

City of Oakland

SAMPLE BALLOT

and Voter Information Pamphlet

COMMUNITY FACILITIES DISTRICT NO. 2013-1
(WILDFIRE PREVENTION DISTRICT)
ALL MAIL BALLOT SPECIAL ELECTION
WEDNESDAY, NOVEMBER 13, 2013

SPECIAL TAX ELECTION

This ballot is for a special district tax levy election. You must return your ballot in the enclosed postage paid envelope to the Election Official, P.O. Box 70025, Anaheim, CA.

or to the office of the City Clerk of the City of Oakland

no later than the hour of 8:00 p.m.

on Wednesday, November 13, 2013,

either by mail or in person.

The City Clerk's office is located at City Hall,
One Frank H. Ogawa Plaza, Room 201;
Oakland, California, 94612.

FOREIGN LANGUAGE TRANSLATIONS AVAILABLE

Pursuant to federal law, voter information and sample ballots have also been translated in the following language(s) listed below:

If you would like a copy of the translated ballot and sample ballot, at no cost to you, please telephone the Office of the City Clerk at the phone number listed at the bottom of this page.

SPANISH / ESPAÑOL:

Si desea recibir sin costo una copia traducida de la boleta y de la boleta de muestra, por favor sírvase llamar por teléfono a la Oficina del Secretario Municipal al número de teléfono que figura al pie de esta página.

CHINESE / 中文:

根據聯邦法律，選民資料和樣本選票已翻譯為以下語言，可供索取。
若您希望索取選票和選票樣本的免費翻譯版本，請致電市書記處；
電話號碼列於此手冊的底部。

VIETNAMESE / VIỆT NGỮ:


Nếu quý vị muốn có bản dịch của lá phiếu và lá phiếu mẫu, miễn phí, quý vị hãy gọi cho Văn Phòng Lục Sự Thành Phố ở số điện thoại ghi ở phần bên dưới của trang này.

TAGALOG / TAGALOG:

Kung gusto ninyo ng kopya ng isinaling balota at muwestrang balota, na wala kayong babayaran, mangyaring tawagan sa telepono ang Opisina ng Klerk ng Lungsod sa numero ng telepono na nakalista sa ibaba ng pahinang ito.

INSTRUCTIONS TO VOTERS:

This ballot is for a Special District Tax Levy Election. You must return this ballot in the enclosed paid envelope to the office of the City Clerk of the City of Oakland no later than the hour of 8:00 p.m. on Wednesday, November 13, 2013, either by mail or in person. The City Clerk's office is located at City Hall, One Frank H. Ogawa Plaza, Room 201; Oakland, California, 94612.


To vote on the measure, completely fill in the oval  in the area to the right of the arrow pointing from the word "YES" or from the word "NO" with a **BLACK or DARK PEN ONLY!**

If you wrongly mark, tear or deface this ballot, return it to the City Clerk of the City of Oakland and obtain another.

I HAVE VOTED - HAVE YOU?

OFFICIAL BALLOT
CITY OF OAKLAND
SPECIAL DISTRICT TAX LEVY ELECTION
WEDNESDAY, NOVEMBER 13, 2013

THIS BALLOT STUB SHALL BE REMOVED AND RETAINED BY THE VOTER

Mark your choice by
FILLING IN OVAL  COMPLETELY
with a **BLACK or DARK PEN ONLY.**

**No. 12345****OAKLAND****MEASURE SUBMITTED TO THE VOTERS****CITY OF OAKLAND**
Community Facilities District No. 2013-1
(Wildfire Prevention District)

A To continue services preventing wildfires and the spread of fire, including: goat grazing to clear brush / weeds; maintaining firebreaks; fire patrols on high fire danger days; roadside mowing; dead tree removal; and brush cutting, including along streets and emergency escape routes, shall the City replace the expiring assessment with an annual parcel tax for 10 years (undeveloped \$39; condominium/multifamily \$58.50; others \$78), with citizens' oversight, annual spending limits and audits?

YES**NO****END OF BALLOT**

VOTER INFORMATION PAMPHLET

The following pages contain:

BALLOT MEASURES, ANALYSES, ARGUMENTS AND REBUTTALS

ANALYSES: The Impartial Analysis is an impartial summary of the results of the proposed measure or proposition.

ARGUMENTS: Arguments and/or rebuttal arguments in support of or in opposition to the proposed laws are the opinions of the authors and have not been checked for accuracy by any official agency.

CITY ATTORNEY'S TITLE AND SUMMARY OF MEASURE A

Title:

Ballot Measure Authorizing the Levy of a Special Tax in the City of Oakland Community Facilities District No. 2013-1 (Wildfire Prevention District) to Pay for Fire Prevention Services in the District and Establishing an Appropriations Limit for the District

Summary:

On August 2, 2013, the City Council of the City of Oakland ("City") established its "City of Oakland Community Facilities District No. 2013-1 (Wildfire Prevention District)" ("District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (California Gov. Code Section 53311 et seq.).

If the measure is approved, commencing in the fiscal year beginning July 1, 2014 and continuing through the fiscal year ending June 30, 2024, the City would levy special taxes on taxable property in the District to pay for specific public services that are intended to prevent wildfires and the spread of fire and the costs of establishing and administering the District. Each taxable parcel within the District would be subject to one of the following annual maximum special tax rates:

| Classification | Maximum Special Tax |
|---------------------|---------------------|
| Condominium Parcel | \$58.50 per Parcel |
| Multi-Family Parcel | \$58.50 per Unit |
| Undeveloped Parcel | \$39.00 per Parcel |
| Other Parcel | \$78.00 per Parcel |

The ballot measure would establish an appropriations limit of \$3,000,000 for the District.

The City Council has adopted the following accountability measures with respect to the District: (a) a public statement indicating the specific purposes of the tax; (b) the proceeds will be applied only to the specific purposes identified; (c) there will be created special account(s) or funds(s) into which the special tax proceeds will be deposited; (d) there will be citizen oversight of the District; and (e) the City will prepare an annual audit and report of the District.

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE A

CITY OF OAKLAND COMMUNITY FACILITIES DISTRICT NO. 2013-1 (WILDFIRE PREVENTION DISTRICT)

On August 2, 2013, the City Council of the City of Oakland ("City") established its "City of Oakland Community Facilities District No. 2013-1 (Wildfire Prevention District)" ("District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (California Gov. Code Section 53311 et seq.) ("Mello-Roos Act"). As authorized by the Mello-Roos Act, the purpose of the District is to finance services intended to prevent wildfires and the spread of fire. The Mello-Roos Act authorizes the levy of special taxes in a community facilities district to finance "fire protection and suppression services," including fire prevention services. The District services enumerated by this ballot measure are: goat grazing, property owner incentives and chipping, vegetation management, contract and finance management support for grant applications and vegetation management projects, roving fire patrols, seasonal support to residents, and public outreach.

Beginning July 1, 2014, the District will finance services previously financed by the City's Wildfire Prevention Assessment District ("WPAD"), which began July 1, 2004 and continues through June 30, 2014.

This ballot measure:

- (i) authorizes the City to levy a special tax on taxable property within the District, commencing in the fiscal year beginning July 1, 2014 and continuing through the fiscal year ending June 30, 2024, to pay for the services and the costs of the City in establishing and administering the District; and
- (ii) establishes an annual appropriations limit for the District of \$3,000,000. The qualified electors in this election are the registered voters in the District. This measure must be approved by at least two-thirds of the votes cast.

If the measure is approved, each taxable parcel within the District would be subject to one of the following annual maximum special tax rates according to the Rate and Method of Apportionment of Special Taxes ("Rate and Method") in City Council Resolution No. 84594 ("Resolution"):

| Classification | Maximum Special Tax |
|---------------------|---------------------|
| Condominium Parcel | \$58.50 per Parcel |
| Multi-Family Parcel | \$58.50 per Unit |
| Undeveloped Parcel | \$39.00 per Parcel |

The City would record in the real property records of Alameda County a notice of special tax lien, and a continuing lien to secure the levy of the special tax would attach to all taxable property in the District.

The City Council has adopted the following accountability measures: (a) a public statement indicating the specific purposes of the tax; (b) the proceeds will be applied only to the specific purposes identified; (c) tax proceeds will be deposited into special account(s) or funds(s); (d) citizen oversight of the District; and (e) an annual audit and report of the District.

The Resolution contains a complete description of the boundaries of the District, the nature of the services to be financed by the District, and the Rate and Method.

The above statement is an impartial analysis of the Resolution and Measure A. If you desire a copy of the Resolution, please call the City Clerk's office at (510) 238-3122 and a copy will be mailed at no cost to you.

Barbara J. Parker
City Attorney

CITY AUDITOR'S IMPARTIAL FINANCIAL ANALYSIS OF MEASURE A

Measure A authorizes the City of Oakland to impose a special tax on residents in the City of Oakland Community Facilities District No. 2013-1 (Wildfire Prevention District) in the current Wildfire Prevention Assessment District Area for ten years, beginning fiscal year (FY) 2014-15 and ending FY 2023-24. The tax proceeds will be deposited into a special account to be used for Wildfire Prevention District (WPD) services that generally include:

- Goat Grazing Program
- Property Owner Incentives and Chipping Program
- Vegetation Management Program
- Contract and Finance Management Support
- Roving Fire Patrols Program
- Support Services for the Vegetation Management Inspection Program
- Public Outreach

Additionally, the monies may be used for:

- Past and future delinquent parcel taxes
- Administration expenses capped at 5% of special tax, including cost of this special election

The tax rate may not be increased by action of the City Council without voter approval, but the City Council may reduce the tax rates when the costs of operations decrease. The WPD is subject to the \$3,000,000 appropriations limit per year, citizens' oversight committee, and annual audit.

The annual tax incurred will be \$58.50 for condominiums, \$58.50 for multiple-family residential units, \$39 for undeveloped parcels, and \$78 for all other parcels.

Financial Impact

The City projects it will receive \$1,869,134 in new parcel taxes for FY 2014-15. The tax under each classification is shown below:

| <u>Classification</u> | <u># of Parcels</u> | <u># of Units</u> | <u>Proposed Tax Rate</u> | <u>Estimated Tax Revenue</u> |
|------------------------------|----------------------------|--------------------------|---------------------------------|-------------------------------------|
| Condominium | 1,970 | 1,970 | \$58.50 | \$115,245 |
| Multi-Family | 346 | 1,191 | \$58.50 | \$69,674 |
| Undeveloped | 2,179 | 2,179 | \$39.00 | \$84,981 |
| Other Parcel | 20,503 | 20,503 | \$78.00 | \$1,599,234 |
| Total | 24,998 | 25,843 | - | \$1,869,134 |

The total projected amount in parcel tax revenue the City will receive over ten years is \$18,691,340. After delinquency rates and required County fees are taken into consideration, the net revenue to the City will be approximately \$17,439,020.

| <u>Year</u> | <u>Fiscal Year</u> | <u>Estimated Gross Revenue</u> | <u>Net Estimated Revenue after 5% delinquency & 1.7% County fee</u> |
|--------------------|---------------------------|---------------------------------------|--|
| 1 | FY 2014-15 | \$1,869,134 | \$1,743,902 |
| 2 | FY 2015-16 | \$1,869,134 | \$1,743,902 |
| 3 | FY 2016-17 | \$1,869,134 | \$1,743,902 |
| 4 | FY 2017-18 | \$1,869,134 | \$1,743,902 |
| 5 | FY 2018-19 | \$1,869,134 | \$1,743,902 |
| 6 | FY 2019-20 | \$1,869,134 | \$1,743,902 |
| 7 | FY 2020-21 | \$1,869,134 | \$1,743,902 |
| 8 | FY 2021-22 | \$1,869,134 | \$1,743,902 |
| 9 | FY 2022-23 | \$1,869,134 | \$1,743,902 |
| 10 | FY 2023-24 | \$1,869,134 | \$1,743,902 |
| | Total | \$18,691,340 | \$17,439,020 |

In its analysis, the City did not factor in the County collection fee or estimated delinquencies.

Based on our analysis of the data provided by City staff and consultants, the projected revenues appear accurate. We relied on the best data available at this time, however, actual results may vary from City staff and consultants' estimates.

s/COURTNEY A. RUBY, CPA, CFE
City Auditor

ARGUMENT IN FAVOR OF MEASURE A

VOTE YES to continue wildfire prevention in Oakland's historically high risk fire areas.

The Wildfire Prevention District originally formed after the massive firestorm of 1991 killing 25 people and destroying over 3,000 Oakland homes.

In this devastating tragedy, fire spread rapidly – even jumping Highway 24 – because trees and weeds had grown out of control. Roads blocked by this dense brush made it difficult for fire trucks to maneuver.

The Wildfire Prevention District provides a consistent, stable source of funding for services to prevent wildfires and the spread of fire. For 10 years, the District's stewardship prevented another significant Oakland fire. During this same time, other communities that don't have a dedicated district experienced large fires. Just this year, Arizona suffered destruction and death due to wildfire, and other California communities are currently firestorm victims.

We've been protected by our dedicated Wildfire Prevention District services. It has not been luck; we must continue to be vigilant. Wildfire prevention services are essential to keep our homes and lives safe from another disaster.

VOTE YES to continue services to prevent wildfires and fire spread, including: clearing excess brush/weeds; maintaining firebreaks preventing spread; high danger day patrols; tree removal; and clearing emergency exits. Oakland's most effective fire prevention strategy is goat grazing to reduce fire fuel on grasslands. We must continue this environmentally friendly, four-legged, weed control and fire protection crew!

VOTE YES to secure funding to remove brush so firefighters can get to our homes in a fire.

Funds can ONLY be used for wildfire prevention services within the District. A citizens advisory oversight committee, annual audits, and an annual plan informed by a qualified biologist and district residents ensures continued long-term, cost effective management to achieve wildfire safety.

VOTE YES to continue the Wildfire Prevention District.

www.keeпоaklandfiresafe.org

/s/ Daniel Robertson, President, I.A.F.F. Local 55
/s/ Katherine Gavzy, President, League of Women Voters of Oakland
/s/ Barry Pilger, Treasurer and Boardmember, The Claremont Canyon Conservancy
/s/ Teresa M. Ferguson, Fire Survivor
/s/ Kenneth L. Benson, Co-chair, Keep Oakland Firesafe 2013

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE A

THE FIRE TAX – “BOONDOGGLE”

Unquestionably this is a high risk fire area – One would have to be a fool to live in this area and not be concerned about fires.

The Tax advocates are correct – the 1991 conflagration *did* jump Highway 24's eight lanes, Lake Temescal and Highway 13. However, not carried by “dense brush”, trees or weeds (growing in the highway or the Lake waters), but driven by hot (101°) October, Diablo wind gusts exceeding 65 mph.

Additionally, very narrow winding roads, choked with on - street parking, blocked Fire Trucks – Not “Dense Brush!” as Tax supporters erroneously claim.

Clearly, this “New Tax” proposal simply does not meet the District's Fire Protection and Suppression needs:

- Can the Tax be used for Firemen, or used to suppress or extinguish fires – No!
- Can the Tax be used for firetrucks, fire fighting equipment or firehouses – No!
- Can the Tax be used for extra water supplies for the hills fires – No!
- Can the Tax be used for widening roads for better emergency access or to create escape routes – No!
- Can the Tax be used for emergency communications equipment or other emergency vehicles – No!
- Does the Tax “exempt” all the, heavily wooded, brush laden, public and non-public properties – Yes!
- Does the Tax reduce your Fire Insurance Policy cost – No!
- Does the City of Oakland have a serious viable emergency plan – No!

The Tax money may only be used for controlling weeds on City property, already paid for by our regular property taxes and the LLAD tax.

/s/ David E. Mix
/s/ Nancy Sidebotham
/s/ Barry L. Klezmer

ARGUMENT AGAINST MEASURE A

DON'T BE FOOLED- VOTE NO!

This proposal does not continue the Wildfire Prevention Assessment District(WPAD). This measure creates an open-ended Mello-Roos Community Benefit District(CBD).

The Mello-Roos Tax may only be used for Fire "protection" and "suppression" services- Not "prevention", as The City indicates (Gov.Code 53313). There is a big difference.

The Measure does not meet CEQA requirements and no EIR has been conducted. Over the past 10 years close to \$20 million dollars of the WPAD funds were improperly used to augment the Assessment Tax(LLAD) in maintaining City property. This proposal continues that ruse.

Clearly, the legal responsibility of maintaining fire-safe City parks and roadways lies with the City-Not Special Tax Districts.

The worst offenders are the large heavy wooded, brush-laden "public" and non-profit properties- all are exempt under this new Mello-Roos CBD. Eliminating them is ludicrous, they're the most likely to erupt in a wildfire.

All Fire Inspections are under the Muni Code, paid from the General Fund- Not a special Tax.

The Citizen Advisory Committee- appointed by the City- has no teeth or authority.

Vegetation Management- What is that exactly (see Exhibit 1, Description of Services)? What are they talking about? At best, it is a bare minimal clearing of City land at the "homeowners" expense. How many times must we pay for the same Park and Road maintenance?

Park maintenance is responsibility of all Oaklanders- not just the hill residents.

A "NO" Vote does not mean the City is allowed to cease Park and Road maintenance, discontinue the use of Goats, nor abandon other means of keeping their property Fire-Safe. It is the City's legal obligation.

VOTE NO! Paying a Tax does not prevent fires!

/s/ David E. Mix, Chair-Unfair Fire Tax Committee

/s/ Nancy S. Sidebotham, Willsmont Homeowners Member

/s/ Barry L. Klezmer, Montera Neighborhood Assoc., Treasurer

REBUTTAL TO ARGUMENT AGAINST MEASURE A

This is a simple measure about preventing wildfires and the spread of fire. The current Wildfire Prevention District has protected Oakland residents from devastating firestorms for the past 10 years.

Don't let bad information confuse our wildfire prevention needs.

FACT: We need dedicated and consistent funding to support essential fire prevention services that protect our community from another disaster.

FACT: The City doesn't have the budget to provide these additional services without a separate district.

FACT: Funds can ONLY be used for wildfire prevention services within the District. The district pays for fuel suppression management, which clearly includes prevention services such as clearing excess bush/weeds; maintaining firebreaks preventing spread; high danger day patrols; tree removal; and clearing emergency exits.

A citizens advisory oversight committee, annual audits, and an annual plan informed by a qualified biologist and district residents ensures continued long-term, cost effective management to achieve wildfire safety. All services and contracts are subject to state and federal environmental requirements.

The good work of the Citizens Advisory Committee has made the District one of the most successful and well-run programs in the city. The Committee has achieved cost effective contracts, increased services, and helped address specific plant and neighborhood issues.

We've been protected by our dedicated Wildfire Prevention District services while other communities that don't have a dedicated district continue to experience large fires.

Vote YES to continue services that prevent wildfires and fire spread.

Vote YES to protect our homes and lives from disaster.

/s/ Howard Neal, Co-President, Montclair Village Assoc.

/s/ Christopher Johnson, Chair, North Hills Community Association

/s/ Shirley Corrothers, President, Homeowners of Crestmont Association

/s/ Susan G. Piper, Keep Oakland Firesafe 2013

CITY OF OAKLAND

Community Facilities District No. 2013-1

(Wildfire Prevention District)

CONTENTS

EXHIBIT 1 - List of Authorized Services

EXHIBIT 2 - Rate and Method of Apportionment of Special Taxes

EXHIBIT 1

CITY OF OAKLAND

Community Facilities District No. 2013-1

(Wildfire Prevention District)

DESCRIPTION OF SERVICES

City of Oakland Community Facilities District No. 2013-1 (Wildfire Prevention District) is authorized to finance wildfire prevention services ("services" shall have the meaning given that term in the Mello-Roos Community Facilities Act of 1982), which generally include, but are not limited to the following services:

Goat Grazing Program – Utilizes herds of goats to clear the excess brush that allows fires to spread rapidly. The goats remove vegetation from the large public open space areas within the district boundaries.

Property Owner Incentives and Chipping Program – Plan and establish incentives, education programs, and other opportunities to assist public and private property owners in reducing fuel and clearing properties. Assist private property owners by providing a convenient way to dispose of tree branches, brush and other yard waste that can fuel fires. Crews will be provided to process private property owners' yard waste into wood chips or mulch for the owners use or provide other means of disposal. Disposal of vegetation from private property is intended to avoid the spread of fire from private property to public property.

Vegetation Management Program – Private contractors and city crews will provide the district's vegetation reduction and management programs for areas inappropriate for the Goat Grazing Program. This includes open space and canyon hill parcels, firebreaks and roadside clearance along public streets and evacuation routes within the district. Additionally, fire companies and vegetation management inspectors annually inspect district properties to identify those that are in violation of the Oakland Fire Code. For vegetation reduction and management on city parcels, the City will issue an annual plan, including specific plans for major open spaces and fire corridors for. The plan will address both the schedule and methodology for each year and will be informed by input from a qualified biologist and district residents. The goal of the plans will be to achieve long term and cost effective vegetation management to achieve fire safety. The City will provide an annual evaluation to Council on the previous year's efforts, including a report on the timeliness of clearance efforts. The evaluation will outline any reasons for variances or obstacles that prevented the Oakland Fire Department from meeting its planned goals. In performing authorized services under the Vegetation Management Program, the City and the Wildfire Prevention District shall conduct any required environmental analyses in accordance with State of California environmental regulations and laws.

Contract and Finance Management Support – Provide project and contract administration related to grant application, planning vegetation management projects as well as financial management.

Roving Fire Patrols Program – Provides additional fire patrols to monitor properties within the boundaries of the district during red flag days to monitor, correct and report potential fire hazards to the Fire Department.

Support Services for the Vegetation Management Inspection Program – Provides seasonal support to the residents throughout the inspection season. The City will respond to inquiries via phone or mail. They also maintain the inspection database by inputting the up-to-date inspection information such as the compliance status.

Public Outreach – Plan education and outreach to increase public awareness of the Wildfire Prevention District and the need for fuel reduction. Provides for designing, printing, duplication and postage for outreach mailing.

The Authorized Services include all related administrative costs, expenses and related operating reserves and capital reserves for replacement of vehicles, equipment and facilities and the costs incurred by the City of Oakland to form City of Oakland Community Facilities District No. 2013-1 (Wildfire Prevention District).

**EXHIBIT 2
CITY OF OAKLAND**

Community Facilities District No. 2013-1

(Wildfire Prevention District)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

A Special Tax authorized under the Mello Roos Community Facilities Act of 1982, as amended (the "Act") applicable to the land in the "City of Oakland Community Facilities District No. 2013-1 (Wildfire Prevention District)" (the "CFD") established by the City of Oakland (the "City") shall be levied and collected according to the tax liability determined by the City through the application of the appropriate amount or rate, as described below.

GENERAL

A Special Tax shall be levied on all Taxable Parcels within the CFD and collected according to the Rate and Method of Apportionment of Special Taxes described herein.

The Special Tax shall be collected by the Alameda County Auditor's office by means of inclusion on the annual ad-valorem property tax billings or in such other manner (including by means of direct billing of the affected Property Owners) as the City Council or its designee may determine.

DEFINITIONS

Act: means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, Part 1 of Title 5 of the Government Code of the State of California.

Administrative Expenses: means the actual or estimated costs incurred by the City to determine, levy and collect the Special Taxes, including the proportionate amount of the salaries and benefits of City employees whose duties are related to administration of the CFD; fees of Administrator, other consultants and legal counsel; the costs of collecting installments of the Special Taxes upon the County tax rolls; the costs associated with conducting a registered voter election to form the CFD; and any other incidental costs needed to administer the CFD as determined by the Administrator.

Administrator: means the City Administrator, or his or her designee.

Annual Special Tax: means the annual special tax per Taxable Parcel as determined in accordance with Annual Calculation of Special Taxes as described below.

Annual Special Tax Requirement: means the amount necessary in any Fiscal Year for the following purposes:

- (i) to pay the costs of Authorized Services.
- (ii) to compensate for any delinquencies that have occurred in prior Fiscal Years or are expected to occur in the Fiscal Year in which the Special Tax will be collected, and
- (iii) to pay Annual Administrative Expenses, not to exceed 5% of Special Taxes levied each fiscal year.

The Annual Special Tax Requirement may be reduced in any Fiscal Year by (i) proceeds from the collection of penalties and interest associated with delinquent Special Taxes, (ii) proceeds from interest earnings, and (iii) any other available funds as determined by the Administrator.

Assessor: means the Alameda County Assessor.

Assessor Parcel: means any legally created lot or parcel within the boundaries of the CFD referenced by an Assessor's parcel number assigned by the Alameda County Assessor's office, and shall include without limitation, parcels of land, condominium parcels and air parcels.

Authorized Services: mean the services that are authorized to be financed with Special Taxes pursuant to the Resolution of Formation.

Calendar Year: means January 1 through December 31.

City Council: means the City Council of the City, in its capacity, as legislative body of the CFD.

CFD: means the City of Oakland Community Facilities District No. 2013-1 (Wildfire Prevention District).

City: means the City of Oakland.

Condominium Parcel: means a Developed Parcel that is classified as a residential: condominium, townhome, or mobile home by the Assessor.

County: means the County of Alameda.

Developed Parcel: means all Taxable Parcels for which a final building permit inspection was conducted or a certificate of occupancy was issued by the City on or prior to June 30 of the preceding Fiscal Year. In the absence of a final building permit inspection or certificate of occupancy, any Taxable Parcel shall be classified as Developed Property if it has been occupied by a residential or non-residential user on or prior to June 30 of the preceding Fiscal Year.

Exempt Parcels: means all Assessor Parcels owned by the State, the federal government, the City or any other governmental entity (except as otherwise provided in the Act) and Assessor Parcels designated as common area parcels by the Assessor.

Fiscal Year: means the period starting on July 1 and ending the following June 30.

Maximum Annual Special Tax per Taxable Parcel: means the maximum Special Tax shown below for each Taxable Parcel.

| Classification | Maximum Special Tax |
|---------------------|---------------------|
| Other Parcel | \$78.00 per Parcel |
| Condominium Parcel | \$58.50 per Parcel |
| Multi-Family Parcel | \$58.50 per Unit |
| Undeveloped Parcel | \$39.00 per Parcel |

Multi-Family Parcel: means a Developed Parcel that is classified as a residential multi-family parcel by the Assessor.

Other Parcel: means a Developed Parcel which is not classified as a Condominium Parcel or a Multi-Family Parcel.

Property Owner: means the property owner as shown on the records in the Alameda County Assessor's office for each Assessor Parcel, or if more accurate and updated information is known by the Administrator then that information would supersede the records in the Alameda County Assessor's office.

"Proportionately" means the ratio of the Annual Special Tax levied in any Fiscal Year to the Maximum Annual Special Tax per Taxable Parcel authorized to be levied in that Fiscal Year is equal for all Taxable Parcels.

Special Tax: means the tax each Taxable Parcel pays based upon the Rate and Method of Apportionment of Special Taxes.

State: means the State of California.

Taxable Parcel: means an Assessor Parcel that is not classified as an Exempt Parcel.

Undeveloped Parcel: means a Taxable Parcel which not classified as a Developed Parcel.

Unit: means an individual residential unit within a duplex, triplex or fourplex, or an individual residential apartment unit within a residential apartment building.

ANNUAL CALCULATION OF SPECIAL TAXES

Each Fiscal Year, on or about July 1, but in sufficient time to include the Special Tax levy for the Fiscal Year beginning on such July 1 on the County's secured property tax roll, the City shall calculate and levy the Annual Special Tax on all Taxable Parcels in the CFD for such Fiscal Year as follows:

- 1) Classify each Assessor Parcel within the boundaries of the CFD as either a Taxable Parcel or an Exempt Parcel.
- 2) Classify each Taxable Parcel within the boundaries of the CFD as either a Developed Parcel or Undeveloped Parcel.

- 3) Classify each Developed Parcel within the boundaries of the CFD as either a Condominium Parcel, Multi-Family Parcel or Other Parcel.
- 4) Calculate the Maximum Annual Special Tax per Taxable Parcel (Condominium Parcel, Multi-Family Parcel, Other Parcel or Undeveloped Parcel) that can be levied within the boundaries of the CFD.
- 5) Determine the Annual Special Tax Requirement.
- 6) If the total Annual Special Tax Requirement identified in Step No. 5 above is less than the total revenue that can be generated by levying the Maximum Annual Special Tax per Taxable Parcel on all Taxable Parcels, then Proportionately reduce the amount to be levied on each Taxable Parcel below the Maximum Annual Special Tax per Taxable Parcel until the total revenue that would be generated equals the Annual Special Tax Requirement identified in Step No. 5 above, then levy such amount on each Taxable Parcel.
- 7) If the total Annual Special Tax Requirement identified in Step No. 5 above is equal to or greater than the revenue that can be generated by levying the Maximum Annual Special Tax per Taxable Parcel on all Taxable Parcels, then levy the Maximum Annual Special Tax per Taxable Parcel on all Taxable Parcels.

COLLECTION OF THE ANNUAL SPECIAL TAX

Each year, the City will coordinate with the Alameda County Auditor's office to have the Annual Special Tax for each applicable Taxable Parcel placed on the property tax roll, or will effect a direct billing of the Annual Special Tax to the Property Owners of each Taxable Parcel.

TERM OF SPECIAL TAX

Taxable Parcels in the CFD will be subject to the Special Tax each Fiscal Year commencing in Fiscal Year 2014-15 and continuing through Fiscal Year 2023-24 (except that any parcels that have not paid Special Taxes that were levied prior to June 30, 2024 pursuant to this Rate and Method of Apportionment of Special Tax shall remain obligated to pay such Special Taxes). If the City Council determines that the Special Tax shall cease to be levied, the City shall direct the County Recorder to record a Notice of Cessation of Special Tax. Such notice will state that the obligation to pay the Special Tax has ceased and that the lien imposed by the Notice of Special Tax Lien is extinguished. The Notice of Cessation of Special Tax shall additionally identify the book and page of the Book of Maps of Assessment and Community Facilities Districts where the map of the boundaries of the CFD is recorded.

PROPERTY OWNER APPEALS OF SPECIAL TAX LEVIES

Any Property Owner claiming that the amount or application of the Special Tax is not correct and requesting a refund may file a written notice of appeal and refund to that effect with the Administrator not later than one calendar year after having paid the Special Tax that is disputed. The Administrator shall promptly review the appeal, and if necessary, meet with the Property Owner, consider written and oral evidence regarding the amount of the Special Tax, and decide the appeal. If the Administrator's decision requires that the Special Tax be modified or changed in favor of the Property Owner, a refund shall be made to the Property Owner. Any dispute over the decision of the Administrator shall be referred to the City Council and the decision of the City Council shall be final. This procedure shall be exclusive and its exhaustion by any Property Owner shall be a condition precedent to any legal action by such owner.

REPEAL OF THE SPECIAL TAX

If the levy of the Special Tax is repealed by initiative or any other action, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied.

OFFICE OF THE CITY CLERK
1 FRANK OGAWA PLZ 2ND FL
OAKLAND CA
510/ 238-3226
FAX 510/ 238-6699

BT
01-010

BALLOT EXEMPLAR SPECIAL TAX ELECTION

This ballot is for a special district tax levy election.
You must return your ballot
in the enclosed postage paid envelope
to the Election Official, P.O. Box 70025, Anaheim, CA.
or to the office of the City Clerk of the City of Oakland
***no later than the hour of 8:00 p.m.
on Wednesday, November 13, 2013,***
either by mail or in person.

The City Clerk's office is located at City Hall,
One Frank H. Ogawa Plaza, Room 201;
Oakland, California, 94612.