

## Berkeley 2014 Ballot Measures

### **Measure D: Berkeley Soda Tax:**

#### **A\_Tax on Distributors of Sugar-Sweetened Beverages**

##### ▪ **Simple Majority Required**

**The Question:** Should Berkeley charge a 1¢ per ounce general tax on drinks such as sodas, energy drinks, presweetened teas and coffees and the caloric sweeteners used to make them? The following would not be taxed: sugar, honey and syrups bought by consumers at grocery stores; drinks and sweeteners distributed to very small retailers; diet drinks, milk products, 100% juice, baby formula, alcohol, or drinks taken for medical reasons.

**The Way It Is Now:** Scientific studies have linked high levels of sweetener consumption to increased rates of obesity, type 2 diabetes, heart disease and tooth decay. The Institute of Medicine recommends that a moderately active person age 31–50 should eat about 1,400–2,600 calories per day. One 12-oz. can of a sweetened drink has 10 or more teaspoons of sugar or 160 or more calories. According to the 1999–2004 National Health and Nutrition Examination Survey, the average American consumed 22.5 teaspoons of added sugar per day, or 360 calories, almost half from sodas and fruit drinks.

**Fiscal Effect:** According to the Healthy Child Coalition, supporters of Measure D, the soda tax would raise approximately \$1.5 million each year for the city of Berkeley.

##### **Supporters Say:**

- Scientific evidence shows that sweetened drinks are linked to diabetes and heart disease.
- In 2008–09, over 40% of Berkeley ninth graders were overweight or obese. The U.S. Centers for Disease Control project that 1 of every 3 American children and nearly half of African American and Latino children will develop diabetes within their lifetimes.
- Big Soda spends hundreds of millions of dollars aggressively marketing sweetened drinks to children—even bypassing parents by texting teens directly.
- With the help of a panel of health professionals and educators the Council will use the tax money to educate children and families about healthy foods and encourage healthy eating habits.

Web site: <http://www.berkeleyvsbigsoda.com/>

##### **Opponents Say:**

- Tax receipts from Berkeley’s Measure D will go into the city’s general fund. There is no guarantee the money will be spent on improving public health, unlike the proposed San Francisco measure, which dedicates the tax funds to local health and wellness programs.
- Obesity and diabetes are important problems, but Measure D takes the wrong approach to solving them.
- Measure D contains arbitrary and confusing exemptions; for example, chocolate milk will not be taxed. Some stores will have to pay the tax and others will not.
- Shop owners could choose to raise prices on any or all items, not necessarily on sweetened drinks, so the tax rise would not be visible to shoppers.

Web site: [noberkeleybeveragetax.com/](http://noberkeleybeveragetax.com/)

The full text of Measure D: [www.acgov.org/rov/elections/20141104/documents/MeasureD-V4.pdf](http://www.acgov.org/rov/elections/20141104/documents/MeasureD-V4.pdf)

### **Measure F: Berkeley Parks Tax**

##### ▪ **2/3 Majority Required**

**The Question:** Should Berkeley increase the Parks Tax to sustain community parks like the Rose Garden, children’s playgrounds, tennis and basketball courts, and ball fields by increasing the tax rate per taxable square foot by 2.1 cents from 12.6 cents to 14.7 cents -- and revising the inflation factor?

***What Measure F Would Do:*** Measure F would increase the existing special tax for parks, trees and landscape maintenance from the rate of 12.6 cents to 14.7 cents—an increase of 2.1 cents per square foot. Property taxes on buildings would increase 21 cents per 100 square feet. For example, tax on a 1,900-square-foot building would increase from \$238.64 to \$278.54. This rate would change each May based on the California Consumer Price Index [CPI] or on the per-capita income growth in the state of California. The City would spend the tax on deferred and ongoing maintenance and operation of City parks and recreation facilities. The tax increase would take effect July 1, 2015. If the tax does not pass, city park services will continue to be reduced.

***The Way It Is Now:*** The Parks Tax Fund has been operating at a deficit since 2010. The Parks and Recreation Dept. has reduced positions and capital expenditures: it has been drawing on and reducing the Parks Tax Fund reserves. At the current rate, the Parks Tax will have a \$500,000 shortfall, which will use up the reserves and cause a Parks Tax Fund deficit by 2017, according to a staff report to the City Council.

***Supporters Say:***

- Berkeley maintains 52 parks including 48 play areas; 21 turf medians, triangles, and dividers; 44 parking and vacant lots; 75 paths, walks and steps; and 50 undeveloped paths. The current revenue is not enough to keep these facilities in good condition.
- Berkeley parks and play areas are an important asset to the community. People of all ages use and enjoy the parks.
- Maintaining our parks keeps us safer and costs less in the long term. If the rate is not raised, our parks and grounds will continue to deteriorate. Ultimately, we will have to pay much more to repair and maintain them.
- Lawsuits for injuries will increase. To keep park and playground users safe, our facilities must be in good repair, clean and sanitary and debris and garbage must be removed.

***Opponents Say:***

- Vote no on this and all tax measures until the City addresses its unfunded liability for staff pensions and reforms its mismanaged administration. Income from the existing parks tax has increased, yet staff has been reduced and parks have deteriorated.
- The measure does not provide for long-needed capital improvements to swimming pools, tennis courts and ball fields.
- Berkeley should hold down tax increases that are based only on the size of one's property and taxes that increase as the cost of living goes up.
- Not all Berkeley citizens are paying for the use of the parks; the burden is put only on property owners.

*The full text of Measure F:* [www.acgov.org/rov/elections/20141104/documents/MeasureF-v4.pdf](http://www.acgov.org/rov/elections/20141104/documents/MeasureF-v4.pdf)

## **Measure O: Amend Charter Recall**

- ***Simple Majority Required***

***The Question:*** Should Berkeley amend its Charter to change the recall provisions to agree with State and case law?

***What Measure O Would Do:*** Measure O is a “clean-up” measure that would make the City’s recall rules and schedule agree with the state Election Code and case law. The City could combine a recall election more easily with a scheduled election so that the County Registrar of Voters could run both elections at once. More voters could participate and the city would save money. Measure O changes the rules for recalling a Berkeley elected official, such as a City Council or School Board member.

Some of the changes are:

- Prohibits recall if the official’s term would expire in six months or less;
- Signatures on a recall petition must be verified using the most recent official report;
- If the office becomes vacant after the recall petition has been filed, a recall election is not required;

- Simplifies timing by allowing a 90-day period to circulate recall petitions;
- Each petition signer must print name, add signature, list street and number;
- Gives the City Clerk 30 days instead of 15 to examine and certify signatures;
- Registered voters may vote for a replacement candidate even if they do not vote on the recall;
- Allows the City Council and Board of Education 60 days rather than 30 to fill vacancies after a recall.

***The Way It Is Now:*** City Charter recall provisions have not been amended since 1976. They require the City to call and pay for a special election. Since then, city elections have been consolidated with state and federal elections in November of even-numbered years and are run by the County Registrar of Voters. The State Election Code and case law have changed.

***Fiscal Effect:*** Potential cost savings because recall elections are more likely to be consolidated with state elections.

***Supporters Say:***

- Measure O modernizes our recall election procedures to conform to recent changes in the law.
- Measure O will prevent costly special elections.
- Citizens will still be able to recall an elected official by submitting petitions signed by at least 25% of registered voters eligible to vote on that office.

**No opposing argument was filed.**

*The full text of Measure O:* <http://www.acgov.org/rov/elections/20141104/documents/MeasureO-V3.pdf>

**Measure P: Constitutional Amendment to Eliminate Corporate Personhood**

- ***Simple Majority Required***

***The Question:*** Should the United States Constitution be amended to abolish the legal concept that corporations are persons that are entitled to constitutional rights, and the doctrine that the expenditure of money may be treated as speech?

Note: The question is stated exactly as it is on the ballot. There is no further text.

***What Measure P Would Do:*** According to the City Attorney, “the proposed measure, if adopted, would call for an amendment to United States Constitution to abolish the legal concept that corporations can be considered persons that are entitled to constitutional rights, and the doctrine that the expenditure of money may be treated as speech. This proposed ordinance was placed on the ballot by the City Council.”

Note: The editors assume that this is, in effect, an advisory measure. If Berkeley voters pass Measure P, the City Council would make the voters’ views known to our federal elected officials and the Council might advocate for such a constitutional amendment.

***Supporters Say:***

- Spending money is not equivalent to speech. The Supreme Court’s decision in *Citizens United v. FEC* said that donating unlimited money on campaigns should be considered free speech.
- Corporate wealth is buying our elections and undermining our power and rights as citizens and voters. Corporations are now intervening with millions of dollars directly and often secretly in elections and in legislation.
- This ballot measure is an important opportunity to make the opinion of Berkeley voters on this issue clear to our representatives.

**No opposing argument was filed.**

**Measure Q: Flexible Work Time**

- ***Simple Majority Required***
- ***Advisory Measure***

**The Question:** Should Berkeley voters advise the City Council to adopt an ordinance giving employees in Berkeley the right to request to work part-time and requiring employers to respond in writing? Should the Council send letters to state and federal elected officials, requesting them to give government employees the right to have shorter work hours, if doing so would not cause problems?

**What Measure Q Would Do:** Measure Q gives advice to the City Council. It does not enact a law. It requests the Council to adopt an ordinance based on the “Working Families Flexibility Act,” introduced in Congress in 2007 as Senate Bill

S. 2419, and the Family Friendly Workplace Ordinance adopted in San Francisco, that would give public and private employees in Berkeley the right to request to work part-time and request flexible work arrangements. Employers would have to respond in writing, but could refuse the request by stating a business reason. No appeals would be allowed and small business could be exempt. The proposed ordinance would apply to all employees, not just family caregivers, and could be adjusted to the needs of local employers. Flexible work hours could include compressed work weeks or telecommuting as well as fewer hours.

Measure Q also requests the City to write to all the appropriate state and federal elected officials requesting the state and federal governments to adopt laws and policies giving government employees the right to request shorter or more flexible work hours and that the state and federal governments must grant such requests, if doing so would not cause operational problems. In particular, the City should urge state and national elected officials to pass a law with the same provisions as the “Working Families Flexibility Act,” introduced in Congress in 2007 as Senate Bill S. 2419.

**Supporters Say:**

- Flexible work—through part-time work, telecommuting, or compressed work weeks—improves family life, increases employment and productivity, and reduces both employee turnover and environmental impacts.
- The advisory measure proposes laws similar to those passed in San Francisco and Vermont in 2013 and regulations adopted by President Obama for federal workers. Similar European Laws have worked well.

**No opposing argument was filed.**

*The full text of Measure Q:* <http://www.acgov.org/rov/elections/20141104/documents/MeasureQ-V3.pdf>

## **Measure R: The 2014 Downtown Initiative**

### **▪ Simple Majority Required**

**The Question:** Should the City of Berkeley amend the Downtown Area Plan to change permit procedures and establish building heights? Should the City of Berkeley require buildings that are 75 feet or higher to meet higher environmental building standards and other social requirements? Should the City of Berkeley establish a Civic Center Historic District to protect the Post Office, the Old City Hall and other downtown buildings?

**What Measure R Would Do:** This measure amends provisions of the 2010 Downtown Area Plan, the governing document for downtown Berkeley development. It changes the “Green Pathways” program, which was intended to encourage environmentally friendly development and provide a faster city approval process.

All new buildings would have to meet at least the LEED gold standard, the second highest level of environmental building certification. Buildings higher than 75 feet would have to meet the LEED platinum standard, the highest level of environmental building certification. Additionally, buildings going higher than 75 feet would have to provide specific public benefits for the life of the project, including 20% housing for very low income people and for families and family-size 2-to 3-bedroom units. As in the 2010 Downtown Area Plan, only three buildings could go to 180 feet and two buildings to 120 feet. Developers would pay a 10% fee (reduced from a onetime 30% fee) into a special low income housing fund, because they would instead include more low income units.

Developers' choosing the Green Pathway would hire 50% Berkeley workers (up from current 30%) and pay the local prevailing wage for construction and other workers.

In general, buildings would have to include more parking spaces for vehicles and bicycles and include parking for disabled and shared vehicles, and vehicle charging. On-site composting and recycling facilities would be required. All buildings, public and private, over 75 feet would include public restrooms for men, women and disabled users.

The application process for the 5 buildings over 75 feet would be changed. The 2014 Measure R would limit applications to one completed application to be considered per year. Now, there is no limit. Current projects in the pipeline would have the opportunity to revise their applications to meet the new Green Pathway requirements. Measure R would not change the fact that only 5 buildings over 75 feet could be built without voter approval for additional buildings.

Projects would go through the usual Landmarks Commission approval process rather than the 2010 Green Pathway pre-approval requirements.

The measure would create a permanent Civic Center Historic District, including the Main Post Office, the high school, the Veterans building, Old City Hall and other buildings. Within this district, new buildings would be limited to 50 feet. Buildings in this district could be used only for libraries, government, museums, parks and playgrounds, public schools, public markets, theaters for live performances, and nonprofit cultural, arts, community service and historical organizations. These uses could extend to the residential housing in the Historic District and include additional parking and other standards.

***The Way It Is Now:*** In November 2010, 64% of Berkeley voters approved the 2010 Measure R, called Berkeley's Green Vision for the Downtown. It was intended to meet the City's ambitious climate action goals. It required a new set of building and zoning regulations to ensure environmental and community benefits. In the Downtown Area Plan, adopted in 2010, the Green Pathways provision gave developers the option of providing a higher level of community benefits in exchange for a faster-track approval process; so far, no Green Pathway project has been submitted.

***Fiscal Impact:*** Fiscal impact is uncertain.

***Supporters Say:***

- This 2014 Measure R will turn the Downtown Plan from promise to reality—replacing vague language with specific regulations and closing loopholes.
- Measure R will make major developers contribute community benefits, with higher green standards, housing for very low income families and higher wages for workers.
- Measure R protects the Post Office and other historic and cultural resources in Berkeley; it preserves the heart of downtown for public uses.
- Measure R is not anti-growth; it will maximize environmental and community benefits from downtown development.
- Measure R will increase bicycle and vehicle parking and affordable housing near transit.
- Measure R restores Landmark Preservation Review; it protects adjacent downtown neighborhoods.

Web site: [www.yesonberkeleymeasurer.com/](http://www.yesonberkeleymeasurer.com/)

***Opponents Say:***

- This 2014 Measure R would stop proposed projects and discourage further development; it would cripple the voter-approved 2010 Downtown Area Plan by adding higher green standards and less-flexible design guidelines.
- The 2010 Measure R was the result of a six-year public process including more than 200 public meetings. It is too soon to change the current Downtown Area Plan rules.
- This 2014 Measure R would reduce opportunities for new business, school district and city revenues including Housing Trust Fund revenues, which are vital to affordable and special-needs housing.

- This Measure R would lock complicated zoning regulations into law; provisions that don't work could be changed only by voters.
- This Measure R is not needed. The existing Downtown Area Plan is green. It promotes smart growth with denser housing in downtown and along major transit corridors and reduces carbon emissions from vehicles.
- This Measure R would discourage downtown development through its stringent requirements, according to AECOM, the firm hired by the City to conduct the analysis.

Web site: [NoOnMeasureR.org](http://NoOnMeasureR.org)

The full text of Measure R: [www.acgov.org/rov/elections/20141104/documents/MeasureR-v5.pdf](http://www.acgov.org/rov/elections/20141104/documents/MeasureR-v5.pdf)

## **Measure S: Referendum on City Council Redistricting Plan**

### ▪ **Simple Majority Required**

***The Question:*** Should Berkeley voters approve the current redistricting plan for City Council districts, based on the 2010 Census and adopted by the City Council on December 17, 2013? Should the City continue to use this plan until the Council redraws the districts again following the 2020 Census?

***What Measure S Would Do:*** Measure S would adopt the redistricting plan approved by the Council on December 17, 2013, by a vote of 6–3. This plan would be used for all elections until a new redistricting plan is adopted.

***The Way It Is Now:*** Every ten years, after the Federal Census, City Council district boundaries must be redrawn to balance population in each district. Under the Berkeley City Charter, this redistricting is done by the City Council. Council must complete redistricting within three years after the Census. Accordingly, the Council adopted an ordinance establishing a map with new district boundaries.

Opponents of the Council-approved map gathered enough signatures to place the ordinance adopting that map on the ballot. Any ordinance must be submitted to the voters if enough voters' signatures are collected through the referendum process.

A YES vote would approve the redistricting ordinance adopted by the Council, in which case the Council-approved redistricting map and ordinance would remain in effect.

A NO vote would reject the redistricting ordinance adopted by the Council. The Council would have to adopt a new and different redistricting map. Until the Council does so, the districts adopted in 2002 would be in force.

### ***Supporters Say:***

- The Council-approved map is fair; districts are equal in population; every vote has equal weight. It preserves compactness, integrity and geographical contiguity. It meets all federal, state, and local rules.
- The Council map satisfies the city goal of a student district. Because Berkeley has far more students than can fit into one district, choices must be made. This map emphasizes the community of interest of Southside students who share common concerns that differ from Northside students, such as greater crime and needs for more economic development.
- The Council map was submitted on time and is the result of an extensive, transparent public process.
- Voting no on S will waste city resources and cost the City more money. The City would have failed to adopt new districts within three years of the Census and violated its own charter. The 2002 districts would be 12 years out of date with a high population deviation.
- Voting no on Measure S will not automatically create an independent citizens redistricting commission; such a commission will also be created if Measure S passes.

### ***Opponents Say:***

- The Measure S Council map gerrymanders districts and divides communities of interest and neighborhoods such as Halcyon, West Berkeley and LeConte unnecessarily. Students are split to create a fraternity-dominated district.
- The City's process for soliciting and selecting maps was not fair; the deck was stacked from the beginning so that a map favored by the Council majority would be selected.
- Neighbors, students and community leaders gathered 7,867 signatures to compel Council to either have a referendum or negotiate a compromise map. Instead the Council went to court so that a judge confirmed use of their map for this referendum election.
- If the voters reject the Council-approved map with a "no" vote, the defeat would force the Council to pick a fairer alternative map.
- A no vote on S will force the Council to adopt an independent redistricting commission, which will take the politics out of redistricting in future.

*The full text of Measure S: [www.acgov.org/rov/elections/20141104/documents/MeasureT-V4.pdf](http://www.acgov.org/rov/elections/20141104/documents/MeasureT-V4.pdf)*