RESOLUTION NUMBER R- 299326

ADOPTED ON JUN 1 4 2004

WHEREAS, in November 1979, the California voters approved a constitutional amendment (Proposition 4, the Gann Initiative) which added article XIIIB to the California Constitution; and

WHEREAS, in 1980, the State Legislature added Division 9 to Title 1 of the California Government Code (commencing with section 7900) to implement article XIIIB; and

WHEREAS, said California Government Code sections require the governing body of each local jurisdiction in California to establish, by resolution, the tax appropriations limit for the following fiscal year predicated upon the appropriations limit for the prior fiscal year multiplied by a determinable factor; and

WHEREAS, the FY 2004 limit was established by Resolution No. R 298096 on June 17, 2003; and

WHEREAS, section 7910 of the California Government Code requires that the documentation used to determine the City's tax appropriations limit be made available to the public fifteen (15) days prior to the Council meeting at which the tax appropriations limit resolution is to be considered; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that pursuant to the authority of California Government Code, Division 9, Title 1 (sections 7900 et seq.) there is hereby established the following tax appropriations limit for the City of San Diego:

Established for Fiscal Year 2002 \$603,258,862

Established for Fiscal Year 2003 \$684,004,095

Established for Fiscal Year 2004 \$807,446,834

Established for Fiscal Year 2005 \$924,630,272

BE IT FURTHER RESOLVED, that this Council hereby declares that, pursuant to the requirements of section 7910 of the California Government Code, the documentation upon which the tax appropriations limit herein established has been determined, which is attached hereto as Exhibit A, has been made available for public information and review at the Office of the City Clerk since June 1, 2004.

APPROVED: CASEY GWINN, City Attorney

By

Richard A. Duvernay Deputy City Attorney

RAD:jab 05/27/2004

Or.Dept: CityTreasurer/FinancingServices

R-2004-1314

DATE ISSUED:

REPORT NO.

ATTENTION:

Honorable Mayor and City Council

Docket of

SUBJECT:

Fiscal Year 2005 Tax Appropriations Limit

### **SUMMARY**

<u>Issue</u> - Shall the City Council establish a tax appropriations limit of \$924,630,272 for Fiscal Year 2005?

<u>Manager's Recommendation</u> - Establish a tax appropriations limit of \$924,630,272 for Fiscal Year 2005.

Other Recommendations - None.

<u>Fiscal Impact</u> - Projected appropriations subject to the limit are estimated to be approximately \$335.3 million below the calculated limit.

### BACKGROUND

In November 1979, California voters approved Proposition 4 (the Gann Initiative) and added Article XIIIB to the California State Constitution. In 1980, the State Legislature added Division 9 (commencing with Section 7900) to Title I of the Government Code to implement Article XIIIB. This legislation required the governing body of each local jurisdiction in California to establish a tax appropriations limit on or before June 30 of each year for the following fiscal year.

On June 5, 1990, California voters approved Proposition 111, amending Article XIIIB. On



November 8, 1994, San Diego voters approved Proposition E, authorizing a four year waiver for the period Fiscal Year 1996 through Fiscal Year 1999. Under the Proposition E waiver, the tax appropriations limits for Fiscal Years 1996 through 1999 were increased by \$50 million over what they would have been based solely on the approved annual adjustments over the Proposition 111 base year amount. With the expiration of the four year waiver period, beginning in Fiscal Year 2000, the tax appropriations limit has been calculated by adjusting the previous year's limit using one of the four alternative adjustment factors under the Proposition 111 guidelines. Consistent with this methodology, the proposed Fiscal Year 2005 limit has been calculated based on an adjustment of the Fiscal Year 2004 limit.

### **DISCUSSION**

The tax appropriations limit does not apply to all City revenues, or all General Fund revenues, but only to proceeds of taxes, including property tax, sales tax, transient occupancy tax, motor vehicle license fees, and other local taxes, less the amount paid in debt service on both voterapproved debt and qualified capital outlays. Other revenues, including fees, licenses and permits, rents and concessions, and inter-fund transfers are not subject to the limit. The proposed appropriations limit for Fiscal Year 2005 is \$924,630,272. The Proposed Budget for Fiscal Year 2005 projects the tax appropriations subject to the limit to be \$582,976,271, \$335.3 million lower than the calculated limit. In calculating the tax appropriations subject to the limit, the annual debt service paid on bonds issued for qualified capital outlays and the debt service on voter approved bonds were deducted. The City's annual lease payments to be made in Fiscal Year 2005 on bonds issued for qualified capital outlays total approximately \$34.4 million and its debt service payments on voter approved bonds total approximately \$9.6 million.

As stated earlier, and consistent with the methodology used in prior years, the Fiscal Year 2005 tax appropriations limit was calculated by adjusting the previous year's limit using one of the four alternative adjustment factors. The Fiscal Year 2005 adjustment factor was calculated using the price factor (12.80%) based on the percent change in assessed valuation of non-residential construction and the population factor (1.16%) based on the percent growth in the County's population, resulting in an adjustment factor of 14.51% (see Attachment 4). The use of this adjustment factor results in an appropriations limit for Fiscal Year 2005 of approximately \$924.6 million, a 14.51% increase over \$807.5 million, the appropriations limit in Fiscal Year 2004.

The attached documentation outlines the computations used in determining the Fiscal Year 2005 tax appropriations limit. This information includes:

- 1. City of San Diego tax appropriations limits for Fiscal Years 2003 and 2004, and the proposed limit for Fiscal Year 2005.
- 2. Alternative adjustment factors for making annual adjustment to appropriations limit.
- 3. Recommended calculations of permitted growth for the City's tax appropriations limit in Fiscal Year 2005.

- 4. History of tax appropriations limits for Fiscal Years 1981 through 2005 (Proposed).
- 5. Source data used to calculate alternative adjustment factors:
  - A. Price and Population data.
  - B. Assessed valuation attributable to new non-residential construction.

Section 7910 of the Government Code provides the following time limits for challenges against Article XIIIB tax appropriations limits adopted by the City:

FOR THE 1981-1982 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, ANY JUDICIAL ACTION OR PROCEEDING TO ATTACK, REVIEW, SET ASIDE, VOID, OR ANNUL THE ACTION OF THE GOVERNING BODY TAKEN PURSUANT TO THIS SECTION SHALL BE COMMENCED WITHIN 45 DAYS OF THE EFFECTIVE DATE OF THE RESOLUTION.

### **CONCLUSION**

It is recommended that the City Council approve the use of the percent change in assessed valuation due to new non-residential construction and County population growth as the adjustment factors to calculate the City's Fiscal Year 2005 tax appropriations limit (see Attachment 3). The use of these factors results in a Fiscal Year 2005 tax appropriations limit of \$924,630,272, approximately \$335.3 million above the projected revenues subject to the limit.

### **ALTERNATIVE**

Under Division 9, Title I of the California Government Code, the City Council is required to establish an Article XIIIB tax appropriations limit for the City of San Diego. Under Proposition 111, the Council may select from four alternative adjustment factors in setting the limit. The recommended limit was based on the percent change in Assessed Valuation due to new non-residential construction and County population growth. The City Council has the option of selecting one of the other three adjustment factors provided in Attachment 2 to establish the Fiscal Year 2005 appropriations limit. As indicated in Attachment 2, each of these three alternative options would result in a lower annual adjustment factor and therefore a lower tax appropriations limit.

Respectfully submitted,

Mary E. Vattimo

City Treasurer

Approved: Patricia T. Frazier Deputy City Manager

FRAZIER/MEV/LK/JP

- Attachments: 1. Tax Appropriations Limits for Fiscal Years 2003 and 2004 and Proposed Limit for Fiscal Year 2005.
  - 2. Alternative Adjustment Factors.
  - 3. Recommended Calculation of Permitted Growth in Limit.
  - 4. Ten-Year History of Tax Appropriations Limits for Fiscal Years 1995 to 2005 (Proposed).
  - 5. Source Data Used to Calculate Fiscal Year 2005 Limit:
    - A. Price and Population data.
    - B. Assessed valuation attributable to new non-residential construction.

### TAX APPROPRIATIONS LIMITS FOR FISCAL YEARS 2003, 2004 AND 2005 (PROPOSED)

FY 2003 Tax Appropriations Limit	\$684,004,095
FY 2004 Tax Appropriations Limit	\$807,466,834
FY 2005 Tax Appropriations Limit (Proposed)	\$924,630,272
ADJUSTED TAX APPROPRIATIONS (1)	
Budgeted Tax Appropriations for FY 2003	\$554,556,774
Budgeted Tax Appropriations for FY 2004	\$563,200,674
Proposed Tax Appropriations for FY 2005 <sup>(2)</sup>	\$582,976,271

<sup>(1)</sup> Based on tax appropriations adjusted for annual debt service payments on voter approved indebtedness and annual lease payments on bonds issued for qualified capital outlays.

<sup>(2)</sup> Based on Fiscal Year 2005 Proposed Budget.

### ALTERNATIVE ADJUSTMENT FACTORS

Under Proposition 111, there are two options available for each of the major adjustment factors. The values of these factors for the purpose of calculating the Fiscal Year 2005 adjustment are as follows:

### Price Factor:

- (A) Percent growth in State Per Capita Personal Income +3.28 %
- (B) Percent change in Assessed Valuation due +12.80% to new non-residential construction

### Population Factor:

- (C) Percent growth in County Population +1.52%
- (D) Percent growth in City Population +1.16%

### **Annual Adjustment Factors:**

Based upon the above data, the four alternative adjustment factors are as follows:

$$(A \times C) = (1.0328) \times (1.0152) = 1.0485$$

$$(A \times D) = (1.0328) \times (1.0116) = 1.0448$$

$$(B \times C) = (1.1280) \times (1.0152) = 1.1451$$

$$(B \times D) = (1.1280) \times (1.0116) = 1.1411$$

The recommended limit was calculated using the adjustment factor [(B x C)], resulting in a 14.51% increase to the limit.

Source data supporting the above calculation is provided in Attachments 5-A and 5-B.

### RECOMMENDED CALCULATION OF PERMITTED GROWTH IN LIMIT

### **Recommended Adjustment Factors**

The recommended appropriations limit of \$924,630,272 is based on the following factors:

Price Factor (Assessed valuation due to new non-residential construction)	12.80%	
Population Factor (Change in County Population)	1.52%	,

To calculate the actual adjustment factor, the above factors were converted as follows:

Price change converted to adjustment factor =  $(12.80 + 100) \div (100) = 1.1280$ 

Population change converted to adjustment factor =  $(1.52 + 100) \div (100) = 1.0152$ 

Combined adjustment factor =  $(1.1280) \times (1.0152) = 1.1451$ 

### **Calculation of FY 2005 Limit**

Fiscal Year 2005 Limit = (FY 2004 limit) x (Adjustment Factor)

= 
$$(\$807,466,834) \times (1.1451) = \$924,630,272$$

# TEN-YEAR HISTORY OF PRICE AND POPULATION FACTORS & TAX APPROPRIATIONS LIMITS<sup>(1)</sup> FOR FISCAL YEARS 1995 TO 2005 (Proposed)

Fiscal Year	Price Adjustment	Population Adjustment	Total Adjustment
1995	2.72%	2.23%	5.01%
1996	7.10%	1.42%	2.14%
1997	0.71%	1.33%	6.11%
1998	4.67%	1.19%	5.92%
1999	4.67%	1.46%	6.20%
2000	4.15%	2.56%	6.82%
2001	4.91%	2.15%	7.17%
2002	7.82%	1.96%	9.93%
2003	11.38%	1.80%	13.38%
2004	16.05%	1.72%	18.05%
2005	14.51%	1.52%	12.80%

Appropriations
Limit
\$673,410,293
\$448,603,272 <sup>(2)</sup>
\$475,160,586
\$504,620,542
\$539,035,663
\$512,052,218 <sup>(3)</sup>
\$548,766,362
\$603,258,862
\$684,004,095
\$807,466,834
\$924,630,272

- (1) In 1980, the State Legislature added Division 9 to Title I of the Government Code to implement Article XIIIB. This legislation required the governing body of each local jurisdiction in California to establish a tax appropriations limit on or before June 30 of each year for the following fiscal year, pursuant to which the City has been establishing this limit since 1981.
- (2) Limit fell due to end of 4-year (FY 92 to FY 95) waiver authorizing \$273 million increase in limit. Fiscal Year 1996 was the first year of a new 4-year waiver authorizing a \$50 million increase in the limit.
- (3) Limit fell due to the end of a 4-year (FY 96 to FY 99) waiver authorizing a \$50 million increase in the limit.

ARNOLD SCHWARZENEGGER, GOVERNOR

■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

May 3, 2004

Dear Fiscal Officer:

Subject: Price and Population Information

### Appropriations Limit

The California Revenue and Taxation Code, Section 2227, mandates the Department of Finance (Finance) to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2004, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2004-05. Enclosure I provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2004-05 appropriations limit. Enclosure II provides city and unincorporated county population percentage changes, and Enclosure IIA provides county and incorporated areas population percentage changes. The population percentage change data excludes federal and state institutionalized populations and military populations, as noted.

### Population Percent Change for Special Districts

Some special districts must establish an annual appropriations limit. Consult the Revenue and Taxation Code, Section 2228, for the various population options available to special districts to assess population change in their district. Article XIII B, Section 9, of the State Constitution exempts certain special districts from the appropriations limit calculation mandate. Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. No State agency reviews the appropriations limit.

#### **Population Certification**

The population certification program applies only to cities and counties. Revenue and Taxation Code Section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. Finance will certify the higher estimate to the State Controller by June 4, 2004.

Please Note: City population estimates are controlled to independently calculated county population estimates. Due to county estimates revisions for 2001 through 2003 prior year city population estimates for local areas have also been revised.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

Sincerely,

DONNA ARDUIN

Director

By:

MICHAEL C. GENEST Chief Deputy Director

Enclosure

R 299326

May 1, 2004

**Enclosure I** 

A. **Price Factor**: Article XIII B specifies that local jurisdictions select their cost-of-living factor to compute their appropriation limit by a vote of their governing body. The cost-of-living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the 2004-2005 appropriation limit is:

### Per Capita Personal Income

Fiscal Year (FY)	Percentage change over prior year
2004-2005	3.28

B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2004-2005 appropriation limit.

### 2004-2005:

Per Capita Change = 3.28 percent Population Change = 1.52 percent

Per Capita converted to a ratio: 
$$\frac{3.28 + 100}{100} = 1.0328$$

Population converted to a ratio: 
$$\frac{1.52 + 100}{100} = 1.0152$$

Calculation of factor for FY 2004-2005: 
$$1.0328 \times 1.0152 = 1.0485$$

Enclosure II

Annual Percent Change in Population Minus Exclusions (\*)

January 1, 2003 to January 1, 2004 and Total Population, January 1, 2004

County	Percent Change		aus Evelusions	<u>Total</u> Population	
County City	Percent Change 2003-2004	1-1-03	nus Exclusions 1-1-04	1-1-2004	
SAN DIEGO		. •		•	
CARLSBAD	2.44	90,778	92,995	92,995	
CHULA VISTA	4.24	200,035	208,507	209,133	
CORONADO	-0.02	16,673	16,669	26,459	
DEL MAR	0.64	4,526	4,555	4,555	
EL CAJON	0.52	97,142	97,643	97,643	
ENCINITAS	1.93	61,399	62,586	62,586	
ESCONDIDO	1.22	138,814	140,505	140,505	
IMPERIAL BEACH	0.10	27,752	27,779	27,779	
LA MESA	0.21	55,050	55,167	56,049	
LEMON GROVE	0.36	25,500	25,592	25,592	
NATIONAL CITY	0.27	52,786	52,931	57,047	
OCEANSIDE	1.55	170,663	173,307	173,307	
POWAY	1.11	49,983	50,540	50,632	
SAN DIEGO	1.16	1,261,090	1,275,725	1,294,032	
SAN MARCOS	5.60	63,851	67,426	67,426	
SANTEE	0.33	53,344	53,519	54,022	
SOLANA BEACH	0.26	13,396	13,431	13,431	
VISTA	0.88	93,229	94,048	94,048	
UNINCORPORATED	3.11	419,757	432,803	469,963	
COUNTY TOTAL	1.73	2,895,768	2,945,728	3,017,204	

<sup>(\*)</sup> Exclusions include residents on federal military installations and group quarters residents in state mental institutions and state and federal correctional institutions.

# ASSESSED VALUATION ATTRIBUTABLE TO NEW NON-RESIDENTIAL CONSTRUCTION

Valuation due to new non-residential construction (1) = New non-residential construction Change in assessed valuation (2)

= 0.1280

= 0.1280 \* 100

= 12.80%

- (1) As provided by the San Diego County Assessor's Office
- (2) Assessed Valuation for 2003 = \$109,811,893,102, and Assessed Valuation for 2002 = \$99,412,626,818.



## COUNTY OF SAN DIEGO

## GREGORY J. SMITH ASSESSOR/RECORDER/COUNTY CLERK



ASSESSOR'S OFFICE 1600 PACIFIC HIGHWAY, RM 103 SAN DIEGO, CA 92101-2480 (619) 236-3771 Fax (619) 557-4056 RECORDER/COUNTY CLERK'S OFFICE 1600 PACIFIC HIGHWAY, RM 260 SAN DIEGO, CA 92101-2480 (619) 237-0502 FAX (619) 557-4155

### 2003 INVENTORY OF PARCELS AND VALUES - CITY OF SAN DIEGO

•		PARCELS	UNITS	ASSESSED VALUES
				MOSESCO VALUES
RESIDENTIAL	TOTAL	. 318,682	470,233	78,128,253,577
Time-share Condominums		4,572	4,572	23,437,451
Mobilehomes		1,487	1,476	57,937,761
Vacant		5,822	40	933.766.223
Single Family		201,990	202,100	48,473,707,573
Duplex or 2 Houses		5,862	11,720	1,001,938,174
Multi 2 to 4 Houses		11,808	33,044	2,490,700,768
Multi 5 to 15 Units		5,277	41,446	2,241,792,754
Multi 16 to 60 Units		1,123	30,079	1,660,833,165
Multi 61 Units and Up		492	65,943	5,533,901,611
Condominium		79,242	79,437	15,653,969,377
Transitional		1.007	376	56,268,720
COMMERCIAL	TOTAL	11,156	46,819	20,818,964,070
Vacant	TOTAL	1.161	35	653,520,015
Store Building		5.807	4.835	10,647,263,327
Shopping Center		399	107	2,357,861,591
Hotel Motel		395	35,018	3,146,921,86C
Service Station		321	62	200.499.742
Office Condominiums	•	313	132	53,739,458
Parking or Used Car Lot		901	389	668,697,601
Trailer Park		52	. 2,324	107,248,310
Auto Sales & Service Agen	· ·	123	151	186,508,229
General	СУ	1,684	3.766	
INDUSTRIAL	TOTAL	4,367	13,377	7,316,349,974
Vacant	IUIAL	987	14	553,253,225
The state of the s		1,052	1,591	3,766,078,095
Factory		1,438	7,138	2,459,515,223
Warehousing		23	1,359	38,789,337
Bulk Storage		45	5	47,424,475
Extractive & Mining		292	.107	
Industrial Condominiums				145,689,318
General		530	3,163	311,600,301
IRRIGATED FARM	TOTAL	. 97	107	34,647,462
RURAL LAND (Non-irrigated)	TOTAL	669	17	251,706,108
INSTITUTIONAL	TOTAL	959	4,037	2,374,144,410
RECREATIONAL	TOTAL	2,823	1,728	868,477,483
MISCELLANEOUS	TOTAL	45	74	19,350,013
GRAN	D TOTAL	338,798	536,392	109,811,893,102
WAN.		,/	,	

The above data is provided for your information and represents total assessed values of real property, prior to exemptions. If you have any questions, please contact Craig Rustad. Chief Deputy, Valuation, at (619) 531-5475.

GREGORY J. SMITH County Assessor

R-299326



## COUNTY OF SAN DIEGO

GREGORY J. SMITH ASSESSOR/RECORDER/COUNTY CLERK



ASSESSOR'S OFFICE
1600 PACIFIC HIGHWAY, RM 103
SAN DIEGO, CA 92101-2480
(619) 236-3771 Fax (619) 557-4056

RECORDER/COUNTY CLERK'S OFFICE 1600 PACIFIC HIGHWAY, RM 260 SAN DIEGO, CA 92101-2480 (619) 237-0502 FAX (619) 557-4155

### 2002 INVENTORY OF PARCELS AND VALUES - CITY OF SAN DIEGO

		PARCELS	UNITS	ASSESSED VALUES
RESIDENTIAL Time-share Condominums Mobilehomes Vacant Single Family Duplex or 2 Houses Multi 2 to 4 Houses	TOTAL	316,184 4,572 1,358 6,801 200,198 5,907 11,807	462,859 4,572 1,348 26 200,240 11,811 33,049	69,834,055,081 23,658,882 46,493,273 775,956,660 43,811,073,625 926,428,508 2,274,241,661
Multi 5 to 15 Units Multi 16 to 60 Units Multi 61 Units and Up Condominium Transitional		5,332 1,125 754 77,365 965	41,936 30,080 61,822 77,595 380	2,274,241,661 2,086,072,354 1,434,022,850 4,751,202,646 13,644,725,901 60,178,721
COMMERCIAL Vacant Store Building	TOTAL	11,170 1,173	44,201 37	19,409,068,761 666,702,056
Shopping Center Hotel Motel Service Station		5,814 404 386 320	4,248 76 33,523 41	9,847,770,495 2,349,590,350 2,839,899,983 188,819,541
Office Condominiums Parking or Used Car Lot Trailer Park		306 911 53	75 362 2.164	44.801,575 599,092,937
Auto Sales & Service Agen General	-	122 1,681	146 3,529	102,637,767 145,535,914 2,624,218,143
INDUSTRIAL Vacant Factory	TOTAL	4,396 1,019 1,036	11,828 17 1,495	6,748,398,896 562,880,087 3,347,883,595
Warehousing Bulk Storage Extractive & Mining		1,454 25 48	7,077 3 5	2,324,335,643 22,027,840 56,018,743
Industrial Condominiums General IRRIGATED FARM	TOTAL	283 531 100	85 3,146 105	131,100,582 304,152,406 29,907,805
RURAL LAND (Non-irrigated) INSTITUTIONAL RECREATIONAL MISCELLANEOUS	TOTAL TOTAL TOTAL TOTAL	720 952 2,622 197	21 4.105 1.479 694	270,721,294 2,262,734,351 747,198,563 110,542,067
GRAN	D TOTAL	336,341	525,292	99,412,626,818

The above data is provided for your information and represents total assessed values of real property, prior to exemptions. If you have any questions, please contact Craig Rustad, Chief Deputy, Valuation, at (619) 531-5475.

GREGORY J. SMITH County Assessor

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	PA6433-01 10/15/03
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ASSESSMENT ROLL 2000	ON-RESIDENTIAL NEW CONSTRUCTION	
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	ASSESSMENT ROLL 2003	ON-RESIDENTIAL NEW CONSTRUCTION (PROP 11 ASSESSMENT ROLL 2003

SAN DIEGO COUNTY ASSESSORS OFFICE

1001-00
COUNTY
GENERAL

TAX RATE AREA	VALUE	
92	98.	
59336	\$3,397,000	
93	9	
94	90.0	
94	0.	
94	80.5	
94	\$61,	
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NOTE:

\$1,330,999,699

IF A TAX RATE (TRA) IS NOT LISTED, IT INDICATES THAT NO NEW NON-RESIDENTIAL CONSTRUCTION OCCURRED DURING THE TAX YEAR.

299326

PAGE