



BERKELEY

Nonpartisan Information on Ballot Measures

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GENERAL ELECTION, TUES. NOV. 7, 2006

MEASURE

A

BERKELEY PUBLIC SCHOOLS EDUCATIONAL EXCELLENCE ACT OF 2006 TAX (requires 2/3 majority vote)

The Question

Shall Berkeley Unified School District replace two special taxes that expire in 2007 with one annual special tax (which includes cost of living adjustments) for 10 years at 22.80 cents per square foot for residential buildings, 34.36 cents per square foot for commercial/industrial and institutional buildings, and \$50.00 for unimproved parcels?

The Way It Is Now

Since 1986, in the wake of Proposition 13, a special parcel tax has been in place to improve the quality of education in the Berkeley Public Schools. This measure, the Berkeley Public Schools Educational Excellence Act (BSEP), was renewed in 1994 and again in 1998. In 2004, Measure B was approved, which increased funding of the BSEP program. Both measures, if not renewed, will expire in 2007.

The BSEP Planning and Oversight Committee is in charge of seeing that all funds are spent in compliance with the measure. Serving on this committee are parent representatives from each public school in Berkeley. Annual, outside auditing is mandated to insure the fund's integrity.

What This Measure Would Do

Measure A is not a new tax. If passed, it will replace both existing BSEP and Measure B taxes, renewing them at the existing rate for a 10-year period. Currently, BSEP and Measure B provide nearly 20% of the Berkeley Unified School District's budget; they enable smaller class sizes (which constitute 60% of the BSEP/Measure B budget), counseling services, music programs, enrichment programs, basic classroom and library materials, parent outreach, and professional teacher development.

Fiscal Effect

If passed, there would be no change to the existing parcel tax. This measure combines the existing BSEP and Measure B taxes into one annual fee for a 10-year period. The fee will increase annually due to the cost-of-living provision, as it does today. In the first year, a 2,000 square-foot house would be assessed \$456 annually at 22.80 cents per square foot, and a 1,000 square foot business at 34.46 cents per square foot would be assessed \$344.60 annually.

Supporters Say

- This is not a new tax, but a continuation of taxes we've already been paying for many years, with 82% voter approval in 1994 and 92% in 1998.
- Local funding, accountability and control have been a vital Part of Berkeley Public Schools since the passage of the original BSEP Measure in 1986. They have enabled the continuation of quality education for our Berkeley Public School students, despite years of inadequate State and Federal funding.
- This measure mandates that: (1) all proceeds of this tax be kept in separate accounts from the BUSD budget with independent, annual audits and (2) proceeds be spent only for the designated purposes.

Opponents Say

- Measure A is a 10-year renewal of a tax instead of a 4-year renewal
- Measure A has no governmental oversight of how funds get allocated
- Measure A funds are not guaranteed to raise test scores



VOTE

POLLS are OPEN

7A.M. to 8:00 P.M.

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

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

Last day to register to vote in the November 2006 election is Monday, October 23rd.

MEASURE E

OFFICE OF RENT STABILIZATION BOARD COMMISSIONER VACANCY AMENDMENT TO THE BERKELEY CITY CHARTER (majority vote required)

The Question

Shall the Charter of the City of Berkeley be amended to provide that a vacancy among the Rent Stabilization Board (RSB) Commissioners be filled by an appointee who will be selected by the remaining Commissioners and who will serve until the vacancy is filled at a general municipal election?

The Way It Is Now

Under current provisions of the Charter, a vacancy among RSB Commissioners is filled by a special election if: (1) the expired term is for more than one year of the four-year term; (2) no general election will occur within a specified number of days (between 80 and 180 days for a statewide general election and between 60 to 180 days for a municipal election). If the expired term is for less than one year, the vacancy is to be filled by the remaining Commissioners unless a general election is held within the specified number of days.

What This Measure Would Do

Measure E would provide that any vacancy among RSB Commissioners be filled by an interim appointment made by at least 5 of the remaining Commissioners. The interim appointee would serve until a Commissioner is elected.

Fiscal Effect

The estimated cost of a citywide special election to elect a RSB Commissioner to fill a vacancy is \$400,000.

Supporters Say

- Measure E will eliminate costly special elections to fill vacancies on the Rent Stabilization Board.
- Electing a Rent Stabilization Board Commissioner at a November general election rather than a special election ensures greater voter access and participation.
- The current rules for filling a vacancy on the Rent Stabilization Board are complicated and impractical; it is highly probable that filling a vacancy would require a special election. If multiple vacancies should occur between general elections, the cost to taxpayers would be nearly \$400,000 for each election and an already overextended City Clerk's staff would be heavily burdened.

Opponents Say

No arguments have been filed in opposition to Measure E.

MEASURE F

GILMAN STREET PLAYING FIELDS RESOLUTION (majority vote required)

The Question

Shall a Resolution be adopted by the voters to accommodate the development of the Gilman Street Playing Fields by amending the General Plan, Waterfront Plan, and Waterfront Specific Plan?

The Way It Is Now

To address a deficit of playing fields, a partnership of the cities of Emeryville, Berkeley, Albany, El Cerrito and Richmond and the parks districts have pooled resources to create a ball field complex on 16 acres of land south of Gilman Street now used as the southern parking lot of Golden Gate Fields. When completed, the complex would include two regulation soccer fields, two softball fields and a full-scale hardball field. In 2005, the City Council adopted the amendment to the plans, which is now on hold pending the outcome of this election.

What This Measure Would Do

If passed, the Waterfront Specific Plan will be amended to allow the playing fields complex to be built. The amendment will establish an

"As of Right" use for public or commercial recreation and will exempt the development of the complex from the requirements of a Master Development Plan and Use Permit.

Fiscal Impact

None

Supporters Say

- Measure F does not raise taxes or spend City money.
- \$5 million has been raised to add desperately needed fields that will allow thousands of people to play sports year-round.
- Measure F "locks in" changes that allow the conversion of an old and little-used parking lot into new sports fields.

Opponents Say

No arguments have been filed in opposition to Measure F.



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.

MEASURE G

GREENHOUSE GAS EMISSIONS RESOLUTION (majority vote required)

The Question

Should the people and the City of Berkeley set a goal to reduce greenhouse gas emissions by 80% by the year 2050 and advise the mayor to work with the community on a plan to achieve a ten-year emissions reduction target as they work towards the 80% goal?

The Way It Is Now

Scientific consensus has determined that greenhouse gas emissions from burning fossil fuels are disrupting the Earth's climate. Serious consequences from global climate change include more intense storms, floods, heat waves, droughts and water shortages, extinction of plant and animal species, reduction in food production, and increased cost of energy. The City of Berkeley has endorsed the Kyoto Protocol and has joined hundreds of other cities to reduce greenhouse gas emissions from City operations and facilities.

What This Measure Would Do

This measure calls for the City of Berkeley to set a goal to reduce by 80% community-wide greenhouse gas emissions by the year 2050. It also states that the mayor should work with the community to develop a plan for adoption by the City Council by 2007. The plan would set a ten-year emissions reduction target and identify the actions that the City and its residents should take to achieve both the ten-year target and the longer-term goal of 80% reduction.

Fiscal Effect

Actions to implement the plan will have a cost, which is unknown now, and which depends on the plan adopted by the City Council.

Supporters Say

- Berkeley's tradition of environmental leadership impels the City to take aggressive action to reduce our community's greenhouse gas emissions.
- This measure directs the mayor to lead a community process to create a plan for how to achieve 80% reduction in emissions.
- We can work together to increase recycling, reduce energy use, and improve transportation options.

Opponents Say

- This measure does not specify what kind of plan Berkeley would adopt. It could backfire by seeking to reduce pollution in the wrong way.
- Governmental command and control could lead to worse pollution, as it did with the gasoline additive MTBE.
- California command and control with smog tests wastes money for most car owners. A better way to reduce pollution would be to measure actual emissions with remote sensors and fine the polluters.

MEASURE H

IMPEACHMENT OF PRESIDENT GEORGE BUSH AND VICE PRESIDENT CHENEY RESOLUTION (majority vote required)

The Question

Shall the City of Berkeley petition the United States House of Representatives to initiate proceedings for the impeachment and removal from office of President George W. Bush and Vice President Richard B. Cheney and shall it call upon the California State Legislature to submit a Resolution in support of impeachment to the United States House of Representatives?

The Way It Is Now

The Peace and Justice Commission requested that the City Council ask for voters' approval to petition Congress to investigate whether President George W. Bush and Vice President Richard B. Cheney have committed High Crimes and Misdemeanors that warrant their immediate impeachment. The alleged offenses include: (1) unauthorized spying on American citizens; (2) permitting the torture, kidnapping and indefinite detention of detainees without charges and without due process; (3) causing to be published the identity of a CIA covert agent, putting in danger the agent's life and those with whom she associated; (4) misleading Congress and the American people with the subsequently proven false claim that Iraq had possession of weapons of mass destruction in order to justify invasion and occupation of Iraq.

What This Measure Would Do

The City Council is asking voters to advise on whether to petition the United States House of Representatives to initiate an investigation into High Crimes and Misdemeanors allegedly committed by President Bush and Vice President Cheney; and, upon finding such allegations to be true, to submit Articles of Impeachment to the Senate of the United States and to convict and remove the President and the Vice President from office. Further, the Council will call upon the California Legislature to submit a Resolution to the House of Representatives in support of impeachment.

Fiscal Implications

Minimal

Supporters Say:

- President Bush and Vice President Cheney refuse to obtain required court approval while spying on millions of Americans' phone and Internet communications, violating the Constitution's prohibition on "unreasonable searches" as well as violating several laws. In Berkeley, federal agents attempted to collect data on Internet usage by city library patrons without a warrant, and spied on nonviolent, anti-war activists at UC-Berkeley.
- President Bush and Vice President Cheney have ordered detentions without charges, kidnapping and transport of persons to other countries, and torture of detainees, violating the U.S. Constitution's requirement of "due process of law" for "all persons", and various other treaties and laws.
- President Bush and Vice President Cheney have issued "signing statements" claiming that the White House isn't bound by the more than 750 laws passed by Congress, thereby violating the U.S. Constitution's separation of powers and the President's Oath of Office.

Opponents Say

- Whether Measure H passes or fails will have no effect on whether George Bush is President.
- Passage of Measure H will not solve any of the problems in the United States, the world, or any of the major problems we are currently experiencing in Berkeley.
- We need the City Council to be working for us, focusing its energy and our money on issues that directly affect us, such as rampant drug sales and prostitution, and such as support of the school district in closing the achievement gap affecting low-income and minority students.

MEASURE

I

AMENDING CONDOMINIUM CONVERSION ORDINANCE INITIATIVE (majority vote required)

The Question

Shall an ordinance be adopted to: (1) increase annual condominium conversions from 100 to 500 units; (2) increase the ability to evict tenants of converted units; (3) significantly reduce per unit the affordable housing fee; (4) entitle tenants to purchase their unit at a 5% discount; and (5) eliminate certain existing restrictions on conversion?

The Way It Is Now

Current Berkeley law governing conversion of rental units to condominiums allows conversion of about 100 units a year, with provisions that are intended to protect renter families from eviction. An “affordable housing mitigation fee” is assessed per converted unit, and there are enumerated restrictions on conversion. Pre-existing tenants are allowed one year to exercise their right of first refusal to purchase their unit upon conversion.

What This Measure Would Do

If passed, this initiative would replace the existing ordinance. The new ordinance would increase to 500 the annual limit on the numbers of rental units that can be converted to condominiums. Pre-existing tenants would have 30 days to enter into an agreement to buy a unit after receiving notice from the owner of intent to convert the units into a condominium. On closing, the tenant would receive 5% of the purchase price as a discount. Those declining the right of first refusal would receive cash equal to 2% of the purchase price and would be subject to eviction. The proposal also reduces by 90% the current per unit affordable housing fee for most units.

Fiscal effect

The “per unit” affordable housing fee would decrease substantially. The impact on the total amount of revenues from the affordable housing fee will depend on the number of units converted. Revenues from the real property transfer tax and property tax are likely to increase substantially. Staffing costs will rise to process the additional conversions, but these costs might be offset if the Council imposed processing fees as is allowed under the ordinance.

Supporters say

- Measure I makes it possible for lower- and middle-income people to buy homes and build equity.
- For many people, the 5% of sales price paid to a purchasing tenant will cover the down payment.
- The measure will create financial security for the city by generating \$215 million from transfer taxes alone.

Opponents say

- Only a small fraction (less than 15%) of Berkeley tenants earn enough to even consider purchasing their unit in our escalating real estate market. Berkeley's average small condominium costs \$500,000, requiring a yearly income of \$120,000.
- Measure I decreases the overall supply of rentals causing rents to rise on the remaining units.
- Measure I eliminates essential protections against eviction of renter families. Roughly 60% of Berkeley public school students are in renter households.

MEASURE

J

LANDMARKS PRESERVATION AND DEMOLITION PERMIT APPLICATION ORDINANCES INITIATIVE ORDINANCE (majority vote required)

The Question

Shall an ordinance be adopted to: 1) grant the Landmarks Preservation Commission new authority to prohibit demolition of historic resources; 2) authorize the Planning Director to suspend any application affecting a historic resource in an emergency; 3) extend the time during which the City may not act on applications to demolish nonresidential buildings over 40 years old; and 4) make it easier to initiate designation of historic districts and structures?

The Way It Is Now

The City Council adopted the current Landmarks Preservation Ordinance (LPO) in 1974. To date, about 300 properties have been designated as landmarks or structures of merit. The process and the lack of a specified timeframe for making such designations, as well as the authority to suspend demolition of initiated (nominated) or designated properties create uncertainty and, often, costly delays for home owners and potential developers. State law requires the LPO to meet the timelines established in the California Environmental Quality Act (CEQA) and the Permit Streamlining Act (PSA) for a timely and predictable development application process. After a six-year process, including multiple public hearings and several revised drafts, the Landmarks Preservation Commission (LPC) and the City Council reached agreement on a revised LPO to meet the requirements of the PSA, clarify the procedures for designating historic resources and authorizing demolitions, and allow ample opportunity for public participation in the process. That revised ordinance is on hold pending the outcome of this election.

What Measure J Would Do

Measure J would adopt by initiative most of the provisions of the current LPO, which means that any further changes would also have to be

approved by the voters. The initiative would also add a new section of definitions, give the LPC authority to initiate historic districts, specify timelines intended to meet the requirements of the PSA, reduce from 50 to 25 the number of signatures needed to initiate a landmark, and restore provisions of the Municipal Code related to the demolition of non-residential buildings deemed obsolete by the City Attorney.

Supporters Say:

- The ordinance that would be adopted if Measure J fails reduces the authority of the LPC, makes it easier to demolish historic buildings, and weakens citizens’ rights to participate in decisions affecting their neighborhood.
- The City Attorney’s interpretations of the timelines in Measure J are incorrect.
- Measure J encourages environmentally friendly housing by creative reuse of existing buildings, saving the character of Berkeley neighborhoods.

Opponents Say

- Measure J would undermine six years of an open public process to update the current LPO and bring it into compliance with state law.
- It would discard careful reforms supported by preservationists and overwhelmingly approved by the LPC and the City Council.
- Measure J is poorly written. Its tangled provisions could cost the City hundreds of thousands of dollars and its violations of the PSA could lead to developers receiving automatic approval of their projects without City oversight.