



PROS CONS

BERKELEY

Nonpartisan Information on Ballot Measures

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GENERAL ELECTION, TUES. NOV. 4, 2008

MEASURE FF

LIBRARY BOND MEASURE (requires 2/3 majority vote)

The Question

Shall the City of Berkeley issue general obligation bonds not exceeding \$26,000,000 to renovate, expand, and make seismic and access improvements at four neighborhood

branch libraries, but not the Central Library, with annual reporting by the Library Board to the City Council?

The Way It Is Now

Most of Berkeley's neighborhood libraries have not been renovated in more than 30 years. West and South branches are seismically unsafe. All four branch library buildings need structural improvements, including becoming fully accessible to Berkeley's diverse population. They also need more space and upgrades for current and future technology.

The Board of Library Trustees is appointed by the City Council. The Library's budget and any tax increases are set by the City Council. The Library does not receive any money from the City general fund. The Library's operating budget pays for programs, staffing, books, videos, DVDs, etc. It cannot cover costs of major repairs to library buildings.

What This Measure Would Do

Measure FF would authorize issuance of \$26 million of general obligation bonds. Revenue from the bonds would be limited to renovation, construction, seismic and disabled access improvements, and expansion of program areas at Berkeley's four branch libraries. The bond monies would be administered by the Board of Library Trustees, who must report annually to the City Council on the use of the bond proceeds.

Fiscal Effect

The year after the first bonds are issued, Berkeley estimates the tax rate would be 1.822 cents per \$100 of assessed evaluation. For a house

valued at \$330,500, the estimated annual tax would be \$59 for the first and the peak years, and average \$27 during the 30-year life of the bonds.

Supporters Say

- 1 Berkeley's branch libraries are an essential part of our community and of each neighborhood. They are heavily used, overcrowded, and need renovations. Berkeley residents rely on our neighborhood libraries even more during stressful economic times. The libraries provide a level playing field for people of all socio-economic backgrounds.
- 2 The Library budget has been well spent, keeping its promise to voters; branches are open 6 days a week and the Central Library is open 7 days a week.
- 3 This measure would create adequate space for the Tool Library and the adult "Berkeley Reads" literacy program.

Opponents Say

- 1 Library spending skyrocketed 56% from 2002 to 2008, more than double the Consumer Price Index. Why can't the Library live within its means as citizens do in these stressful economic times?
- 2 The City's tax structure, which now prohibits the Library's operating budget from paying for major building repairs, needs reform. City general funds should provide for one-time needs of the Library. State and Federal governments should make funds available for repairs to public library buildings.
- 3 Push back against City profligacy, subsidies to developers and excessive employee compensation. Taxpayers should not be forced to pay for all library costs through special taxes.

MEASURE GG

FIRE PROTECTION AND EMERGENCY RESPONSE AND PREPAREDNESS TAX (requires 2/3 majority vote)

The Question

Shall the City of Berkeley authorize a special tax on building improvements of \$0.04083 per square foot for dwellings and \$0.06179

on all other improvements, to be used primarily to eliminate rotating closures of fire stations and to fund additional emergency response and preparedness?

The Way It Is Now

The City's Fire Department is supported almost entirely from the City's General Fund. In 2004, the Council reduced funding levels to the Fire Department, with the result that operating fire stations began rotating closures. Staffing for emergency preparedness and training were also reduced. Currently emergency medical personnel are only on first responder vehicles from three of Berkeley's seven fire stations.

What This Measure Would Do

Measure GG is a new special tax on buildings. The monies would be used first to eliminate rotating closures of fire stations. Remaining funds from the special tax would be used to: 1) provide certified emergency medical personnel and equipment on all first responder vehicles and train first responders in Emergency Medical Service. 2) increase staff to provide Community Emergency Response Training and fund an annual allocation for neighborhood emergency caches. 3) acquire equipment to improve communications within Berkeley and with other public agencies in an emergency. The Council can alter these spending priorities among these categories only if it declares a fiscal emergency by a two-thirds vote.

Fiscal Effect

A new special tax would be imposed on all building improvements of \$0.04083 per square foot for dwellings and \$0.06179 on all other improvements. It is estimated that in fiscal year 2009 the tax would raise about \$3,600,000. Each year the Council may adjust the tax rate by the greater of the increase in cost of living in the immediate Bay Area or per capita personal income growth in California.

Supporters Say

- 1 Measure GG will stop the degradation of local emergency resources. It will eliminate fire station rotating closures, equip and prepare paramedics at every fire station, improve our neighborhood disaster preparedness, and allow for emergency regional communications.
- 2 The special tax will provide funds that can only be used for Berkeley's Fire Department, paramedic services and disaster preparedness. A two-thirds vote is required to pass it. A citizens' committee will oversee all Measure GG expenditures.

Opponents Say

Fire protection and safety should be a top priority in the City's core budget. The issue is not whether the money is available, but rather where to spend it. With a simple majority vote the Council can provide adequately for the Fire Department from the City's General Fund.

MEASURE HH

GANN LIMIT OVERRIDE (requires a majority vote)

The Question

Shall the appropriation limit under Article XIII B of the California Constitution (or ceiling on city expenditures) be increased to allow for the expenditure of taxes previously approved by voters for parks maintenance, libraries, emergency medical services, and emergency services for severely disabled persons for fiscal years 2009-2012?

The Way It Is Now

Prop 13, which was passed in 1978, limited a city's ability to raise property taxes. Later, the GANN Amendment limited other taxes and required that a city go back to voters every four years to gain the right to spend special taxes. Berkeley citizens have voted for special taxes to maintain library services, to maintain the parks and to provide emergency medical service and emergency services for severely disabled persons. These passed by a 2/3 majority. Now it is time for voters to approve continued spending of those taxes which were already approved and collected. Cities are given 2 years to get this approval, and failing that, they have two more years to return the tax increase to taxpayers.

What This Measure Would Do

It would authorize the City to continue to spend tax funds previously approved by the voters for the purposes specified in those voter-approved tax measures for fiscal years 2009 through 2012.

Fiscal Impact

None - the measure would not increase taxes or adopt a new tax.

Supporters Say

- 1 With the passage of Prop. 13 in 1978, property tax revenues and city service levels were substantially reduced. To restore service levels for the library and city parks and provide new emergency services, voters passed four replacement taxes by 2/3 majorities. HH will allow the City to continue to provide these services.
- 2 Opponents to HH seek to overturn the will of the voters.
- 3 The total number of city employees has been roughly constant, and Berkeley is providing many new services. It also seeks and receives tens of millions of state and federal funds.
- 4 This is not a new tax.

Opponents Say

- 1 Berkeley used to pay for basic services from its General Fund without "special taxes." Council now demands extra taxes to pay for these services, so that it can divert the General Fund to non-essentials. A portion of these funds is more than enough to fund the GANN initiatives, saving taxpayers approximately \$900 annually.
- 2 City staff has increased.
- 3 HH would only provide for a small fraction of the City's \$345,000,000 budget; it is misleading to say it would force "dramatic reduction in City services."

MEASURE II

REDISTRICTING TIMELINES. CHARTER AMENDMENT (requires majority vote)

The Question

Shall the City of Berkeley Charter be amended to give the City until December 31st of the third year following the decennial census to adopt new council districts that are as nearly equal in population as feasible?

The Way It Is Now

After the federal government conducts a census every ten years, the City must revise the 8 council district boundaries (if needed) by the end of the year following each census. After the next census in 2010, the redistricting is required by the end of 2011.

What This Measure Would Do

Beginning with the 2010 census, the time available for redistricting would be increased to the end of the third year following the census (for the 2010 census, until December 31, 2013). The City could complete redistricting sooner, if possible.

Fiscal Effect

None.

Supporters Say

Extending the deadline for adjusting council district boundaries would allow a thorough public redistricting process.

Opponents Say

No arguments have been filed in opposition to Measure II.



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 2008 election is Monday, October 20th.

MEASURE JJ

PATIENT'S ACCESS TO MEDICAL CANNABIS ACT OF 2008. CITIZEN INITIATIVE (requires majority vote)

The Question

Shall the City's ordinances be amended to require the City to issue a permit to medical marijuana dispensaries as a matter of right and without a public hearing, eliminate limits on the amounts of medical marijuana possessed by patients or caregivers, and establish a peer review group for medical marijuana collectives?

The Way It Is Now

In 1996, the voters of California passed the Compassionate Use Act (Proposition 215) that removed state penalties for possession and cultivation of a personal amount of medical cannabis for qualified patients and primary care givers. In 2001, the Berkeley City Council passed a local ordinance limiting the amount of medical marijuana a qualified patient or primary care giver 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 care givers 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, which requires a public hearing.

In 2006, Measure R was placed on the Berkeley ballot. Following the election, a court order required a recount of the Measure R votes. Some ballot results were lost and the recount could not be accomplished. Today, Measure JJ contains the same text as the former Measure R; the only change is the letter designation of the Measure.

What This Measure Would Do

- 1 It removes limits for the possession of marijuana by patients and their care givers, but does limit the number of outdoor plants that can be seen from other property to 10 on a single parcel.
- 2 It provides that a collective, composed of qualified patients and primary care givers, 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.
- 3 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.

- 4 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 care givers within 30 days should access to cannabis be interrupted by federal law enforcement activity.
- 5 It provides that qualified patients may cultivate medical cannabis in their residence or on their property without securing a use permit.
- 6 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.

Fiscal Implications

Possible increase in law enforcement costs and possible zoning related cost savings from change in public hearing requirement for marijuana dispensary permits.

Supporters Say

- 1 This measure brings Berkeley law into compliance with state law court and court rulings. It was written by patients, doctors, care givers, and concerned citizens to protect patients' rights and to safeguard access to medical marijuana in Berkeley.
- 2 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. This measure includes City Council-approved limits on the number and location of medical cannabis dispensaries in our city.
- 3 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

No arguments have been filed in opposition to Measure JJ.

2008 City of Berkeley Ballot Tax assessment summary

MEASURE	TITLE	TYPE	BASIS/ ANNUAL COST	AVERAGE COST PER YEAR	NOTES
Measure FF	Library Bond (\$26 million over 30 years)	Bonds (2/3 majority vote)	average rate 0.00836¢ per \$100 of assessed valuation; 0.01822¢ per \$100 at peak	average rate \$27 per year; \$59 per year at peak*	Dedicated to branch libraries only.
Measure GG	Fire Protection and Emergency Response and Preparedness	Special Tax (2/3 majority vote)	residential property 4.083¢ per sq.ft; non-residential 6.179¢/sq. ft.	\$78 residential** \$118 non-residential**	Would raise approx. \$3.6 million first year; adjusts for inflation.
Measure HH	Gann Override	Special Tax (majority vote)	continues existing tax	continues existing tax	Authorizes spending existing tax revenues.

* Assumes assessed valuation of \$330,500

** Assumes 1,900 square feet

Assuming a 1,900 square foot residence with an assessed value of \$330,500, Measures FF and GG combined would add approximately \$105 per year to residential property taxes; Measure HH does not add to current property taxes.



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 KK

INITIATIVE ORDINANCE REQUIRING VOTER APPROVAL OF EXCLUSIVE TRANSIT-ONLY AND HOV/BUS-ONLY LANES. (requires majority vote)

The Question

Before exclusive transit or HOV/bus lanes are designated on public streets, should a comprehensive “designation plan” be prepared that describes the impacts of the plan on affected persons and businesses, and should voter approval be required before adoption of the plan?

The Way It Is Now

Proposals for major changes in the use of public rights-of-way, such as the current proposal to designate lanes for a Bus Rapid Transit (BRT) system, require preparation of an Environmental Impact Report (EIR). A major investment study is also required for proposed projects such as the BRT that receive funding from the Federal Government. Proposals for the creation of dedicated lanes, and the results of reports and studies are reviewed by City staff and several Commissions, including the Transportation, Planning, and Disability Commissions. These Commissions hear public comments, may hold public hearings, and submit their recommendations to the City Council, which can hold further public hearings before making a final decision.

What This Measure Would Do

Measure KK would require voter approval before creation of transit-only, bus-only, or HOV-only traffic lanes on public streets. Prior to the vote, a comprehensive plan for creating such designations is required. The plan is to include information on the impacts of dedicated lanes on drivers, pedestrians, bicyclists, businesses, parking, and emergency access, and their fiscal impacts. This plan would be in addition to the EIR and major investment study.

Fiscal effect

Preparation of a comprehensive plan could cost an estimated \$250,000 to \$500,000, inclusive of staff time. The cost of placing the measure on the ballot would be about \$15,000 for a regularly scheduled election. If a special election were necessary, the cost would be an estimated \$350,000 if conducted by mail, or up to \$700,000 if conducted with polling places.

Supporters Say

- 1 Measure KK will help preserve Berkeley’s unique character and quality of life.
- 2 Opponents claim that “improved” public transit reduces greenhouse gas emissions, but this would be true only if people use it. There is no guarantee that dedicated lanes would increase ridership. The proposed system is not “green.”
- 3 Converting traffic lanes to transit use means losing the use of portions of our streets without compensation. We pay for our streets and we should be allowed to use them.
- 4 It is appropriate to rely on elected representatives to make decisions about changes that are modest or uncontroversial, but if the change is significant or potentially harmful, citizens should have the opportunity to decide their future destiny through the ballot.

Opponents Say

- 1 Measure KK subverts our normal democratic processes of meetings, public comments and hearings by City Commissions and the City Council. It would create delays that could jeopardize funding for current and future projects.
- 2 Measure KK would undercut implementation of Berkeley’s “Green Initiative,” approved by 81% of Berkeley voters in 2006. At a time when improved public transportation is one of the most important ways to reduce greenhouse gas emissions, we need to keep all transit options available, not create costly obstacles.
- 3 No matter what your opinion is about the proposed BRT system, Measure KK goes too far. It would produce costly delays, not better decisions.
- 4 Berkeley’s City Manager has described Measure KK as, “a significant impediment to implementing General Plan goals and policies relating to promoting alternatives to automobiles and improving public transit.”

MEASURE LL

LANDMARKS PRESERVATION ORDINANCE. REFERENDUM (requires majority vote)

The Question

Shall the revised Landmarks Preservation Ordinance as passed by the City Council take effect?

The Way It Is Now

State law requires the Landmarks Preservation Ordinance (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. In 2006, after a six-year process, including multiple public hearings and several drafts, the Landmarks Preservation Commission (LPC) reached agreement on a revised LPO. The City Council adopted the Commission’s revised ordinance, which meets the requirements of the PSA and clarifies the procedures for designating historic resources. By referendum petition, opponents of the revised LPO stopped it from taking effect unless approved by voters. Now Berkeley voters must decide if the LPO as revised by the Landmarks Preservation Commission and passed by the City Council will go into effect. If voters do not approve Measure LL, the current LPO, adopted by the City Council in 1974, will remain in effect.

What Measure LL Would Do

The revised LPO differs from the 1974 version in several ways. Some differences are that it:

- 1 Requires Landmark Preservations Commissioners (LPC) to have certain qualifications.
- 2 Requires historic resources to have “integrity” (authentic characteristics).
- 3 Reduces from 50 to 25 the number of signatures required for the public to initiate (nominate) a landmark or structure of merit.
- 4 Repeals the power of the LPC to suspend (delay) demolition of a landmark or structure of merit.
- 5 Grants the LPC authority to prohibit the demolition of a landmark or structure of merit.

- 6 Establishes specific timelines within which the LPC may act to initiate (nominate) and must decide if a property is a landmark or structure of merit.
- 7 Specifies procedures by which a property owner may request a determination of whether his/her property is a landmark or structure of merit, and requires public notice of the request.
- 8 Adds the LPC to the list of those who may initiate an historic district.
- 9 Expands the right of appeal by allowing any person to appeal a decision of the LPC to the City Council.

Fiscal effect

None.

Supporters Say

- 1 Measure LL is supported by preservationists, and approved by the LPC and the City Council.
- 2 Measure LL is the result of six years of an open public process to update the current LPO and bring it into compliance with state law.
- 3 Opponents used the initiative process to place their version of a revised LPO on the November 2006 ballot; voters did not approve it. By qualifying this referendum for the ballot, they are again trying to defeat a community consensus among people with different perspectives.

Opponents Say

- 1 Measure LL makes it easier to demolish historic buildings and restricts the time the public has to save historic resources.
- 2 Demolition of buildings increases greenhouse gases and adds millions of tons of debris to landfills.
- 3 Older homes provide much of Berkeley’s affordable housing and contribute to the character of our neighborhoods.
- 4 Our current Landmarks Preservation Ordinance meets the requirements of State Law.