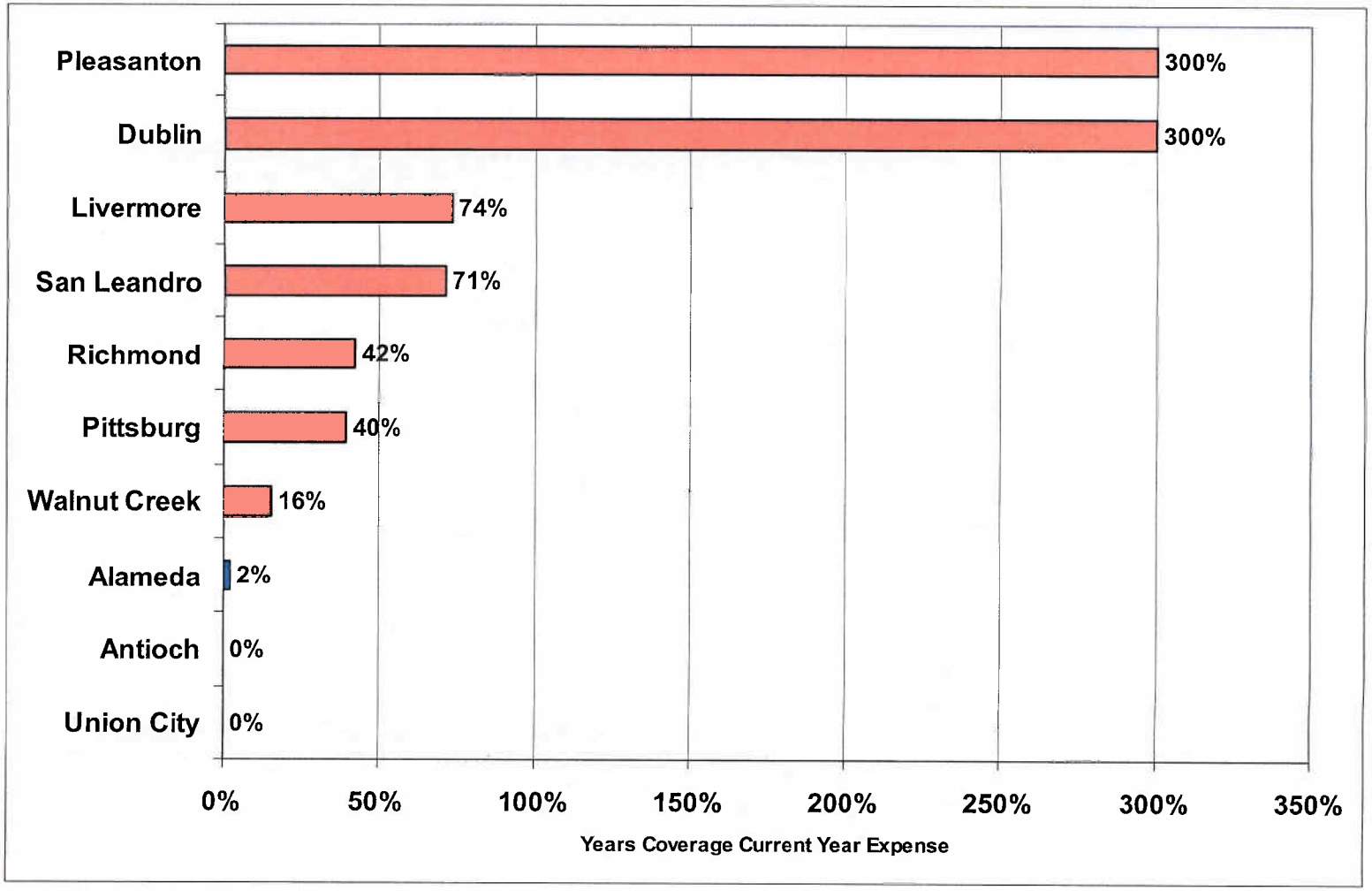
Exhibits:
1. Funding Policies FY09-10: Equipment/Vehicle Replacement
2. Funding Policies FY09-10: Facility Maintenance Reserves
3. Carnegie Library Architectural Survey (Partial, 2007)
4. Letter from City Manager Russo to Alameda Museum Board of Directors

Funding Policies FY09-10 - Equipment / Vehicle Replacement



City Council
Exhibit 1 to
Agenda Item #4-B
03-07-12

Funding Policies FY09-10 - Facility Maintenance Reserves



City Council
Exhibit 2 to
Agenda Item #4-B
03-07-12

DON TODD ASSOCIATES, INC.
Project & Construction Management Services
1000 Broadway, Suite 610, Oakland, CA 94607
Telephone: (510) 251-1007 - Fax: (510) 251-1008

PROJECT: ALAMEDA CARNEGIE BUILDING ADAPTIVE REUSE RENOVATION

LOCATION: City of Alameda, CA

DESCRIPTION OF WORK: TYPE OF ESTIMATE: **Conceptual** Date: 11/07/07

Renovation of (E) Historical Library

MUSEUM REUSE

SUMMARY OF PROBABLE CONSTRUCTION COST

DIVISION	DESCRIPTION		BASE BUILDING	MUSEUM REUSE TI	TOTAL COST
		(GSF>>)	14,765	14,765	14,765
1	GENERAL REQUIREMENTS		Included in General Conditions below		
2	SITE WORK		$179,265	$8,600	$187,865
3	CONCRETE		$71,566	$3,000	$74,566
4	MASONRY		$50,400	$0	$50,400
5	METALS		$201,144	$39,340	$240,484
6	WOOD & PLASTICS		$85,889	$30,875	$116,764
7	THERMAL & MOISTURE PROTECTION		$32,510	$1,000	$33,510
8	DOORS & WINDOWS		$143,240	$0	$143,240
9	FINISHES		$277,727	$5,000	$282,727
10	SPECIALTIES		$22,070	$20,760	$42,830
11	EQUIPMENT		$2,000	$0	$2,000
12	FURNISHINGS		$6,000	$0	$6,000
13	SPECIAL CONSTRUCTIONS		$0	$0	$0
14	CONVEYING SYSTEMS		$102,500	$0	$102,500
15	MECHANICAL		$118,560	$271,884	$390,444
16	ELECTRICAL		$398,652	$85,636	$484,289
	TOTAL DIRECT COST		**$1,691,522**	**$466,096**	**$2,157,617**
	GENERAL CONDITIONS	10.00%	$169,152	$46,610	$215,762
	SUBTOTAL		**$1,860,674**	**$512,705**	**$2,373,379**
	GC OVERHEAD & PROFIT	10.00%	$186,067	$51,271	$237,338
	SUBTOTAL		**$2,046,741**	**$563,976**	**$2,610,717**
	BOND	2.00%	$40,935	$11,280	$52,214
	SUBTOTAL		**$2,087,676**	**$575,255**	**$2,662,931**
	DESIGN CONTINGENCY	20.00%	$417,535	$115,051	$532,586
	SUBTOTAL		**$2,505,211**	**$690,306**	**$3,195,517**
	ESCALATION @ 7.5%/YR. TO MIDPOINT CONSTR. (4/2009)	11.25%	$281,836	$77,659	$359,496
	TOTAL PROBABLE BID DAY CONSTRUCTION COST - MUSEUM REUSE		**$2,787,047**	**$767,966 #**	**$3,555,013**
	COST/SF		**$188.76**	**$52.01 #**	**$240.77**

ALTERNATES: (costs include mark-ups)

BASE BUILDING ALTERNATES:

#1: Shingle exterior walls instead of brick	($68,062)
#4: Add Second level of toilet rooms with shower; add Janitor's closet	$191,992
#5: Fabricate new urns to replace historic urns removed in 1950's	$29,620
#6: Insulation over brick walls in Basement. Furr out walls and install GWB on N, S, E ext. walls	$28,383
#7: Automate 8 pivot windows to open when ventilation system turns on	$35,597
#9: Move (E) 2-story wood-frame Children's Library building 5' to the south	$173,040

MUSEUM ALTERNATES:

#3A: Add horizontal glass rail to raise rail around gallery openings	$24,259

City Council
Exhibit 3 to
Agenda Item #4-B
03-07-12

Muller & Caulfield

ARCHITECTS

Phase I

The Carnegie Restoration and Preservation Project

Project Goals

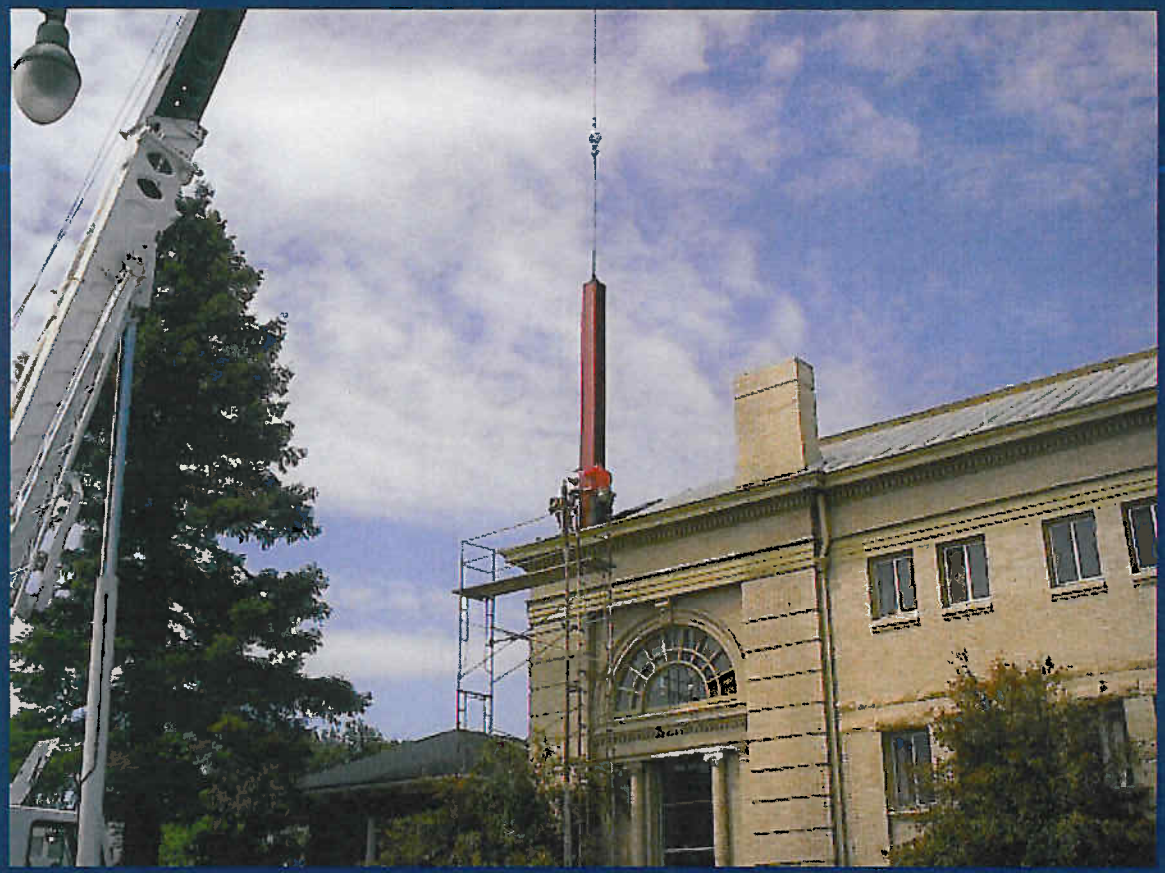
Return the Carnegie to use as a public building for all Alameda residents to visit and enjoy.

Restore the building's interior and exterior architectural integrity.

Financial sustainability.

Building has been vacant for 10 years.

Building History: 2003 Seismic Upgrade

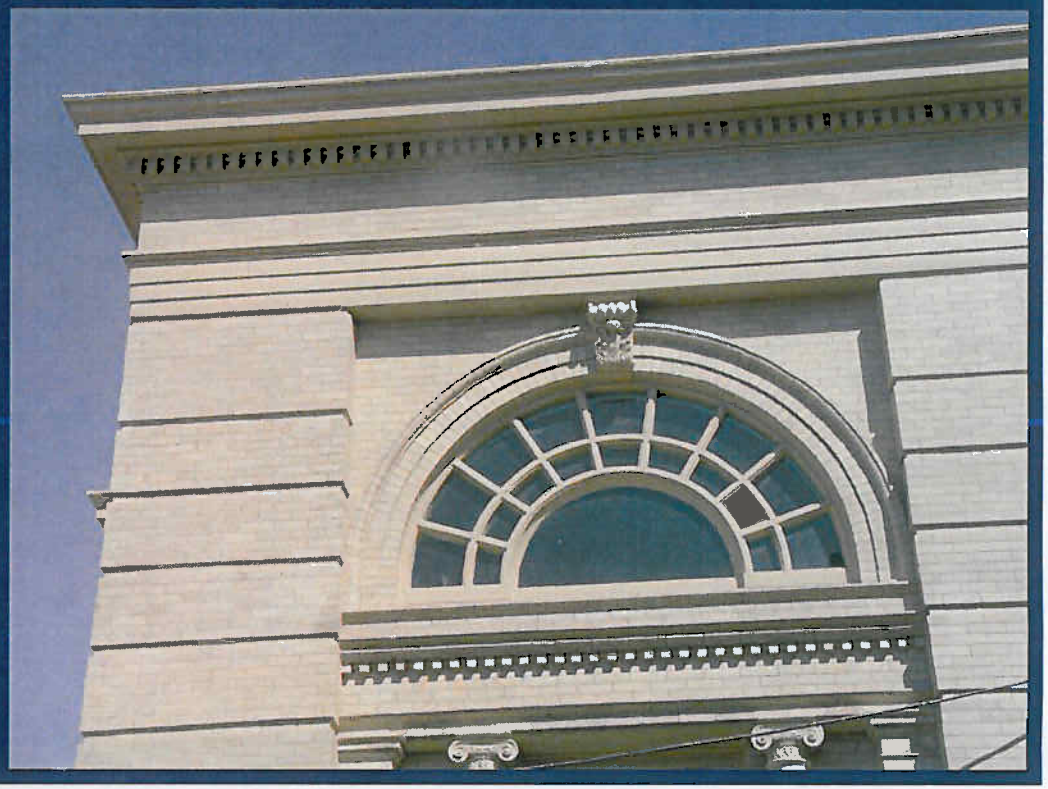


- *Steel beams & concrete shear walls provide structural stability.*
- *New roof & waterproofing.*
- *Limestone restored.*
- *Exterior bricks cleaned and stains removed.*

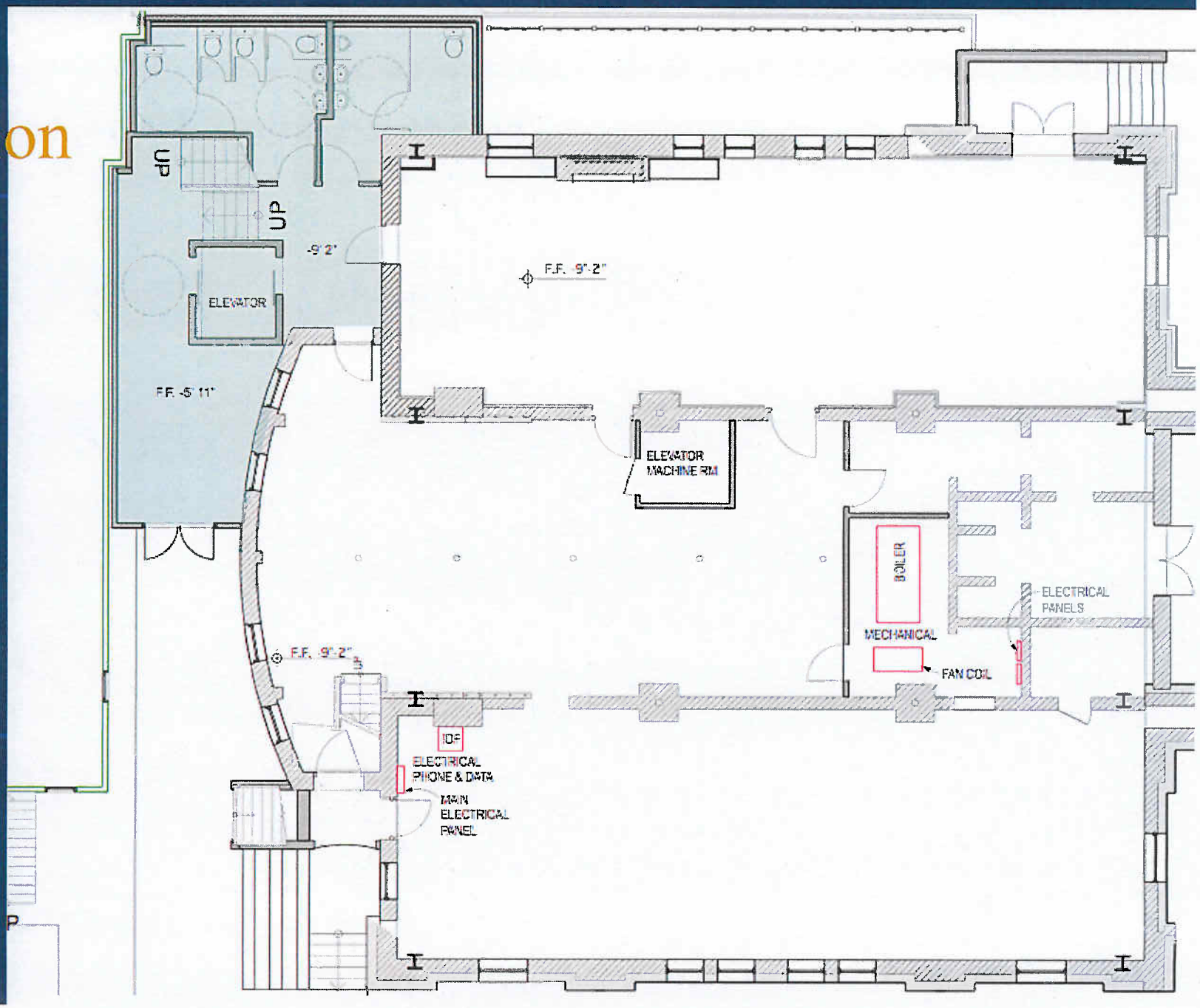
Seismic Upgrade completed 2003.

Required Upgrades (regardless of use)

- *Historic Window Repair & Restoration*
- *Replace Entry Doors*
- *New Heating and Ventilation*
- *Fire Sprinkler System*
- *Interior Lighting & Wiring*
- *Restore Historic Interior Finishes*
- *Elevator Addition*
- *Restrooms and Plumbing*



New Addition



Addition Cross Section

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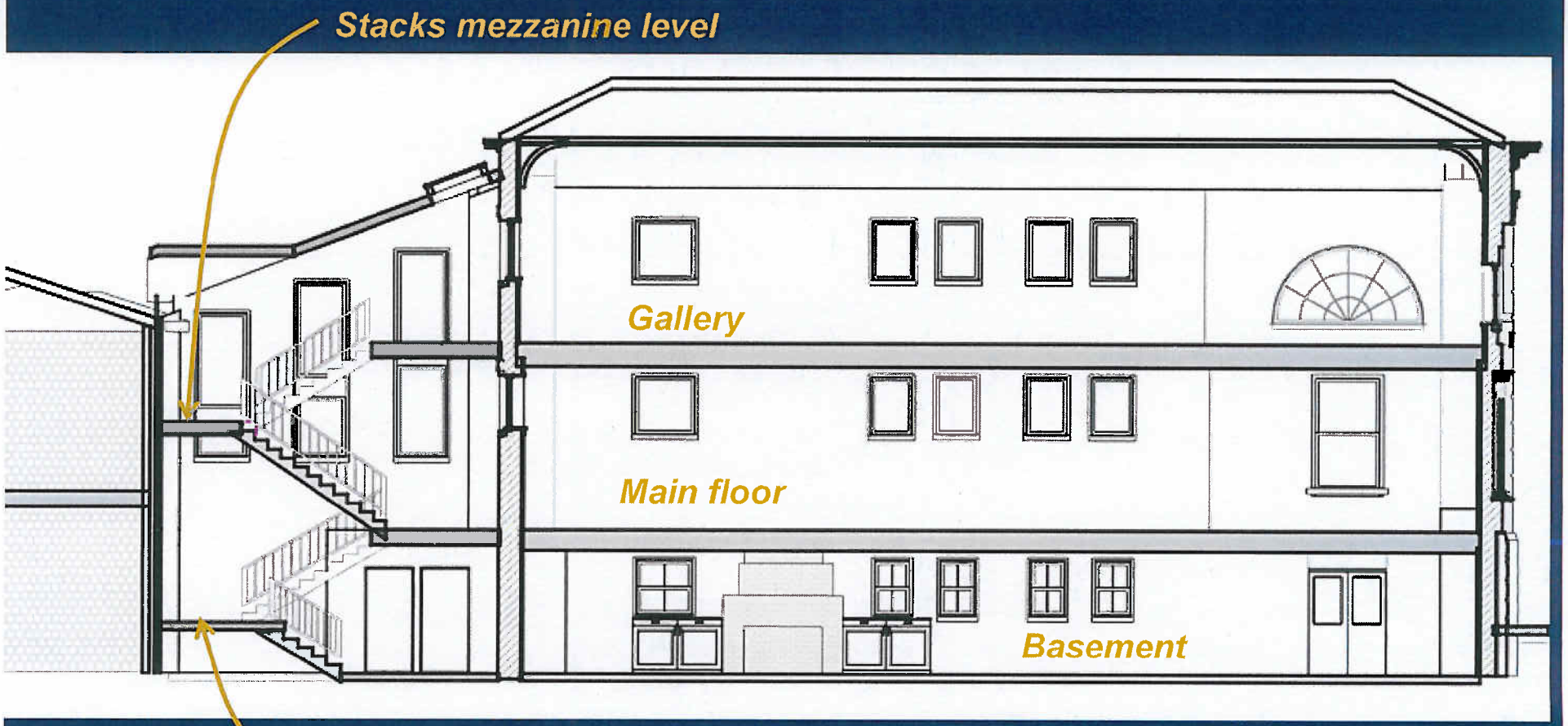

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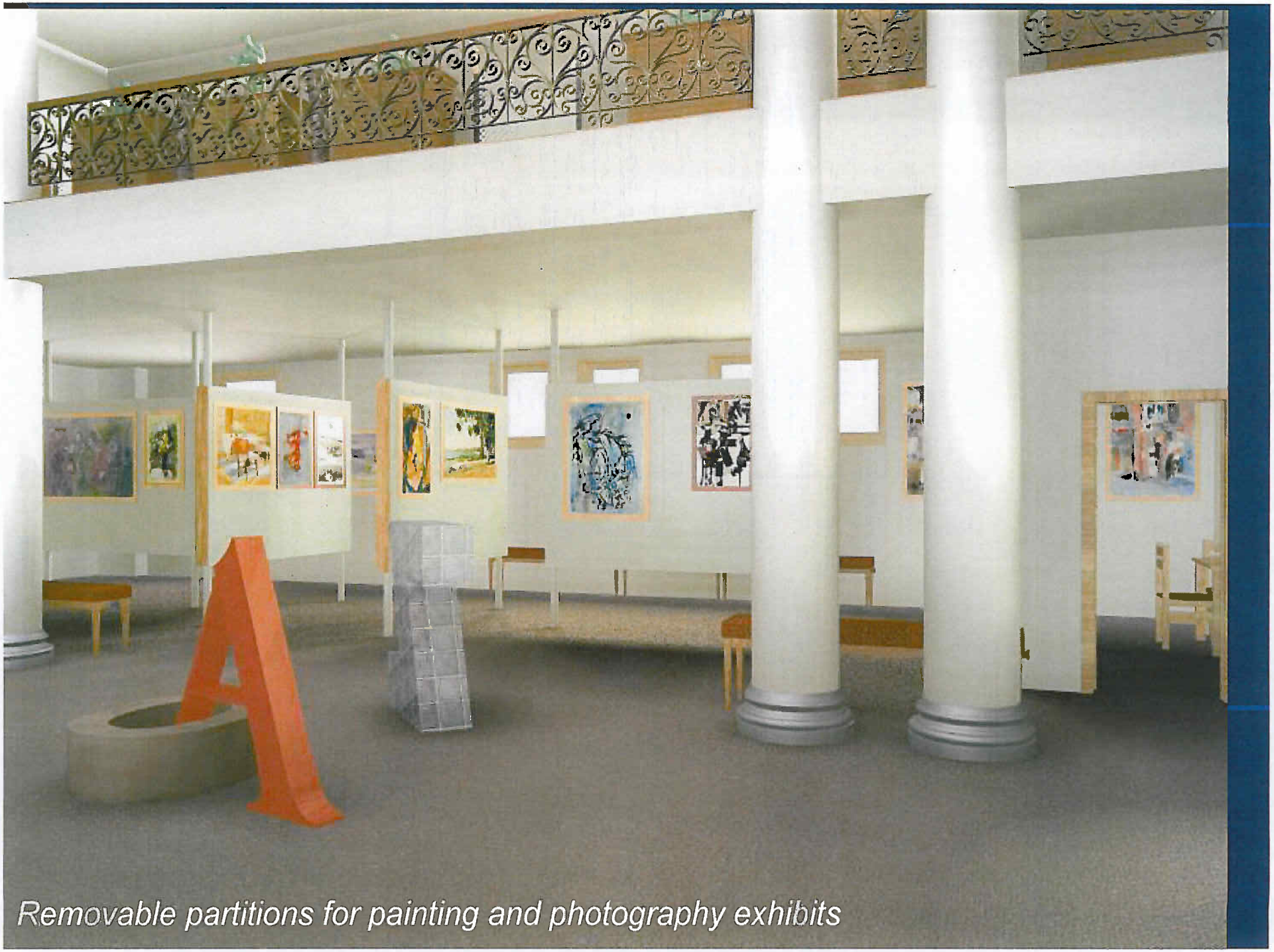
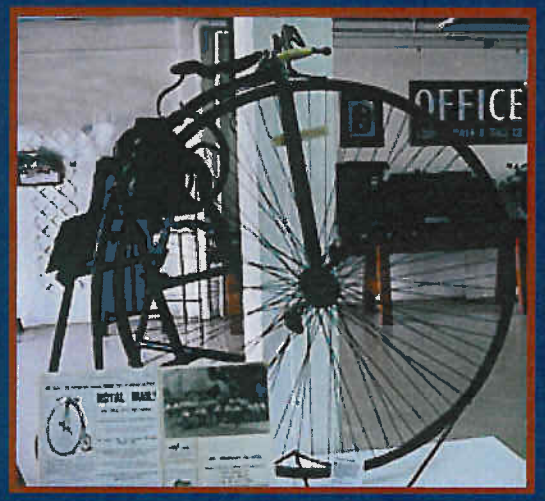


Removable partitions for painting and photography exhibits

Adaptive Reuse: Museum

Alameda History Museum

Current space: 9700 sq. ft.



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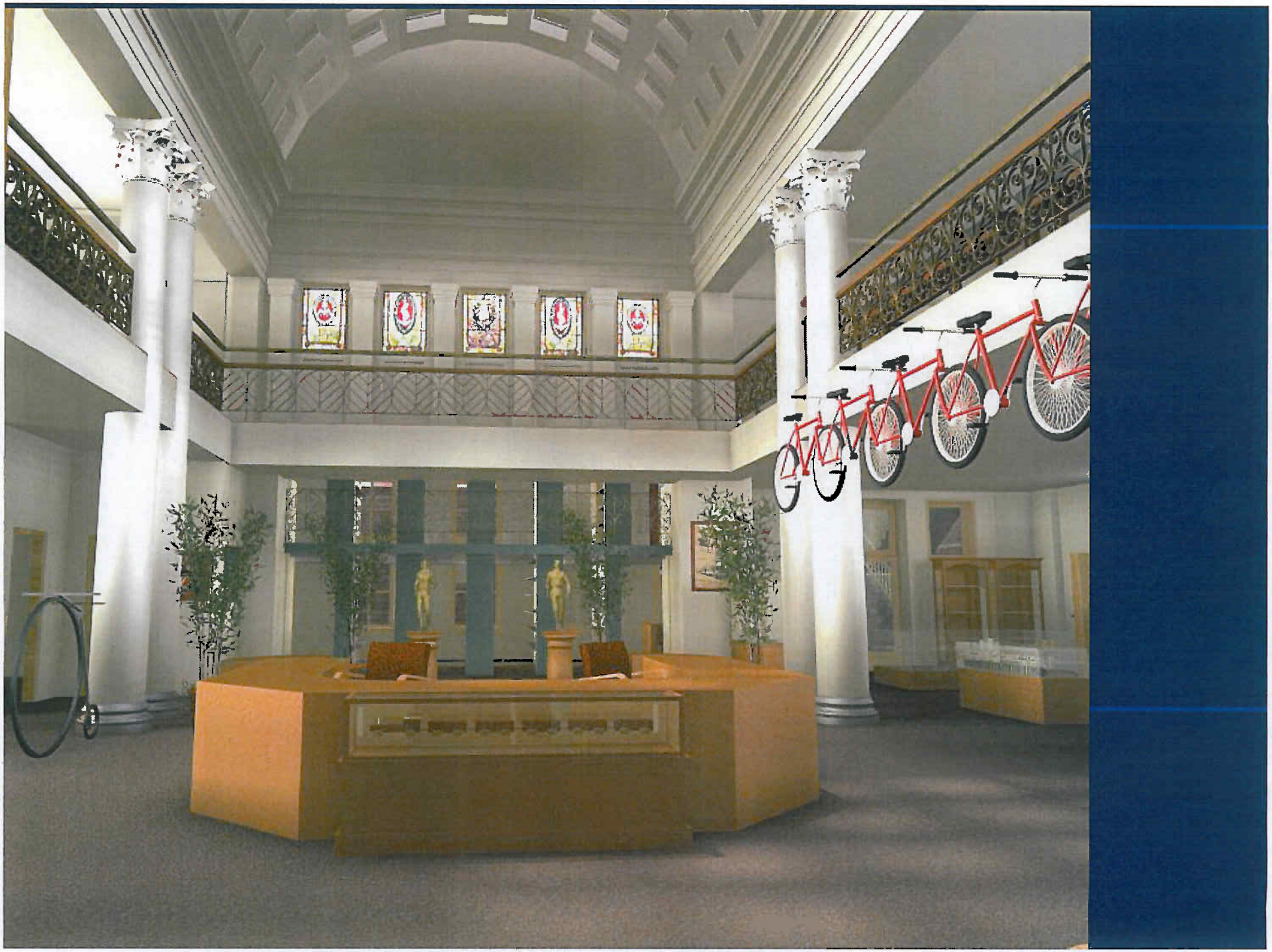
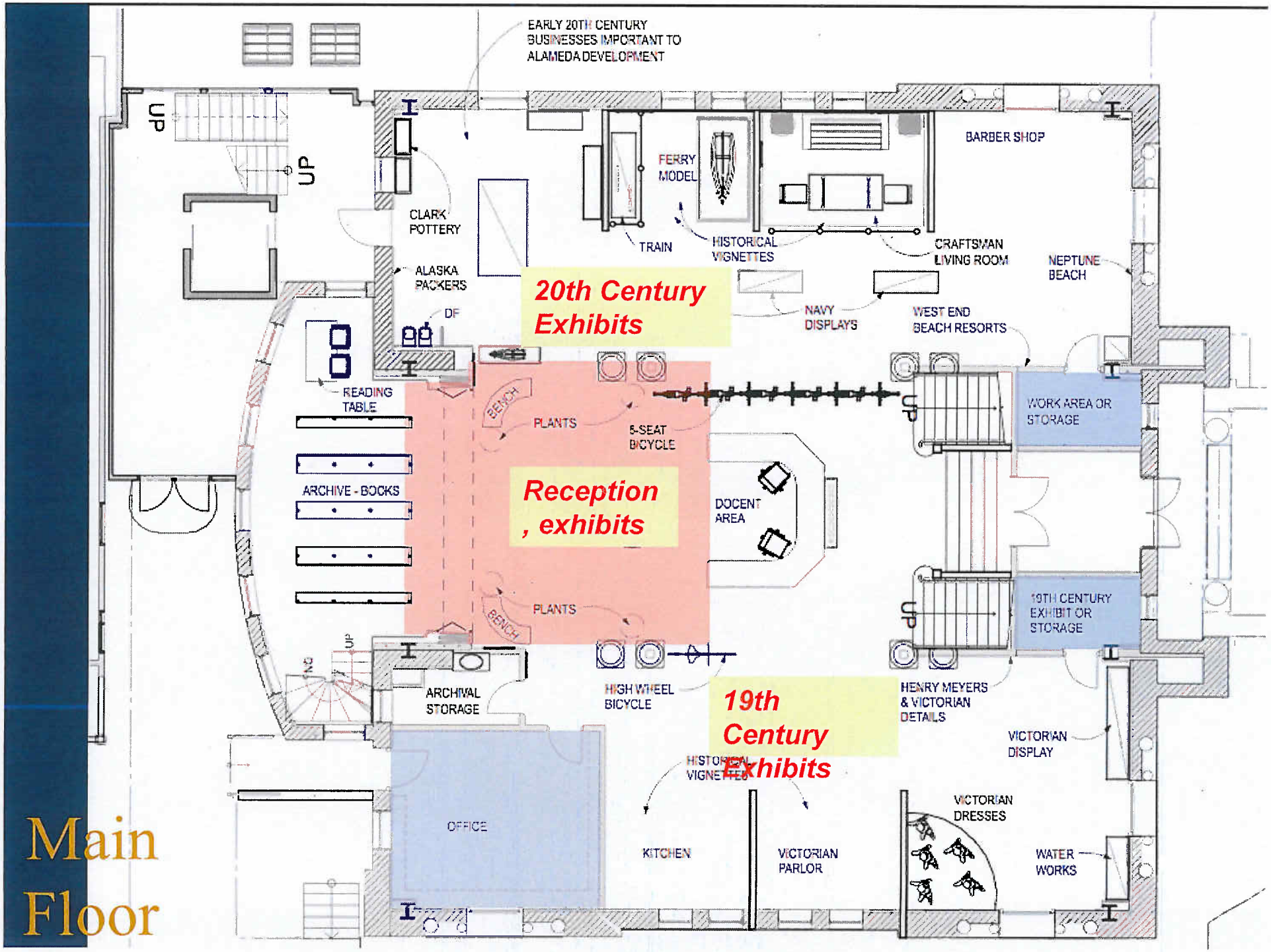
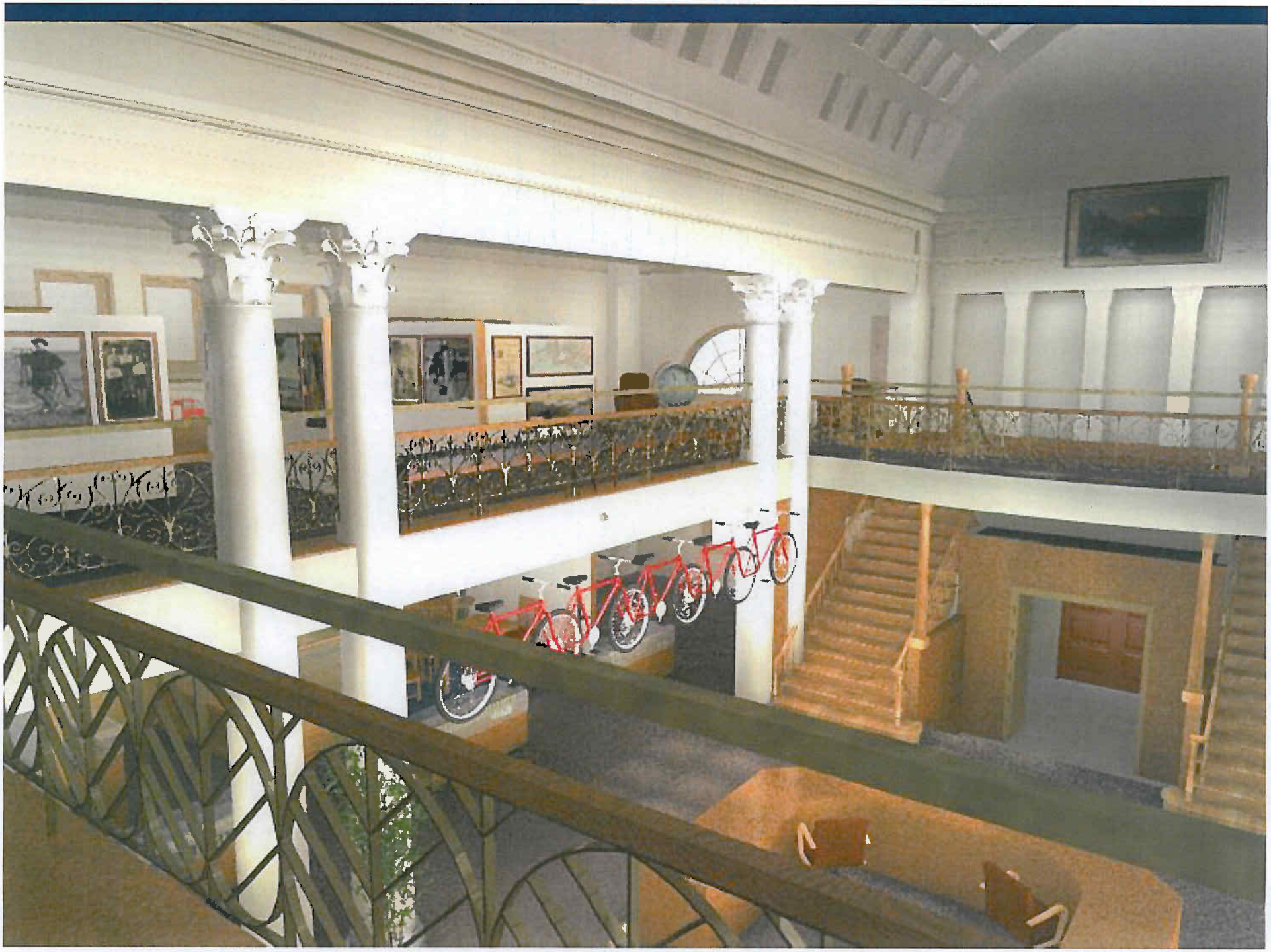
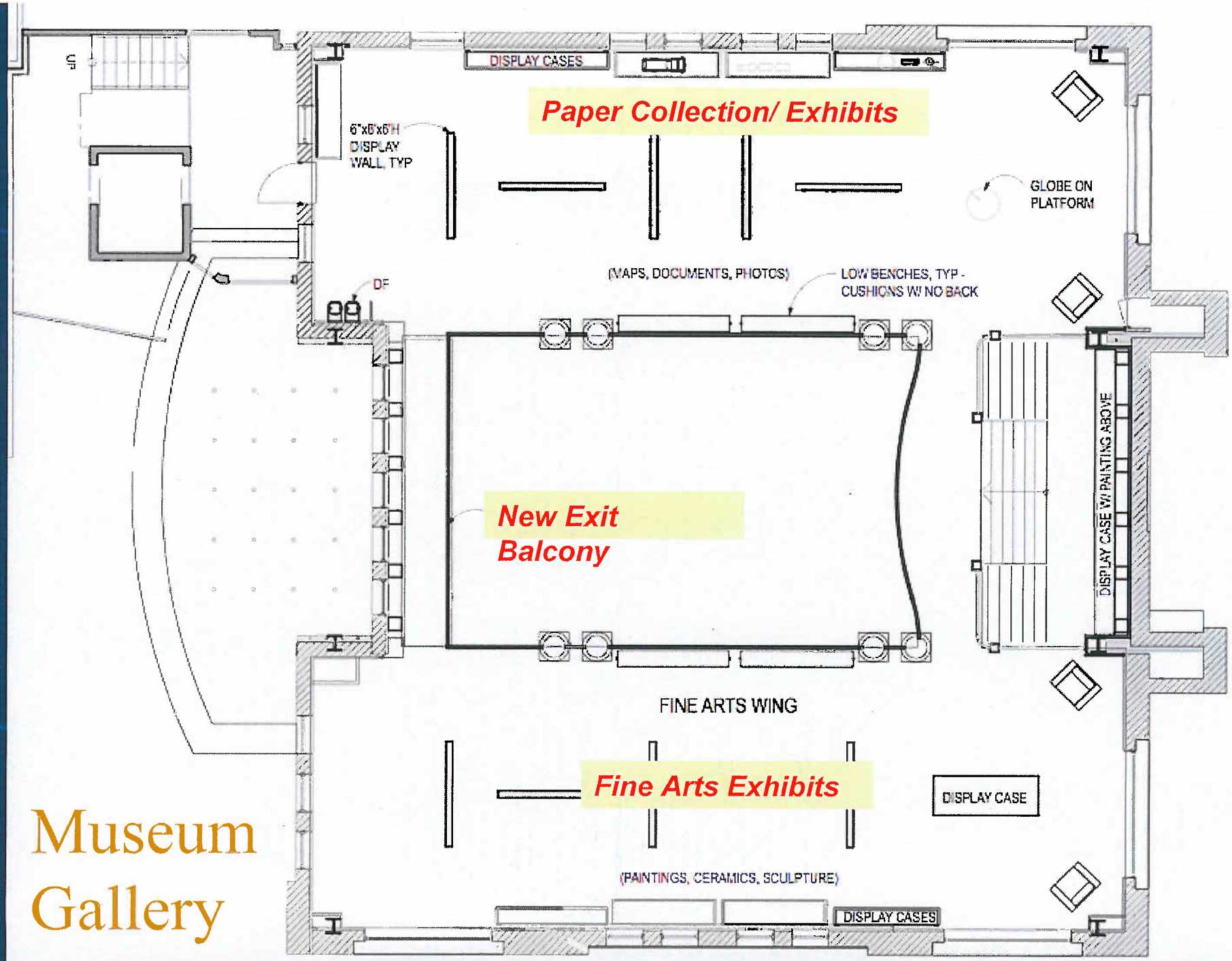


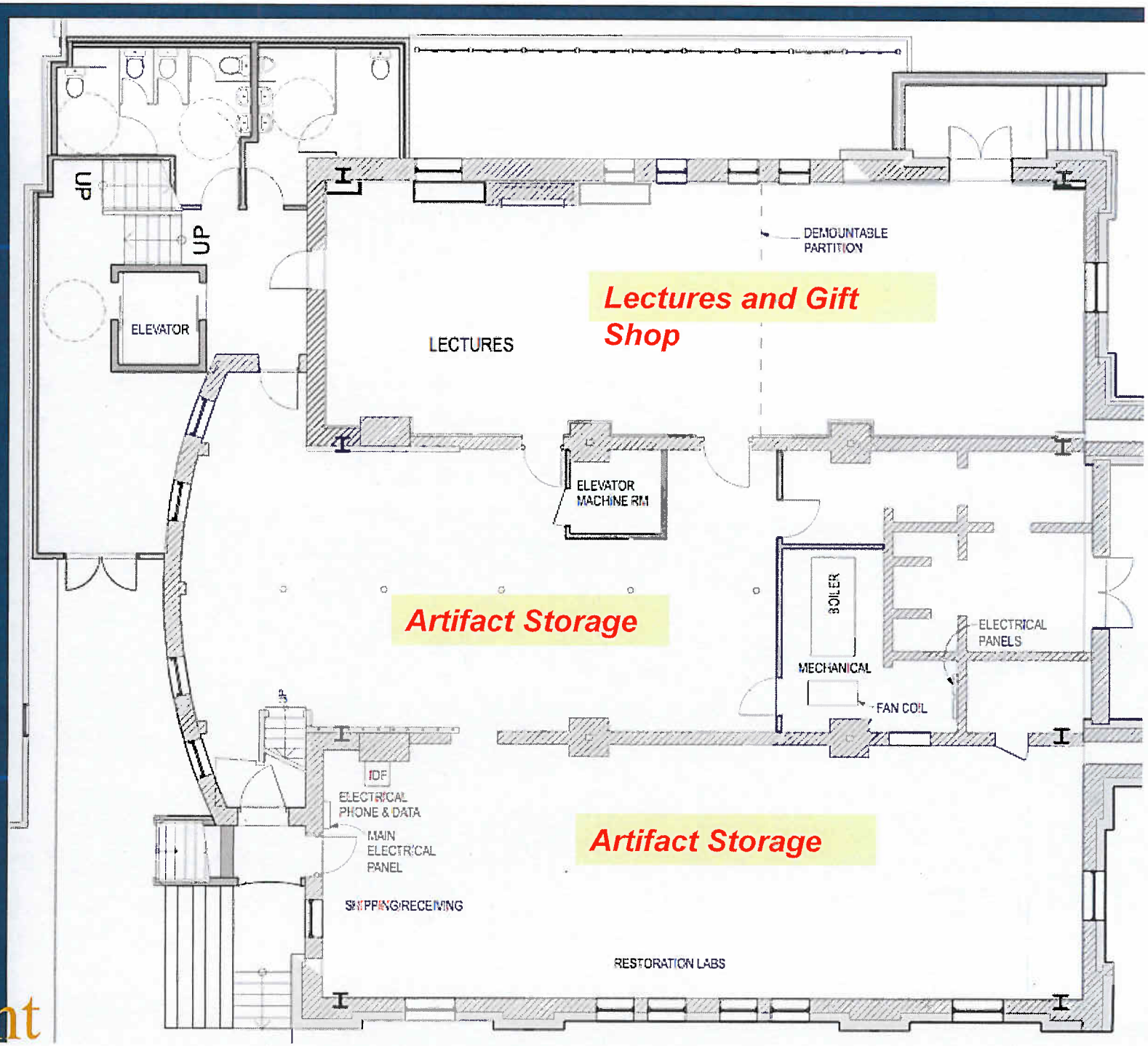

EARLY 20TH CENTURY BUSINESSES IMPORTANT TO ALAMEDA DEVELOPMENT
UP
UP
CLARK POTTERY
ALASKA PACKERS
DF
FERRY MODEL
TRAIN
HISTORICAL VIGNETTES
BARBER SHOP
CRAFTSMAN LIVING ROOM
NEPTUNE BEACH
20th Century Exhibits
NAVY DISPLAYS
WEST END BEACH RESORTS
READING TABLE
BENCH
PLANTS
5-SEAT BICYCLE
UP
WORK AREA OR STORAGE
ARCHIVE - BOOKS
Reception , exhibits
DOCENT AREA
UP
19TH CENTURY EXHIBIT OR STORAGE
PLANTS
BENCH
UP
ARCHIVAL STORAGE
HIGH WHEEL BICYCLE
19th Century Exhibits
HENRY MEYERS & VICTORIAN DETAILS
VICTORIAN DISPLAY
HISTORICAL VIGNETTES
OFFICE
KITCHEN
VICTORIAN PARLOR
VICTORIAN DRESSES
WATER WORKS

Main Floor





Museum Gallery


UP
UP
ELEVATOR
LECTURES
DEMOUNTABLE PARTITION
Lectures and Gift Shop
ELEVATOR MACHINE RM
BOILER
MECHANICAL
FAN COIL
ELECTRICAL PANELS
Artifact Storage
IDF
ELECTRICAL PHONE & DATA
MAIN ELECTRICAL PANEL
SHIPPING/RECEIVING
Artifact Storage
RESTORATION LABS

Basement

City of Alameda • California

February 28, 2012

Ms. Robbie Dileo
President
Alameda Museum Board of Directors
2324 Alameda Avenue
Alameda, CA 94501

Dear Ms. Dileo:

Thank you for meeting with George Gunn, Bob Risley, Melissa Rosengard, Lisa Goldman, and me on February 27 to discuss the future of the Alameda Museum. Melissa, Lisa, and I appreciated your taking the time to meet with us regarding moving the Alameda Museum to a refurbished Carnegie Library.

As we discussed, the City is placing a sales tax measure on the June 5 ballot. Should it be successful, the measure will provide funding for a host of critically important City projects, including $3.5 million to rehabilitate the Carnegie Library for use as a museum. We are interested in leasing the facility to the Alameda Museum at no cost for ten years, with a five-year option to renew, provided the Museum meets certain benchmarks during the initial term of the lease:

- The Museum becomes financially self-sustaining within the ten-year period.
- The Museum becomes accredited with the American Association of Museums by year seven or eight of the ten-year lease.
- The Museum is open to the public a minimum of 25 hours per week.
- The Museum makes space available for rent to the public for meetings, events, etc.

We believe that moving the Alameda Museum into a refurbished Carnegie Library is the right thing to do, and we look forward to working with you to make this a reality.

Sincerely,

John A. Russo
City Manager

Office of the City Manager
2263 Santa Clara Avenue, Room 320
Alameda, California 94501-4477
510.747.4700 Office • Fax 510.747.4704 • TDD 510.522.7538

City Council
Exhibit 4 to
Agenda Item #4-B
03-07-12

CITY OF ALAMEDA RESOLUTION NO. _____

CALLING AN ELECTION IN THE CITY OF ALAMEDA ON JUNE 5, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS A BALLOT MEASURE SEEKING ENACTMENT OF A ONE-HALF OF ONE PERCENT SPECIAL TRANSACTIONS AND USE (SALES) TAX, ESTABLISHING THE POLICIES AND PROCEDURES FOR SUCH AN ELECTION AND REQUESTING THAT THE COUNTY OF ALAMEDA CONDUCT SUCH AN ELECTION

Approved as to Form
Janet C. Kern, City Attorney

WHEREAS, the City of Alameda—like all California cities—has faced decreasing revenues, increasing Sacramento money grabs and increased costs of providing essential city services and facilities residents rely upon; and

WHEREAS, the City has maintained a balanced budget by reducing spending in all City departments, lowering service levels, and deferring essential capital projects; and

WHEREAS, the City of Alameda has a budget shortfall of $4.4 million in FY 2012-13; and

WHEREAS, without additional revenue the City will have no choice other than to make additional cuts to address the $4.4 million budget shortfall in Fiscal Year 2012-13 and the ongoing shortfalls over the next five years will prevent the City from undertaking necessary capital projects that will remain uncompleted; and

WHEREAS, without additional revenue the City of Alameda will be unable to provide the vehicles and facilities for police officers and firefighters necessary for quick and effective response, provide swimming facilities, and make improvements to the historic Carnegie building, as well as other public safety, recreational, and cultural facilities and equipment needs; and

WHEREAS, with police and fire protection comprising over 60% of the City's general fund budget, the City cannot avoid more cuts to public safety, resulting in longer 9-1-1 emergency response times; and

WHEREAS, a locally enacted revenue measure would protect and maintain City of Alameda services and provide funding for necessary public safety facilities, and equipment, and Emergency Operations staffing and on for recreation and cultural facilities; and

WHEREAS, at its June 28, 2011 meeting, the City Council adopted a budget for FY 2011-12 that recognized the need for additional revenue to maintain and preserve the level of services desired by residents of the City and to provide the public safety facilities and equipment and recreation and cultural facilities that the community needs; and

WHEREAS, at its March 7, 2012 meeting, the Council considered calling a special election to seek voter approval of a proposed special transactions and use tax ("sales tax"), as authorized by Revenue and Taxation Code section 7285.91; and

WHEREAS, at that meeting the City Council concluded that all of the information presented indicated that, to obtain the revenue necessary to maintain and preserve service levels, the Council should call an election to ask the voters of the City to approve a local transactions and use tax, the revenue from which could be used to support public safety vehicles and facilities, swimming facilities, and improvements to the historic Carnegie building, , as well as other public safety, recreational, and cultural facilities and equipment needs; and

WHEREAS, on the basis of the foregoing, the City Council determined that it was appropriate to place a measure regarding a special transactions and use (sales) tax before the voters at the June 5, 2012, election; and

WHEREAS, this measure would create a guaranteed source of local funding for our essential city services facilities that cannot be taken by Sacramento, ensuring our tax dollars are spent locally for City of Alameda residents; and

WHEREAS, the tax, if approved, would be imposed on the sale of tangible personal property and the storage, use, or other consumption of such property. The tax rate would be one half of one percent (0.50%) (a half cent for each dollar) of the sales price of the property. The tax revenue would be collected by the State Board of Equalization and remitted to the City. The tax would be in effect for 30 years and would then expire automatically, unless extended by the voters. The tax shall be approved if the measure receives at least a two-thirds majority of affirmative votes; and

WHEREAS, based on all of the information presented at the Feb. 23, 2012, meeting of the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ALAMEDA THAT:

Section 1. Pursuant to the City Charter, and California Elections Code Section 9222 the City Council of the City of Alameda does hereby call a special election in the City on June 5, 2012 at which it shall submit to the qualified voters of the City, a measure that, if approved, would adopt a special transactions and use tax, as authorized by the Revenue and Taxation Code section 7285.91. This measure shall be designated by letter by the Alameda County Elections Department. Pursuant to Election Code Section 10400 *et seq.*, the election for this measure shall be consolidated with the established election to be conducted on June 5, 2012.

Section 2.
The City Council hereby declares its intent to consolidate this special election with the Election to be held on June 5, 2012.

Section 3. The ballot label for the measure shall read as follows:

MEASURE: City of Alameda Public Safety and 911 Emergency Response Measure.

To maintain neighborhood crime patrols, fire protection and 911 emergency response; improve earthquake preparedness; replace an unsafe fire station; establish a citywide Emergency Operations Center, a joint police/ fire training facility and other cultural and recreational facilities; replace outdated police/ fire vehicles and equipment; and for other capital equipment and facilities, shall the City of Alameda enact a one-half cent sales tax, with all revenue staying in the City, mandatory annual audits and public expenditure reports?	YES NO

The text of the proposed initiative is on file in the Office of the City Clerk and incorporated herein by reference.

Section 4. The ordinance authorizing the special tax to be approved by voters pursuant to Sections 2 and 3 of this Resolution is as set forth in Attachment 1 hereto. The City Council hereby approves the ordinance, in the form thereof, and its submission to the voters of the City at the June 5, 2012, election, as required by the Revenue and Taxation Code section 7285.9, subject to the approval of two-thirds of the voters voting on the measure at the election called by the adoption of this resolution. The entire text of the ordinance, attached hereto as Attachment 1, shall be made available to the public upon request. The ordinance specifies that the rate of the transactions tax shall be

one-half of one percent (0.50%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the City; it specifies that the rate of the use tax shall be one-half of one percent (0.50%) of the sales price of tangible personal property stored, used or otherwise consumed in the City. The State Board of Equalization shall collect the tax from retailers subject to the tax and remit the funds to the City. If approved by the voters, the tax shall be in effect for 30 years.

Section 5. Publication of Measure. The City Clerk is hereby directed to cause notice of the measure to be published once in official newspaper of the City of Alameda, in accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code.

Section 6. The City Council adopts the provisions of section 9285(a) of the Elections Code to permit rebuttal arguments, if arguments have been filed in favor of or against the measure.

Section 7. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit such impartial analysis to the City Clerk in a time reasonably necessary to prepare and print the analysis.

Section 9. Notice of the time and place of the election on this proposed sales tax measure is hereby given, and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 10. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 11. The City Clerk is hereby authorized, instructed and directed to procure and furnish (or cause to be procured and furnished) any and all official ballot notices, printed matter and all other supplies, equipment and paraphernalia that may be necessary to prepare and lawfully conduct the special election.

Section 12. The polls for the special election shall be open at 7:00 AM on the day of said election and shall remain open continuously from said time until 8:00 PM of the same day and shall then be closed, except as provided in Section 14401 of the Elections Code.

Section 13. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

Section 14. The approval of this Resolution is not a project for the purposes of the California Environmental Quality Act (CEQA), pursuant to Guidelines Section 15378(b)(4), which states that a project does not include the creation of government funding mechanisms or government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Accordingly, no CEQA review is required.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 7th day of March, 2012, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of the said City this 8th day of June, 2012.

_____
Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA ORDINANCE NO. _____

AMENDING THE ALAMEDA MUNICIPAL CODE BY ADDING SECTION 3-63 (TRANSACTION AND USE TAX) TO PART C (USE TAX) OF DIVISION IX (TAXES) OF ARTICLE II (TAXATION) OF CHAPTER III (FINANCE AND TAXATION) IMPOSING A SPECIAL TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

Approved as to Form
Janet C. Kern, City Attorney

WHEREAS, the City of Alameda—like all California cities—has faced decreasing revenues, increasing Sacramento money grabs and increased costs of providing essential city services and facilities residents rely upon; and

WHEREAS, the City has maintained a balanced budget by reducing spending in all City departments, lowering service levels, and deferring essential capital projects; and

WHEREAS, the City of Alameda has a budget shortfall of $4.4 million in FY 2012-13; and

WHEREAS, without additional revenue the City will have no choice other than to make additional cuts to address the $4.4 million budget shortfall in Fiscal Year 2012-13 and the ongoing shortfalls over the next five years, which will prevent the City from undertaking necessary capital projects; and

WHEREAS, without additional revenue the City of Alameda will be unable to provide the vehicles and facilities for police officers and firefighters necessary for quick and effective response, provide swimming facilities, and make improvements to the historic Carnegie building, as well as other public safety, recreational, and cultural facilities and equipment needs; and

WHEREAS, with police and fire protection comprising over 60% of the City's general fund budget, the City cannot avoid more cuts to public safety, resulting in longer 9-1-1 emergency response times; and

WHEREAS, a locally enacted revenue measure would provide funding for necessary public safety facilities, equipment, and one Emergency Operations Coordinator and for recreation and cultural facilities; and

WHEREAS, at its June 28, 2011 meeting, the City Council adopted a budget for FY 2011-12 that recognized the need for additional revenue to maintain and preserve the level of services desired by residents of the City and to provide the public safety facilities and equipment and recreation and cultural facilities that the community needs; and

WHEREAS, at its March 7, 2012 meeting, the Council considered calling a special election to seek voter approval of a proposed special transactions and

Exhibit to
Resolution #4-B
03-07-12

use tax or ("sales tax"), as authorized by Revenue and Taxation Code section 7285.91; and

WHEREAS, at that meeting the City Council concluded that all of the information presented indicated that, to obtain the revenue necessary to maintain and preserve service levels, the Council should call an election to ask the voters of the City to approve a local transactions and use tax, the revenue from which could be used to support public safety vehicles and facilities, swimming facilities, and improvements to the historic Carnegie building, as well as other public safety, recreational, and cultural facilities and equipment needs; and

WHEREAS, on the basis of the foregoing, the City Council determined that it was appropriate to place a measure regarding a special transactions and use (sales) tax before the voters at the June 5, 2012, election; and

WHEREAS, this measure would create a guaranteed source of local funding for our essential city facilities that cannot be taken by Sacramento, ensuring our tax dollars are spent locally for City of Alameda residents; and

WHEREAS, the tax, if approved, would be imposed on the sale of tangible personal property and the storage, use, or other consumption of such property. The tax rate would be one half of one percent (0.50%) (a half cent for each dollar) of the sales price of the property. The tax revenue would be collected by the State Board of Equalization and remitted to the City. The tax would be in effect for 30 years and would then expire automatically, unless extended by the voters. The tax shall be approved if the measure receives at least a two-thirds majority of affirmative votes.

NOW, THEREFORE, BE IT ORDAINED by the People of the City of Alameda that:

Section 1. The Alameda Municipal Code is hereby amended by adding new Sections 3-63 through 3-63.15, inclusive, (Transaction and Use Tax) to Part C (Use Tax) of Division IX (Taxes) of Article II (Taxation) of Chapter III (Finance and Taxation) to read as follows:

3-63 TRANSACTIONS AND USE TAX

3-63.1 Title.

This ordinance shall be known as the City of Alameda Special Transactions and Use Tax Ordinance. The City of Alameda hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

3-63.2 Operative Date.

"Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

3-63.3 Purpose.

This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

a. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.91 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a two-thirds majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

b. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

c. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to and requires the least possible deviation from the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

d. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be to the greatest degree possible consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code minimize the cost of collecting the transactions and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

3-63.4 Contract with State.

Prior to the operative date the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance provided that if the City shall not have contracted with the State Board of Equalization prior to the operative date it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3-63.5 Transactions Tax Rate.

For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 0.50 percent of the gross receipts of any retailer from the sale of all

tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

3-63.6 Place of Sale.

For the purposes of this ordinance all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out of state destination or to a common carrier for delivery to an out of state destination The gross receipts from such sales shall include delivery charges when such charges are subject to the state sales and use tax regardless of the place to which delivery is made In the event a retailer has no permanent place of business in the State or has more than one place of business the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3-63.7 Use Tax Rate.

An excise tax is hereby imposed on the storage use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage use or other consumption in said territory at the rate of 0.50 percent of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3-63.8 Adoption of Provisions of State Law.

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

3-63.9 Limitations On Adoption of State Law and Collection of Use Taxes.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

a. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller State Treasurer State Board of Control State Board of Equalization State Treasury or the Constitution of the State of California; or

2. The result of that substitution would require action to be taken by or against this City or any agency officer or employee thereof rather than by or against the State Board of Equalization in performing the functions incident to the administration or operation of this Ordinance; or

3. In those sections including but not necessarily limited to sections referring to the exterior boundaries of the State of California where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales storage use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales storage use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code; or

b. Impose this tax with respect to certain sales storage use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701 6702 (except in the last sentence thereof) 6711 6715 6737 6797 or 6828 of the Revenue and Taxation Code.

b. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

3-63.10 Permit Not Required.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code an additional transactor's permit shall not be required by this ordinance.

3-63.11 Exemptions and Exclusions.

a. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

b. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property other than fuel or petroleum products to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State the United States or any foreign government; or

2. Sales of property to be used outside the City which is shipped to a point outside the City pursuant to the contract of sale by delivery to such point by the retailer or his agent or by delivery by the retailer to a carrier for shipment to a consignee at such point For the purposes of this paragraph delivery to a point outside the City shall be satisfied:

a. With respect to vehicles other than commercial vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code aircraft licensed in compliance with Section 21411 of the Public Utilities Code and undocumented vessels registered under Division 3.5 (commencing

with Section 9840) of the Vehicle Code by registration to an out of City address and by a declaration under penalty of perjury signed by the buyer stating that such address is in fact his or her principal place of residence; and

b. With respect to commercial vehicles by registration to a place of business out-of-City and declaration under penalty of perjury signed by the buyer that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance; or

4. A lease of tangible personal property which is a continuing sale of such property for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

c. There are exempted from the use tax imposed by this ordinance the storage use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any administered transactions and use tax ordinance; or

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State the United States or any foreign government This exemption is in addition to the exemptions provided in Sections 6366 and 61366 of the Revenue and Taxation Code of the State of California; or

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance; or

4. If the possession of or the exercise of any right or power over the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance; or

5. For the purposes of subparagraphs 3 and 4 of this section storage use or other consumption or possession of or exercise of any right or power over tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice whether or not such right is exercised; or

6. Except as provided in subparagraph 7 a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property unless the retailer ships or delivers the property into the City or participates within the City in making

the sale of the property including but not limited to soliciting or receiving the order either directly or indirectly at a place of business of the retailer in the City or through any representative agent canvasser solicitor subsidiary or person in the City under the authority of the retailer; or

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code aircraft licensed in compliance with Section 21411 of the Public Utilities Code or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle vessel or aircraft at an address in the City.

d. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage use or other consumption of which is subject to the use tax.

3-63.12 Amendments.

All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this ordinance provided however that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

3-63.13 Enjoining Collection Forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit action or proceeding in any court against the State or the City or against any officer of the State or the City to prevent or enjoin the collection under this ordinance or Part 1.6 of Division 2 of the Revenue and Taxation Code of any tax or any amount of tax required to be collected.

3-63.14 Expenditure Plan.

The expenditure plan required by Revenue and Taxation Code Section 7285.91(c) for the revenue from the tax approved by this Chapter is the following: The City may use revenue from the tax only for the following purposes: police, fire, and other public safety facilities and equipment; parks and recreation facilities and equipment; cultural facilities; and funding for one position to serve as Emergency Operations Coordinator. Expenditures related to facilities may include (1) preconstruction costs, including but not limited to architectural, engineering, and planning services, (2) construction management, and (3) costs associated with the temporary relocation of existing facilities during planning and construction. Examples of authorized projects include, without limitation, fire

station replacement, an Emergency Operations Center, police and fire vehicles, a police/fire joint training facility, and public swim facilities. The City Council may choose not to pursue any particular project listed among those examples, may substitute unidentified but similar projects for those listed, and may decided the order in which projects are initiated and completed, as long as expenditures of revenue from the tax are consistent with the general categories of projects listed in this section.

3-63.15 Annual Audit

By no later than December 31 of each year after the operative date, the city's independent auditors shall complete a report reviewing the collection, management and expenditure of revenue from the tax levied by this chapter. The report shall be reviewed by the City Council as part of its review of the annual audit.

3-63.15 Termination Date.

The authority to levy the tax imposed by this Chapter shall expire on the thirtieth anniversary of the last day of the calendar quarter preceding the operative date.

Section 2. **Environmental Compliance.**
The tax approved by this Ordinance is not a project for the purposes of the California Environmental Quality Act (CEQA), pursuant to Guidelines Section 15378(b)(4), which states that a project does not include the creation of government funding mechanisms or government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Accordingly, no CEQA review is required.

Section 3. **Severability.**
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 4. **Effective Date.**
This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately.

APPROVED by the following vote of the People of the City of Alameda on June 5, 2012:

YESES

NOES

ADOPTED by Declaration of the vote at the June 5, 2012, election by the City Council of the City of Alameda on _____ 2012.

_____
Presiding Officer of the Council

Attest:

_____
Lara Weisiger, City Clerk
City of Alameda

* * * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the _____day of _____, 2012, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this _____ day of _____, 2012.

_____
Lara Weisiger, City Clerk
City of Alameda