FULL TEXT OF MEASURE _____

ORDINANCE NO. 2026-07

AN ORDINANCE AMENDING CHAPTER 4 SECTION 4-7 OF THE ALBANY MUNICIPAL CODE TO UPDATE THE CITY'S EMERGENCY MEDICAL SERVICES, ADVANCED LIFE SUPPORT, AND FIRE PROTECTION SPECIAL TAX, BY ADDING A 50% LOW-INCOME EXEMPTION/REBATE; PROVIDING FOR AN ADJUSTED TAX RATE IN THE EVENT A PARCEL OVER 500,000 SQUARE FEET IN SIZE BECOMES EXEMPT FROM THIS PARCEL TAX; APPLYING THE TAX TO POSSESSORY INTERESTS IF THE PARCEL OWNER IS EXEMPT FROM THIS TAX; AND MAKING OTHER CLARIFYING UPDATES

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

<u>SECTION 1: AUTHORITY.</u>

This Ordinance is enacted in accordance with the authority granted to cities by Article XI, Section 7, Article XIII A, Section 4 and Article XIII C, Section 2 of the California Constitution and the California Elections Code.

<u>SECTION 2: AMENDMENT OF SECTION 4-7 TO THE ALBANY MUNICIPAL CODE</u>.

Section 4-7 of Chapter 4 of the Albany Municipal Code is hereby amended to read as follows:

"**4-7.1 Title; Declaration of Findings and Purpose.**

This section may be cited as the "Emergency Medical Services, Advanced Life Support, and Fire Protection Tax". The special tax imposed under this section is solely for the purpose of raising revenue for paramedic, advanced life support, firefighting services, firefighting equipment and ambulance service. This section is not enacted for regulatory purposes.

The people of the City find and declare that:

a. The continuing provision of the City's Emergency Medical Services, Advanced Life Support, and Fire Protection Programs is a matter of the highest and most urgent necessity.

b. In the last two decades, the City’s population has grown more than twice as fast as the number of residences, placing increased demand on emergency medical services without an increase in tax revenue to support those services.

c. The cost for the City to provide fire protection, advanced life support and emergency transport services exceeds the revenues generated from fees for providing such services~~, the Emergency Medical Services Special Tax and the Paramedic Advanced Life Support, Fire Engine and Ambulance Service Special Tax~~. The purpose of this special tax is to ~~fund emergency transport costs and replace the two aforementioned special taxes and~~ continue to provide funding for the City's Emergency Medical Services, Advanced Life Support, and Fire Protection Programs.

d. Adoption of this special tax by a two-thirds vote helps assure that the City can continue to provide, and improve, the Emergency Medical Services, Advanced Life Support, and Fire Protection Programs, and avoid any severe adverse impact on the health and safety of Albany residents.

e. ~~Property owners will pay an amount based on the amount of land square footage that they own.~~Property owners will pay an amount based on the total building square footage of the parcel for improved properties, or the total land square footage, as applicable and as set forth herein. The square footage values shall be determined by the data reflected in the Alameda County Assessor’s Secured Roll. In cases where the Assessor’s records are incomplete, inaccurate, or missing, the City Manager or designee shall determine the applicable square footage using the best available objective data. The special tax constitutes a debt owed by the owner of each parcel of real property to the City. If the owner of a parcel is exempt from this tax, but this tax applies to the holder of the possessory interest in such parcel, then the special tax shall constitute a debt owed by the possessory interest holder.

4-7.2 Special Tax.

a. The intent of the tax imposed under this section is solely for the purpose of providing additional funding for the City's Emergency Medical Services, Advanced Life Support, and Fire Protection Programs in order to protect individual health and safety and to improve the quality of life in the City of Albany.

b. Section 4 of Article XIIIA of the California Constitution (Proposition 13) allows two-thirds (2/3) of the qualified electors of the City to impose a special tax within the City, provided the special tax is not an ad valorem tax on real property or a transaction tax or a sales tax on the sale of real property within the City. The tax imposed by this Section is a special tax which is authorized for elector approval by Section 4 of Article XIII A of the California Constitution.

c. The City Council is hereby authorized to levy the Emergency Medical Services, Advanced Life Support, and Fire Protection Tax special tax at the maximum rate of $~~0.074~~0.0807 per lot square foot for residential and commercial properties, indexed per subsection f. below. The tax imposed by this section shall be operative for fiscal year 2~~3~~7-248 and each fiscal year thereafter.

d. The assessment roll data of the Alameda County Tax Assessor as of January 1 of each year and City records shall be used to determine the lot square footage of each parcel of real property and/or building square footage for each building on such real property for purposes of determining the amount of the special tax for each parcel. Condominiums and other parcels that do not have assigned lot square footage shall be levied based on the total common area lot square footage, divided by the number of condominium units associated with that common area so that each condominium unit has an equal allocation of the total lot area. For parcels divided by Tax Rate Area lines, the amount of the special tax for the portion of the parcel within Alameda County shall be calculated at the same rates as set forth above. For properties wholly within Alameda County and divided by Tax Rate Area lines into multiple parcels, the property shall be taxed as a single parcel at the rates set forth above.

e. Notwithstanding the above, in the event that any parcel located in the City that is 500,000 square feet or more in size, is sold, leased or transferred such that the parcel becomes wholly exempted from the payment of this tax, including parcel taxation on any possessory interests pursuant to subsection g., the City Council shall thereafter be authorized to levy this tax at the following maximum rates:

1. $0.254 per building square foot for developed residential and commercial properties.

2. $0.110 per lot square foot for undeveloped parcels.

3. The increased maximum rates of this tax shall become operative in the next fiscal year after a parcel described above is determined by the Finance Director to be exempt from this tax.

f. Either of the rates set forth in subsections c. and e. above shall be annually adjusted commencing with the first fiscal year after this ordinance is adopted, as set forth herein to reflect any increase in the Consumer Price Index. The tax rate per year on each parcel for each fiscal year shall be an amount determined as follows::

Tax rate for the current year

Tax rate for the current year	=	Tax rate for the preceding year	X	Change in Consumer Price Index from April of the immediately preceding year to April of the current year or 1.03, whichever is less

"Consumer Price Index" or "CPI" means the Consumer Price Index for All Urban Consumers (CPI-U) for San Francisco-Hayward as published by the U.S. Department of Labor, Bureau of Labor Statistics. If the Consumer Price Index is discontinued or revised, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Consumer Price Index had not been discontinued or revised. The adjustment identified above shall be subject to an annual cap of 3%. In no event shall the special tax rate for any type of parcel for any year be less than the amount established for the preceding year. If, in any such Consumer Price Index measurement period, the Consumer Price Index increase exceeds three percent (3%), the amount above three percent (3%) shall carryover to any subsequent fiscal year in which the applicable Consumer Price Index increase is less than three percent (3%), provided that the total increase in that fiscal year (the CPI-based increase for that year and any carried over increase from prior years) does not exceed three percent (3%).

~~d.~~g. Real property otherwise wholly exempted from *ad valorem* tax by state law shall also be exempted from any liability for the special tax. If the owner of real property is by law exempt from *ad valorem* taxation, the tax imposed shall be assessed to the holder of the possessory interest in such parcel, unless such holder is also by law exempt from *ad valorem* taxation. The special parcel tax shall not apply to: (A) any person, entity, parcel, or property as to whom or which it is beyond the power of the City to impose the tax herein provided; and (B) any person qualifying for an exemption described in subsection h. below.

h. The tax imposed by this Section shall also be subject to the exemptions and rebates set forth in this ~~S~~subsection.

1. Single-family residential parcels and units on multi-family residential parcels shall be exempt from the special tax if they are owned and occupied by a person or persons whose combined family income, from all sources for the previous calendar year, is at or below the income level qualifying as "very low-income" for a family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et seq.), for such year. The application process will be in the form of self-certification under penalty of perjury. Owners must apply for the exemption provided for in this Section annually by application to the ~~Finance Director~~City in the manner and at the time set forth by the ~~Finance Director~~City Manager or designee. Such applications shall be on forms provided by the ~~Finance Director~~City Manager or designee and shall provide such information as they ~~Finance Director~~ may require. If ~~the Finance Director determines the~~ there is a need to audit an application, the ~~Finance Director~~City Manager or designee may require additional information, including, but not limited to, federal income tax returns and W-2 forms of owner-occupants eligible for this exemption.

2. Renters who reside in a residential rental unit within the City of Albany whose combined family income, from all sources for the previous calendar year, is at or below the income level qualifying as "very low-income" for a family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et seq.), for such year may apply for a rebate of the special tax imposed by this section that applies to the rental unit in which they reside. Renters must apply for the rebate provided in this section annually by application to the ~~Finance Director~~City in the manner and at the time set forth by the ~~Finance Director~~City Manager or designee. Such applications shall be on forms provided by the ~~Finance~~

~~Director~~City Manager or designee and shall provide such information as they ~~Finance Director~~ may require. If ~~the Finance Director determines the~~there is a need to audit an application, the ~~Finance Director~~City Manager or designee may require additional information, including, but not limited to, federal income tax returns and W-2 forms of renter occupants eligible for this exemption. Only one such rebate shall be allowed annually to a rental unit.

3. Single-family residential parcels and units on multi-family residential parcels shall also receive a 50% discount on the effective rate for the special tax if they are owned and occupied by a person or persons whose combined family income, from all sources for the previous calendar year, is at or below the income level qualifying as "low-income" for a family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et seq.), for such year. The application process will be in the form of self-certification under penalty of perjury. Owners must apply for the exemption provided for in this Section annually by application to the City in the manner and at the time set forth by the City Manager or designee. Such applications shall be on forms provided by the City Manager or designee and shall provide such information as they may require. If there is a need to audit an application, the City Manager or designee may require additional information, including, but not limited to, federal income tax returns and W-2 forms of owner-occupants eligible for this exemption.

4. Renters who reside in a residential rental unit within the City of Albany whose combined family income, from all sources for the previous calendar year, is at or below the income level qualifying as "low-income" for a family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et

seq.), for such year may also apply for a rebate of 50% of the special tax imposed by this Section that applies to the rental unit in which they reside. Renters must apply for the rebate provided in this section annually by application to the City in the manner and at the time set forth by the City Manager or designee. Such applications shall be on forms provided by the City Manager or designee and shall provide such information as they may require. If there is a need to audit an application, the City Manager or designee may require additional information, including, but not limited to, federal income tax returns and W-2 forms of renter occupants eligible for this exemption. Only one such rebate shall be allowed annually to a rental unit.

~~e~~i. The proceeds of the Emergency Medical Services, Advanced Life Support, and Fire Protection Tax shall be deposited in the Emergency Medical Services, Advanced Life Support, and Fire Protection Fund and shall be used for the sole and exclusive purpose of providing paramedic, advanced life support, firefighting services, firefighting equipment and ambulance service.

4-7.3 Annual Audit. A certified public accounting firm retained by the City will perform an annual audit to assure accountability of the proper disbursement of these tax proceeds in accordance with the objectives stated herein. The chief fiscal officer of the City shall cause a report (the "Report") to be prepared and filed with the City Council no later than June 30 of each year. The Report shall state: (a) the amount of special tax proceeds collected and expended in such year; and (b) the status of any projects or description of any programs funded from proceeds of the special tax. The Report may be incorporated into or filed with the annual budget, audit, or other appropriate routine report to the City Council.

4-7.4 Examination of Books and Records. The ~~Director of Finance and Administrative Services~~City Manager or ~~their~~ designee, is hereby authorized to examine assessment rolls, property tax records, records of the Alameda County Recorder and any other records of the County of Alameda deemed necessary in order to determine ownership of parcels and computation of the tax imposed by this section.

4-7.5 Collection of Tax: Interest and Penalties. The City Council is authorized to have the taxes imposed by this section collected by the County of Alameda in conjunction with the County's collection of property tax revenues for the City of Albany. In the event that the County of Alameda collects the taxes imposed by this section, the imposition of penalties, additional fees and interest upon persons who fail to remit any tax imposed by this section, or who fail to remit any delinquent remittance under this section, shall be subject to and governed by the rules, regulations and procedures utilized by the County of Alameda in its collection of property taxes for the City of Albany and its collection of this additional tax for the City of Albany. The City Manager or designee may, from time to time and in his or discretion, waive any applicable penalties for a taxpayer based upon the particular facts and circumstances.

4-7.6 Collection of Unpaid Taxes. The amount of any tax, penalty, and interest imposed under the provisions of this section shall be deemed a debt to the City. Any person owing money under the provisions of this section shall be liable to an action brought in the name of the City for the recovery for such amount.

4-7.7 Refund of Tax, Penalty, or Interest Paid More Than Once; or Erroneously or Illegally Collected. When the amount of any tax, penalty, or interest has been paid more than once, or has been erroneously or illegally collected or received by the City under this section it may be refunded provided a verified claim in writing therefore, stating the specific ground upon which claim is founded, is filed with the Director of Finance ~~and Administrative Services~~ within one (1) year from the date of payment. If the claim is approved by the Director of Finance ~~and Administrative Services~~, the excess amount collected or paid may be refunded or may be credited against any amounts then due and payable from the person from whom it was collected or by whom paid, and the balance may be refunded to such person, their administrators or executors.

4-7.8 Savings Clause. The provisions of this section shall not apply to any person, or to any property as to whom or which it is beyond the power of the City of Albany to impose the tax herein provided. If any provision, sentence, clause, section or part of this section is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such provision, sentence, clause, section or part of this section and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this section. It is hereby declared to be the intention of the City of Albany that this section would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

4-7.9 Regulations. The City Council is hereby authorized to promulgate such regulations as it shall deem necessary in order to implement the provision of this section, including codifying this Ballot Measure as part of Chapter 4, Section 4-7 et seq., of the Albany Municipal Code or as otherwise directed by the Albany City Clerk.

4-7.10 Increase Appropriations Limit. Pursuant to California Constitution Article XIII B, the appropriation limit for the City of Albany is hereby increased by the aggregate sum authorized to be levied by this special tax for fiscal year 202~~2~~7/202~~3~~8 and each year thereafter.

4-7.11 Reduction in Tax and Limited Authority to Increase.

~~a. Subject to paragraph b, t~~The tax rates imposed by Section 4-7 are maximum rates and may not be increased by the City Council above such maximum rates. The tax imposed by this ordinance may be reduced or eliminated by the City Council on or before July 1st in any year in which the City Council determines that after such reduction or elimination there will be sufficient revenues available to balance the City Council's Adopted Policy Budget and the Council may reverse such action or otherwise adjust the tax rate as determined necessary to sufficiently fund the Adopted ~~Policy~~ Budget. Such reduction or elimination shall be effective for the fiscal year following such vote.

~~b. Commencing in fiscal year 2023-2024 and each year thereafter, the City Council may increase the tax imposed hereby only upon a finding that the cost of living in the immediate San Francisco Bay Area, as verified by the Consumer Price Index established by the United States Bureau of Labor Statistics (All Urban Consumer-San Francisco Bay Area), has increased. The increase of the tax imposed hereby shall not exceed such verified index. It is further provided that in no event shall the tax rate adjustment imposed hereby exceed, on an annual basis, five percent (5%) of the tax rates imposed by the City of Albany during the immediately preceding fiscal year.~~"

SECTION 3: CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The findings for this Ordinance in compliance with the California Environmental Quality Act ("CEQA") are the same as those set forth in City Council Resolution No. 2026-62 calling for an election on this Ordinance. The CEQA findings set forth in Resolution No. 2026-62 are incorporated herein by reference.

SECTION 4: 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 5: EFFECTIVE DATE.

Pursuant to California Constitution Article XIII C §(2)(d) and California Elections Code § 9217, this Ordinance shall take effect only if approved by a two-thirds (2/3) supermajority of the eligible voters of the City of Albany voting at the General Municipal Election to be held on November 3, 2026 and shall become effective 10 days after the City Council has declared the results of the Election.

Ordinance No. 2026-07 was submitted to the People of the City of Albany at the November 3, 2026 General Municipal Election. It was approved by the following vote of the People:

YES: ________

NO: ________

Ordinance No. 2026-07 was thereby adopted by the voters at the November 3, 2026 election and shall become effective ten (10) days following adoption of a resolution declaring the results of the election at a regular meeting of the City Council held on December ___, 2026 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance duly and regularly adopted by the People of the City of Albany, California.

____
Anne Hsu, City Clerk