

**ALBANY • BERKELEY • EMERYVILLE  
COUNTY OF ALAMEDA**

Nonpartisan Information on Ballot Measures

*League of Women Voters of Berkeley, Albany and Emeryville, 1414 University Ave., Suite D., Berkeley, CA 94702*

**GENERAL ELECTION, TUES. NOV. 2, 2004**

**MEASURE  
A**

**CITY OF ALBANY  
SCHOOL IMPROVEMENT BOND OF 2004  
(55% vote required)**

**The way it is now:**

The bond measure passed in 1993 for school construction has been entirely spent or committed. Parcel taxes raised in 1986 and 1999 provided increased operating funds for the schools and are not available for the building and sports field improvements that are still needed.

**What Measure A would do:**

It would enable the Albany Unified School District to issue \$13,000,000 in bonds so that it could:

- complete needed modernization improvements at Marin and Ocean View Schools;
- capture State matching funds for fire and life-safety repairs, roofs, bathrooms, emergency communications, accessibility improvements and other safety improvements;
- carry out repairs and upgrades to Cougar Field and other playing fields for student and community use; and
- create a Citizens' Oversight Committee to monitor all expenditures and report regularly to the community.

**Supporters say:**

- Albany schools would be better and safer for our children, with the correction of serious, unsafe conditions.
- Elementary schools would have internet access and improved telephone systems.
- Compliance with the Americans with Disabilities Act would be ensured.
- District staff have used our bond resources carefully, obtained significant funding from the State to supplement local funds and stretched local dollars to complete the maximum number of projects.
- Measure A would provide better facilities for our community's use and increase our property values.

**Opponents say:**

- No opposing argument was filed.

**MEASURE  
G**

**RESTRUCTURING BUSINESS PROPERTY ASSESSMENT  
TO MORE FAIRLY REFLECT THE USE OF  
EMERGENCY MEDICAL SERVICES  
City Ordinance (2/3 vote required)**

**The way it is now:**

In 2000, Albany residents approved a new parcel tax of \$18 per "Equivalent Residential Unit" (ERU) to fund a higher level of emergency medical service on fire engines and future purchase of ambulances. Commercial properties are assessed as two ERUs and industrial properties as four ERUs. With this formula, a 20,000 square foot business, such as the race track or Safeway, is charged the same as a 1,200 square foot business or two residences.

**What Measure G would do:**

It would increase the tax rate on commercial and industrial properties so that it more fairly reflects the services provided in different zoning districts. Businesses would be assessed according to size of building area, with one ERU for every 1,200 square feet. It would reduce the tax

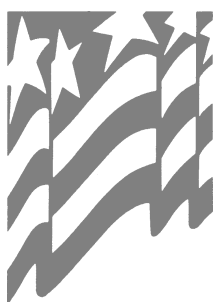
for businesses smaller than 2,400 square feet and increase it on businesses over 2,400 square feet. It would not affect the tax on residential properties.

**Supporters say:**

- About 30 percent of the calls for paramedic service in Albany originate in the commercial, industrial and waterfront zoning districts, while these areas account for only 15% of current revenues.
- Measure G is unanimously supported by the Albany City Council.

**Opponents say:**

- No opposing argument was filed.



**Who May Vote?**

A person entitled to vote must be:

- A U.S. citizen,
- A resident of California,
- Not in prison or on parole for the conviction of a felony,
- At least 18 years of age on the date of the election.

And you must be **registered** to vote.

**The last day to register to vote on Nov. 2nd  
is October 18th.**

★ ★ ★ **VOTE** ★ ★ ★

**POLLS are OPEN 7:00 A.M. to 8:00 P.M.**

The address of your polling place is  
above the mailing label on  
your sample ballot.

## CITY OF BERKELEY

MEASURE  
BPROTECTING QUALITY EDUCATION IN BERKELEY'S  
PUBLIC SCHOOLS ACT OF 2004  
Parcel Tax (2/3 vote required)**The way it is now:**

The Berkeley Schools Excellence Project (BSEP) was created in 1986 in response to big reductions in state education funding and has been strongly supported by the voters since then. It has provided significant resources to our schools – over \$10 million in 2003-04 alone.

Within six broad categories – class size reduction, school enrichment programs, educational materials, music programs, facility improvements and community outreach – committees at each school site decide how they will use their BSEP money. BSEP must be reauthorized no later than 2006 or it will expire. Because the state has temporarily cut funding to local school districts, the Berkeley Unified School District has put the BSEP reauthorization on the ballot early. A temporary increase in the parcel tax that pays for BSEP would serve as a two-year bridge to sustain programs at their current levels.

**What Measure B would do:**

- It would add 9.7¢ per square foot to the current 12.29¢ for residential properties; add 14.7¢ per sq. ft. to the current 18.44¢ on commercial and institutional property; and it would add a flat \$50 per parcel amount for undeveloped properties.
- The added special tax would expire in two years at the end of FY 2006-07.
- The money raised would be earmarked: 68% for class size reduction, 16% for libraries, 7% for the music program, 7% for teacher training and program evaluation and 2% for parent outreach.

- The measure is expected to raise an extra \$8.3 million a year.

**Supporters say:**

- Measure B will reverse recent budget cuts and prevent overcrowding. It will allow us to continue our school music programs and ensure that every school has a librarian.
- The citizen oversight committee will ensure that every dollar is properly spent.
- Past audits of BSEP oversight have won praise from external state auditors.
- Over two-thirds of the money will go to class size reduction, preserving student-teacher ratios of 20:1 in grades K-3, 26:1 in grades 4-5, and 28:1 in the higher grades.
- Much of the money will go for teacher salaries necessary to maintain these smaller class sizes.

**Opponents say:**

- Measure B gives administrators too much control over the money. They can pay for almost anything and call it class size reduction.
- School administrators' salaries are already too high. Other school district administrators have taken pay cuts. Berkeley's received a 20% pay raise.
- The district has refused to implement performance audits.
- Berkeley should seek extra money from grants, not taxes.

MEASURE  
HPUBLIC FINANCING OF ELECTION CAMPAIGNS  
Charter Amendment and Ordinance (majority vote required)**The way it is now:**

Like many other cities, and the State and Federal governments, Berkeley limits campaign contributions and requires disclosure of the contributors. Berkeley's law, overseen by the Fair Campaign Practices Commission, includes limits on the contributions a candidate can accept from a single source to \$250, and applies its disclosure requirements to contributions of \$50 or more. Berkeley does not limit campaign spending. The U.S. Supreme Court has ruled that campaign spending limits violate free speech rights unless the campaign is publicly funded.

**What Measure H would do:**

Measure H authorizes the City Council to implement public financing of campaigns for mayor, city council, auditor, and school board candidates who agree to spending limits. The limits per candidate are: \$160,000 for mayor; \$20,000 for city council and auditor; \$12,000 for school board. To qualify for public funds, a candidate must first receive a specified number of \$5 contributions: 500 for mayor, 200 for auditor, 100 from within his/her district for city council, 100 for school board. Candidates who choose not to participate in the voluntary program will run for office under the current rules.

Before Measure H can take effect, the City Council must appropriate \$498,000 from the General Fund to establish a new Fair Elections Fund. Once the Elections Fund is initiated, \$498,000, adjusted for inflation, must be appropriated to it annually. The Elections Fund would be capped at \$1.8 million; excess revenues would revert to the General Fund. A two-thirds vote of the Council could declare a fiscal emergency and defer

the annual appropriation for up to one year. The Elections Fund would be administered by the Fair Campaign Practices Commission.

**Supporters say:**

- Without public financing, only those with personal wealth or access to wealthy contributors are able to run for public office.
- Measure H gives all candidates the same amount of money to spend. Elections will be based on ideas, experience, and community support, not money.
- When campaigns are paid for by voters, instead of special interests, elected officials are responsive to voters, not responsive to special interests.

**Opponents say:**

- The City already has severe financial problems and is seeking millions of dollars to fund existing programs. We cannot afford a new \$500,000 per year program without an identified source of funding.
- The expenses for publicly funding campaigns will be written into the City Charter, giving election funding a higher priority than services such as police, fire and programs for seniors.
- We already have the toughest campaign laws in the country. The problems cited by the national organizations sponsoring this very complicated measure do not exist here.

MEASURE  
IDATE OF MAYORAL ELECTIONS  
Charter Amendment (majority vote required)**The way it is now:**

The City Charter mandates municipal elections every two years. Berkeley's election for mayor is held every four years; it coincides with the election of the governor and other statewide officers.

**What Measure I would do:**

It would amend the City Charter to specify that elections for mayor coincide with presidential elections. To accomplish this, the mayoral election of 2006 would be for a two year term. Beginning with the presi-

dential and mayoral election of 2008, the mayor's term of office would return to four years.

**Supporters say:**

- Voter turnout is significantly higher in presidential election years. Moving mayoral elections to coincide with the presidential election will mean thousands of additional people will vote for mayor.

**Opponents say:**

- No opposing argument was filed.

## CITY OF BERKELEY

## MEASURE

## J

UTILITY USERS TAX  
(majority vote required)**The way it is now:**

Berkeley residents and businesses pay a 7.5 % users tax on their utilities (gas, electricity, cable, telephone and cell phone. This provides \$13.9 million to the City's general fund, which is used for such purposes as police, fire, health and human services, recreation, and city administration.

**What Measure J would do:**

It would increase the utility users tax rate from 7.5 % to 9 % for a period of four years, January 1, 2005 through December 31, 2008, and provide an additional \$208,500 to the general fund. For a resident with utility bills totaling \$300.00 per month the increase would be about \$4.50 per month.

**Supporters say:**

- Forces beyond the City's control have caused the largest deficit in its history: the economic downturn, reductions in state funding, and increased costs in the employee retirement system.

- Berkeley has already made significant budget cuts: eliminated 100 city positions, reduced and consolidated programs, and instituted a hiring freeze. In addition, employees have accepted pay cuts. Without new revenues, essential services will be cut.
- This increase is fair because everyone, not just property owners, will pay a little.

**Opponents say:**

- Berkeley must stop spending beyond its means: it has more employees per capita than any other California city, with generous benefits, and a permanent "no layoff" policy.
- This tax has nothing to do with saving essential community services. Instead it frees up money now spent on essential services and re-routes it to non-essential programs.
- The utility tax is regressive. Rich or poor, everyone has to pay the same rate.

## MEASURE

## K

REAL PROPERTY TRANSFER TAX FOR YOUTH SERVICES  
(2/3 vote required)**The way it is now:**

Currently, the City has a single-rate, 1.5% transfer tax, imposed whenever real estate changes hands. The money collected has gone directly into the general fund with no restrictions on how it is spent. Berkeley has spent about \$11 million a year from its general fund to support about 55 programs for the city's children and teens. These programs include summer camps, after-school programs, literacy programs, academic mentoring, school crossing guards, and grants to community-based agencies that provide a range of youth services. Faced with a deficit of \$7.5 million this year, the City has been forced to cut back many of these programs and to eliminate others altogether from the 2004-05 budget.

**What Measure K would do:**

- It would change the transfer tax to a 3-tiered rate. For properties that sell for less than \$600,000, the current 1.5% would still apply. For properties from \$600,000 to \$1 million, the new rate would be 2% which would add \$500 for every \$100,000 over \$600,000. For properties over \$1 million, the rate would be 2.5% which would add \$1000 for every \$100,000 over \$1 million.
- The moneys collected by these increases would be used solely to fund youth services.
- The tax is expected to generate about \$2 million a year.
- The measure would expire on December 31, 2010.

[Note: Just how many properties would be affected depends on how many sales there are and what the selling prices are. These numbers both fluctuate year by year. Last year, the County recorded that 1,465 Berkeley properties changed hands with roughly half of them valued above \$600,000. If housing prices continue to grow, of course, more of the houses for sale will be valued at more than the threshold \$600,000.]

**Supporters say:**

- Because of the deficit, city services to youth will be devastated without added funding.
- This is not a new tax, but a small, temporary increase in the tax paid when expensive property changes hands.
- The city has already reduced its budget by \$14 million and cut over 100 positions.

**Opponents say:**

- Because the cost of Berkeley housing continues to climb, the tax may discourage younger buyers by raising the purchase cost still higher; older sellers may find there are fewer buyers on the market.
- Berkeley will have the highest transfer tax in the state.
- The City promised to evaluate the effectiveness of its youth services two years ago and never did so. If essential services are tied to this tax, what will happen when the tax expires?

## MEASURE

## L

LIBRARY SERVICES TAX  
(2/3 vote required)**The way it is now:**

Berkeley's libraries are governed by a Board of Trustees. The City Council appoints the members of the Board and approves the library budget, which is almost entirely funded by a citywide special tax based on size of buildings in the City of Berkeley.

**What Measure L would do:**

- It would increase the tax rates on residential property from \$0.13 to \$0.15 per square foot, and on other property from \$0.20 to \$0.23 per square foot, to pay for library costs such as facilities, personnel, books, supplies, and for expansion of the literacy program.
- It would change the inflation factor.
- The annual cost for an average 1,900 square foot home would be \$292.60 in 2005-06.

**Supporters say:**

- Branch libraries and Central would return to their full weekday schedules, and Central would be open on Sundays. The budget for books and other materials would be restored.
- Berkeley has one of the busiest libraries in California. Berkeley residents account for about 70% of the 1.5 million items checked out each year.

- Total library staffing remains static, although the Central Library doubled in size. Salaries are comparable to other libraries in the region.
- The Library's need for this tax increase is caused by unanticipated statewide economic conditions, not library fiscal policy or management.
- The City Auditor's report to Council praised the Library for many significant steps implemented already, and identified no gross failings.

**Opponents say:**

- Library staff is bloated, and salaries and benefits are grossly in excess of the private sector.
- The Library's Board is effectively accountable to no one.
- The City Auditor says the Library Board has failed to control runaway costs.
- Berkeley's Library is a cherished institution which enjoys enormous inflation-protected revenues, which have increased in recent years, although the cost of living is only marginally higher, while Berkeley's population continues to shrink and personal incomes are lower.

CITY OF BERKELEY

MEASURE

M

EMERGENCY MEDICAL SERVICES TAX

(2/3 vote required)

The way it is now:

Berkeley's ambulance-based paramedic service, also referred to as Advanced Life Support (ALS), is provided by three fire department ambulances. Patient fees pay for part of this service. The rest of the cost has been covered in the past by the Emergency Medical Services Tax, a special tax of \$0.02626 per square foot on residential and commercial buildings in Berkeley. The tax raised just under \$2 million in 2003-2004.

At present the tax may be increased annually by the cost of living increase in the San Francisco Bay Area. Over the years, as costs of this service have risen faster than inflation, the City has covered the deficit from the general fund. Due to budget restraints, the City can no longer afford to provide this supplement, and a \$1 million shortfall is projected for the 2004-2005 funding year.

What Measure M would do:

- Measure M would allow the tax to be increased by the greater of two indicators: the cost of living increase for the San Francisco Bay Area or the per capita personal income growth in California. This would raise the tax to \$0.041634 per square foot on buildings in Berkeley, or \$79.10 for a 1,900 square foot house, through the fiscal year 2008-09.
- This increase is projected to cover the present \$1 million deficit.
- The present service would be maintained and an additional \$200,000 would be provided which could be used to expand paramedic service to all the City's fire stations. Paramedics with

the equipment, skills, and training to provide ALS intervention prior to the arrival of an ambulance, would be assigned to each of the City's seven fire stations.

Supporters say:

- City of Berkeley paramedics provide emergency medical treatment and transport for over 8,900 people each year. Countless lives are saved by their heroic and difficult work.
- Measure M guarantees funding for this vital service and improves medical service to all Berkeley residents by placing trained paramedics on fire engines at all of Berkeley's seven fire stations.
- Because of ongoing State cutbacks to cities, and rising costs of health care generally, the Berkeley general fund can no longer supplement the Emergency Medical Services Fund.

Opponents say:

- Berkeley already has the highest tax rate in the State.
- The City Council has chosen to ignore the critical need to identify essential services such as emergency medical services, and to fund them adequately, before paying for other nice-to-have services.
- This measure does not guarantee quality emergency response medical services. It does not guarantee that all the extra funds raised by the tax will in fact be spent on the promised services.

MEASURE

N

GANN OVERRIDE

(majority vote required)

The way it is now:

State law requires that every four years cities ask voters' permission to continue to spend the special tax revenues they previously approved. Berkeley voters have approved these taxes by two-thirds.

What Measure N would do:

Measure N would allow the City to continue to spend the tax dollars already approved by voters for park maintenance, libraries, emergency medical services, and emergency services for severely disabled persons. It requires a majority vote to pass.

Supporters say:

- Measure N does not create a new tax or increase an existing tax. It merely allows the City to use existing tax dollars for purposes already approved by two-thirds of the voters.
- If Measure N fails, Berkeley would face dramatic reductions in vital city services.

Opponents say:

- No opposing argument filed.

MEASURE

O

ANNUAL GENERAL ADJUSTMENT OF RENT CEILINGS

Ordinance (majority vote required)

This ordinance was placed on the ballot by the City Council in cooperation with the Rent Board

The way it is now:

The Annual General Adjustment (AGA) is set by the Rent Stabilization Board based on an annual study of, and followed by public input on, rental housing-related costs. Consultants are hired to conduct the study, and the decision about the amount of the AGA is up to the Rent Board. There have been a number of disputes over the amount of the AGA.

What Measure O would do:

- Measure O would establish a fixed formula for calculating the AGA of rents based on 65% of the increase in the prior year's Consumer Price Index in the Bay Area. The increase could be no more than 7% and no less than 0% of the previous year's rent.

- Paying consultants to do the study, and covering the administrative costs involved would no longer be necessary, resulting in an annual savings of \$15,000 to \$20,000.

Supporters say:

- Measure O establishes a straightforward method for determining the AGA, which is fair to both landlords and tenants.
- The current process has led to lengthy disputes between tenants and landlords over the past 20 years.
- The process for determining AGA in this measure is similar to that used by other cities with rent control.

Opponents say:

- No opposing argument was filed.



VOTE . . . before November 2!

An application for an absentee ballot is on the last page of your sample ballot. Fill it out, mail it in, and your ballot will be mailed to you. Follow the simple directions to return your ballot by mail, or you may drop it off at any polling place on election day if you prefer. If you decide to return it by mail, be sure to allow enough time for it to be **received** by the County Registrar by election day. The last day to apply for an absentee ballot by mail is **Oct. 26th**.

What if I miss the deadline to apply?

Registered voters can vote in person at the County Courthouse, 1225 Fallon Street in Oakland (basement office) during regular business hours, 8:30 A.M. - 5:00 P.M. from Oct. 4 through Nov. 1, and from 7:00 A.M. to 8:00 P.M. on election day. For more information or directions call the County Registrar's office at 510/272-6973. Check with your City Clerk's office to see if off site voting will be offered in your city.

**CITY OF BERKELEY and REGIONAL TAX MEASURES**

**WHY ARE THERE SO MANY LOCAL TAXES ON THE BALLOT?**

**How local government services are funded**

The State has an ongoing structural budget deficit, but the legislature and governors have not been able to agree on a balance of cuts and new revenues. Instead they have balanced their budget by shifting money among various State funds and from local governments to the State. Local governments all around the State have been forced to either cut local services or raise local taxes, fees, and other charges.

Three major sources of local revenue are property taxes, the uniform local sales tax, and the Vehicle License Fee (VLF).

Property Taxes. Proposition 13 gave the State the authority to allocate local taxes. Since 1992 the state has shifted a portion of local property taxes intended for cities, counties and special districts (such as the Regional Park District and AC Transit) to schools. Proposition 98 mandated a required level of State spending for schools. Shifting property taxes from local government to schools reduced the amount the State had to provide from its general fund to meet the Proposition 98 mandate.

In addition, Proposition 13 set a base property tax rate of 1% of assessed value with a 2% annual inflation adjustment, although the actual

inflation rate is usually higher. Berkeley’s current loss from the property tax shift is \$1.9 million, and the city keeps only about one third of the property tax generated here. Special purpose taxes of the kind appearing on this ballot cannot be shifted to the State, so revenues from them can go to retain local services.

Vehicle License Fee. The VLF rate is 2%, but an “offset” has reduced it to 0.65%. In the past the State made up for the reduction with a “backfill” to local governments, but since 2003-04 part of this payment has been deferred. The revenue loss to Berkeley this year from this source is about \$1.3 million.

Uniform local sales tax. The statewide uniform sales tax rate is 1.25%, but 1/4 cent of that is now committed to repay the State Recovery Bond passed in March. The State has promised to repay local governments for this loss.

**F.Y.I.** Generally, tax measures have to be passed by a 2/3 majority. Bonds are repaid by taxes on the assessed value of property. Your assessed value is found on your property tax bill, and is based on what you paid for the property. Parcel taxes may be charged on each unit of real property or on the square footage of a building. Real property transfer taxes are charged at the time of sale and are based on the sale price. The chart below provides a quick summary of the Berkeley tax measures on the November 2nd ballot: their type, cost to the taxpayer, and other specifics.

MEASURE	TITLE	TYPE	BASIS/ANNUAL Cost	AVERAGE COST Per Year	NOTES
Measure B	Protecting Quality Education in Berkeley’s Public Schools Act	Parcel Tax (2/3 Vote)	9.7¢ sq. ft. residential 14.7¢ sq. ft. commercial	\$184* increase for residential	Increase expires in 2 years
Measure J	Utility Users Tax	Utility Users (Majority Vote)	1.5% increase on electricity, cable, telephone, cell phone	\$54 increase**	Increases existing rate. Expires in 4 years
Measure K	Real Property Transfer Tax for Youth Services	Property Transfer Tax currently 1.5% (2/3 Vote)	None: Tax depends on sale of property	None: Tax depends on sale of property	2% sale price over \$600,000; 2.5% sale price over \$1,000,000
Measure L	Library Services Tax	Parcel Tax (2/3 Vote)	Residential 2¢ sq. ft. Commercial 3¢ sq. ft.	\$38* increase for residential	
Measure M	Emergency Medical Services Tax	Parcel Tax (2/3 Vote)	1.6¢ increase sq. ft	\$30.40* increase	
Measure N	Gann Override	(Majority Vote)	none	none	Authorizes spending existing tax revenues
Measure AA	BART: Earthquake Safety Bond	Bonds: \$980 million (2/3 Vote)	Assessed value	\$7 per \$100,000 average	Rate will vary over life of bonds
Measure BB	AC Transit Measure	Parcel Tax (2/3 Vote)	\$2 per month	\$24 per year	Increases existing tax for 10 years
Measure CC	EBRPD: Park Access, Wildfire Protection, Public Safety, and Environmental Maintenance	Parcel Tax (2/3 Vote)	\$1 per month single family; 69¢/mo./unit multifamily	\$12 for single family, \$8.28 for each unit	Expires in 15 years

\* Assumes 1,900 square foot home

\*\* Assumes average combined utility bills of \$300.00

## CITY OF BERKELEY

MEASURE  
PAMENDMENTS TO THE RENT STABILIZATION AND  
EVICTION FOR GOOD CAUSE ORDINANCE  
Ordinance (majority vote required)

This ordinance was placed on the ballot by the City Council in cooperation with the Rent Board

**The way it is now:**

The Rent Stabilization and Good Cause for Eviction Ordinance, in effect since 1980, regulates residential rental units in Berkeley except: owner-occupied duplexes, units leased to tenants assisted by Federal rental subsidy programs (e.g., Section 8), non-profit cooperatives, homes for the aged, health care facilities, units owned and operated by institutions of higher learning, and units constructed after 1980.

Its primary provisions include: rent ceilings based on rents paid in 1980, annual rent adjustments, handling of rental deposits, and eviction controls. Eviction controls apply to exempt units where allowed by law. There are criminal penalties for violating any provision of this ordinance. The City is prohibited from using information the Rent Board has collected.

The ordinance is administered by an elected board that hires staff to carry out the program. Fees from landlords pay for the administration of this program.

**What Measure P would do:**

## Tenant protections

- Measure P prevents a landlord from evicting a tenant for subletting, if the tenant replaces a roommate with one who meets the landlord's customary occupancy qualifications.
- It requires the payment of yearly interest on rental deposits.

## Landlord protections

- Measure P eliminates criminal penalties except where a landlord willfully violates eviction controls.
- It reduces the maximum penalty to conform with state law.
- It allows landlords flexibility in how to maintain rental deposits.

## Other changes

- It exempts non-profit corporations renting low income units that are under governmental regulatory agreements, and non-profit shelter and treatment facilities from the rent and registration provisions of the ordinance.
- It changes the calculation of base rent ceilings from the median rent for comparable units to the first rent charged.
- It allows the City of Berkeley to use information from the Rent Board to help enforce codes, etc.
- While federal law now allows landlords to charge more than the Section 8 payment standard, Measure P makes any rent above that standard subject to all the City's regulations for market rate rentals.

It is estimated that revenue for the Rent Stabilization Board could decrease by up to \$20,000 annually due to the loss of registration fees from units exempted from registration by this measure.

**Supporters say:**

- This measure is fair and balanced for tenants and landlords and addresses problems which have been raised since the inception of rent control in Berkeley, such as removing criminal penalties for violation of most provisions of the Rent Stabilization and Eviction Control ordinance.
- Measure P will streamline and simplify provisions of the ordinance, such as the setting of base rents and the calculation of, and date of payment of, interest on deposits.
- Measure P will help protect tenants from unfair evictions and unaffordable rents.

**Opponents say:**

- No opposing argument was filed.

MEASURE  
QENFORCEMENT OF STATE PROSTITUTION LAWS  
Citizen Initiative (majority vote required)**The way it is now:**

Prostitution is not a high priority for law enforcement. Enforcement mainly consists of responding to citizens' complaints about street-level, open air prostitution. In 2002, the Berkeley Police Department received 275 such calls, 264 of which referred to activity along San Pablo Avenue.

**What Measure Q would do:**

- It would instruct the Berkeley Police Department to add the enforcement of prostitution laws to their list of "lowest priority" items.
- It would direct the City Council to lobby in favor of decriminalizing sexual acts engaged in by consenting adults in private for money or any other consideration.
- It requires the Police Department to report semiannually all prostitution-related law enforcement activities to the Police Review Commission.

**Supporters say:**

- Decriminalizing prostitution would help stop violence against women and make Berkeley's streets safer.

- Berkeley police should focus on violent and serious crime. According to estimates, Berkeley spends nearly \$1 million annually on prostitution enforcement.
- The money saved could be redirected to provide health and social services to help prostitutes make the transition out of prostitution.
- Prosecution is no solution to controlling prostitution.

**Opponents say:**

- Measure Q does nothing to reduce violence or exploitation against prostitutes.
- It weakens our existing court diversion program, the major means for getting prostitutes into programs that help them.
- Funds cannot be switched from police to health programs.
- Reduced enforcement could lead to more prostitutes coming to Berkeley as neighboring cities like Oakland crack down on prostitution.

MEASURE  
RTHE PATIENT'S ACCESS TO MEDICAL CANNABIS ACT OF 2004  
Citizen Initiative (majority vote required)**The way it is now:**

In 1996, the voters of California passed the Compassionate Use Act (Proposition 215) that removed state law penalties for possession and cultivation of a personal amount of medical cannabis for qualified patients and primary caregivers.

In 2001 the Berkeley City Council passed a local ordinance limiting the amount of medical marijuana a qualified patient or primary caregiver can possess and cultivate to 2.5 pounds of dried cannabis, if grown outdoors, or 1.5 pounds if grown indoors, and up to 10 plants at any one time, unless a medical doctor authorizes the patient to possess or cultivate more. The ordinance also limited a collective composed of qualified patients and primary caregivers to 12.5 pounds of dried cannabis and 50 cannabis plants.

Medical cannabis dispensaries are now required to secure a use permit under the City's existing zoning ordinance, thus requiring a public hearing.

**What Measure R would do:**

- It removes limits for the possession of marijuana by patients and their caregivers, but does limit the number of outdoor plants on a single parcel to 10 if they can be seen from other property.
- It provides that a collective, composed of qualified patients and primary caregivers, may possess a reasonable quantity of dried cannabis and cannabis plants to meet the medical needs of patient members, as long as no more cannabis is accumulated than is necessary to meet such needs.
- It establishes a Peer Review Committee of two representatives from each medical cannabis collective and dispensary in Berkeley to: set up safety and operational compliance standards for cannabis collectives and dispensaries; certify that any new cannabis collective or dispensary has a strategy to meet these standards; and refer dispensaries found to be in violation of the standards to the City for action.

## CITY OF BERKELEY, EMERYVILLE

- It requires the City to deputize individuals who are on the Peer Review Committee as “Drug Control Officers.” This is to provide them with immunity under federal law and to reasonably accommodate the provision of medical cannabis to patients and their primary caregivers within 30 days should access to cannabis be interrupted by federal law enforcement activity.
- It provides that qualified patients may cultivate medical cannabis in their residence or on their property without securing a use permit.
- It provides that medical cannabis dispensaries may secure a use permit without the need for a public hearing in districts where retail sales are otherwise permitted.

### Supporters say:

- This measure brings Berkeley law into compliance with State law and recent court rulings. It was written by patients, doctors, caregivers, and concerned citizens to protect patients’ rights and to safeguard access to medical marijuana in Berkeley.
- The present system is not working. Arbitrary limits on plant numbers are not scientific. There is no established yield for a

cannabis plant. Personal use patterns vary widely among patients. This is why no specific limits were in Proposition 215.

- The Peer Review Committee will create and enforce standards and procedures for dispensaries, create a review process, and provide a forum for community input and oversight.

### Opponents say:

- The present amounts allowed are adequate for patients who need medical marijuana. Measure R would remove all limits on the amount of marijuana cultivated or possessed.
- New dispensaries should be required to submit to the City’s use permit process with a public hearing. Only this way can we ensure that neighborhoods are protected and new dispensaries are well-managed and operated responsibly.
- We support adequate supplies of medical marijuana for patients. The combination of large amounts of marijuana readily on hand with no City review or permitting process presents a dangerous combination for Berkeley. A former medical cannabis club had several armed invasion robberies and was shut down.

## MEASURE

### S

## THE PUBLIC TREE ACT OF 2004 Citizen Initiative (majority vote required)

### The way it is now:

The City Council has responsibility for trees on public property. The Departments of Parks, Recreation and Waterfront have primary responsibility for planting, landscaping, and routine maintenance of public trees. In emergency situations, the Fire Department and Police Department have authority to alter or remove trees to alleviate hazards. Pacific Gas & Electric Company is obligated to trim street trees with power lines running through them.

### What Measure S would do:

- Measure S would transfer authority from the City Council to a Tree Board with broad powers to establish licensing requirements for all persons engaged in public tree care including issuing permits, enforcing penalties for violations, and collecting and disseminating information on tree issues.
- The Tree Board would be composed of 13 to 18 Berkeley residents. The Mayor and each Councilmember could make an appointment for a 3-year term. The Landmarks Preservation, Planning, Parks & Recreation, and Waterfront Commissions each could appoint one member, not subject to terms. If the Berkeley Unified School District agrees to grant the Tree Board jurisdiction over trees on school properties, each School Board Director could appoint a member. The Tree Board itself could appoint its own members.
- From existing City funds, the City would be required to provide two full-time staff members, office space, equipment, and other resources for the Tree Board. Its initial cost during the first few years could be \$100,000 per year in addition to its annual cost of \$250,000.
- Measure S would prohibit paving open space in public parks, squares, or landscaped areas around buildings with material that blocks water from being absorbed. This provision prohibits new projects, such as park pathways, play structures, tennis and basketball courts, the Skate Park.
- Deferred park maintenance and delayed tree removal may increase City liability.

### Supporters say:

- Public trees provide shade, create beauty, support wildlife, improve air quality, reduce storm runoff and soil erosion, reduce noise pollution, reduce global warming, and increase overall value of real property within the City of Berkeley.
- Measure S would prevent removal of mature healthy public trees and promote planting native species.
- It would prohibit planting invasive exotics, trees that lift sidewalks or cause other hazards.
- It would beautify Berkeley without tax increases by using private funds to create parks and plant trees despite the budget crisis.
- It applies only to public trees, but it permits homeowners to request tree trimming and gives neighborhoods more control over types of trees planted.

### Opponents say:

- Measure S would create a new Berkeley tree bureaucracy with enormous powers over the City Council, City Manager, Fire Department and others.
- It may violate the City Charter by delegating the City Council’s legislative and administrative powers to a Tree Board without requiring standards.
- It conflicts with the Fire Department’s Fire Code enforcement authority.
- It would have initial annual costs up to \$350,000 and require other resources from the City and possibly increase liability.
- It would require a “tree impact report” for any project affecting public trees which would be subject to review and approval by the new Tree Board.
- If it is found that there was alteration or removal of a heritage tree or two or more protected trees, any project would be halted, related use permits would be suspended, and vehicles or other equipment used would be forfeited.

## CITY OF EMERYVILLE

### PUBLIC BICYCLE PATH AND PIXAR HEADQUARTERS EXPANSION PROJECT Resolution and Ordinance (majority votes required on both)

The two measures are intertwined and will be considered together. Both must pass for either to be put into effect.

### The way it is now:

The Emeryville City Council approved Pixar Animation Studio’s need to expand its facilities, and is asking for voter approval of changes to the original plan which would allow additional expansion of Pixar facilities and also would relocate and upgrade a public bicycle and pedestrian pathway.

### What the Measures would do:

#### Measure T

- The zoning would be changed from industrial to commercial for the property at Hollis and 45<sup>th</sup> Streets.
- The planned bicycle route would be relocated from Emery Street to the eastern edge of Pixar’s property and upgraded to a Class I bike/pedestrian path.

#### Measure U

- Pixar would receive easement to Emery Street.
- Construction of three new buildings with a combined total of 533,000 square feet would be allowed.
- A six-story parking structure holding 1801 spaces would be provided.
- Demolition of the building at 4240 Hollis Street would be authorized after the current lease expires.
- The development would be done in three separate phases over 18 years.

### Supporters say:

- Pixar is the second largest Emeryville employer. If they cannot expand, they may have to leave Emeryville. This would result in lost jobs, lost community benefits, and decreased City revenues and services.
- Pixar’s expansion would provide 1,000 new jobs.
- Pixar must expand its world headquarters to remain a leader in the animation industry.
- Pixar will bring over \$700,000 a year to the City for affordable housing.
- Upon completion of the project, Emeryville will receive more than \$3 million a year for public safety and essential City services.
- Measures T & U will remediate blighted conditions in the area by stimulating investment in the project area.

### Opponents say:

- The expansion of the Pixar Plan will add 2,700 car trips a day to city streets.
- Measure U will permit a six-story parking garage which is far higher than any other structure in the neighborhood.
- The proposal does not compensate Emeryville for over 100 planned housing units that won’t be built because of the project.
- The plan does not provide a job-training program to help Emeryville residents access the jobs created by the project.

## MEASURES

### T & U

## ALAMEDA COUNTY and REGIONAL MEASURES

## MEASURE

## AA

## BART EARTHQUAKE SAFETY IMPROVEMENTS

## Bond Measure (2/3 vote required)

**The way it is now:**

Seismic safety construction requirements have changed as analyses of recent earthquakes reveal potential failures. Most of the BART system's overhead tracks, tunnels and structures, as initially built, do not meet current safety standards, and recent studies indicate the underwater Transbay Tube is susceptible to damage from soil liquefaction. BART's 2002 Earthquake Safety Program study found that a massive quake would likely shut down BART for two and a half years or longer and cost taxpayers upwards of \$15 billion to rebuild the system if it isn't strengthened beforehand.

**What Measure AA would do:**

- It would authorize the sale of no more than \$980 million dollars in bonds, to be repaid by a property tax assessment of approximately \$7 per \$100,000 of assessed value per year over the life of the bonds. (Additional funds to pay for BART's \$1.3 billion Earthquake Safety Program will come from a combination of state and federal dollars as well as passenger revenues.)
- It would authorize expenditure of these funds specifically for earthquake safety upgrades.
- An independent citizens' oversight committee would be established.

**Supporters say:**

- The improved safety measures funded by bond revenues could prevent massive gridlock, save lives and save taxpayers billions

of dollars in BART rebuilding cost should a major earthquake hit the Bay Area.

- Bonds are a cost-effective method of financing the seismic retrofit as the bonds are sold only as funds are needed.
- Raising fares for BART users to pay for seismic retrofit would discourage transit ridership. Less transit use would increase air and water pollution, sprawl and traffic congestion.
- A citizens' oversight committee will ensure that funds will be spent as promised.

**Opponents say:**

- Money for retrofit of the BART system should be part of the BART budget. Responsible budgeting and a small passenger fare surcharge could fund needed seismic retrofits.
- The tax to pay for the bond repayment will be borne inequitably by property owners with post-Prop. 13 assessments relative to pre-Prop. 13 home and business owners.
- Since BART systems performed well during the Loma Prieta quake, it may be better to invest in emergency response capability to clear and repair transportation routes and to fund more flexible transit systems such as ferries and buses.
- BART has other sources of revenue, such as parking charges and development of BART station property, which could fund some of these retrofits.

## MEASURE

## BB

## AC TRANSIT SERVICES

## Parcel Tax (2/3 vote required)

**The way it is now:**

Revenues for public transit throughout the state, including the Alameda-Contra Costa Transit District (AC Transit) have fallen due to diminished sales tax revenues and an overall economic slump. Most Bay Area systems are raising fares, cutting service and/or laying off workers. The AC Transit board has voted to place a special tax on the ballot in order to maintain affordable services for seniors, youth and persons with disabilities, and to avoid further substantial service cuts. The existing parcel tax of \$2 per month is scheduled to expire in 2008.

**What Measure BB would do:**

- The tax would extend the existing parcel tax of \$2 per month through 2015, and increase it to \$4 per month for the period beginning July 1, 2005.
- It would enable AC Transit to preserve discounted fares for seniors, people with disabilities and students.
- An independent oversight committee would be established to review the use of the funds and to provide an annual report for the AC Transit board and the public.

**Supporters say:**

- Given the State financing structure since Proposition 13, this tax is the most feasible way to meet this immediate need. It is the only

legally allowable method under current law, other than fare increases, for AC Transit to independently raise additional revenue to operate and maintain service. AC Transit has already frozen staff positions, deferred capital expenses, and taken other measures to control costs.

- For transit dependent persons without the ability or resources to drive, cutting bus service would further limit their access to schools, jobs, shopping, and medical services. Reducing service or raising fares would frustrate attempts to bring more equitable transit mobility to low-income communities.
- Cutting transit service would also frustrate efforts to build transit ridership among those with a transportation choice. Reduced transit ridership results in increased traffic congestion and pollution.
- Older residents who cannot afford the tax on their place of residence may have the tax deferred until the property changes hands

**Opponents say:**

- An opposing argument was filed, but it was challenged and disallowed by the court.

## MEASURE

## CC

## EAST BAY REGIONAL PARK DISTRICT – Zone 1

## Parcel Tax (2/3 vote required)

**The way it is now:**

The East Bay Regional Park District has lost property tax revenue in the amount of \$12 million in the past and current State fiscal budgets. The District is proposing a parcel tax within a specific Zone 1 which would encompass the western portions of both Contra Costa and Alameda counties. This zone includes some of the District's oldest and most-used parks.

**What Measure CC would do:**

- It would authorize a parcel tax of \$1 per month (\$12 per year) per single family parcel, or 69 cents per month (\$8.28 per year) per multi-family unit, to expire in 15 years.
- It is estimated to raise about \$3 million per year to maintain and improve buildings, irrigation systems, trails and other facilities in specified parks within the zone.

**Supporters say:**

- With proper maintenance, by removing overgrown vegetation and upgrading fire roads, the risk of wildfires spreading to communities in and around Tilden, Wildcat Canyon, Sibley, Claremont Canyon, Huckleberry, Redwood and Chabot Parks will be reduced.
- Parcel tax revenues from this measure will be used only for the priority list of projects included in this ballot.

- Each year there will be a guaranteed audit and full public disclosure about how the resources from Measure CC were used.

**Opponents say:**

- The District does not need more money. General revenues in the District have increased from \$57 million in 1998 to \$83 million by 2003.
- Carving out a special zone from Richmond/San Pablo to Oakland/Berkeley, in which only residents of that zone would pay the parcel tax, is unfair because park users in the rest of the District would pay nothing.
- The parcel tax is unfair because it exempts business property owners.

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