

# LWV PROS & CONS

## General Election

### Tuesday, November 6, 2012

League of Women Voters Berkeley Albany Emeryville

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## CITY OF BERKELEY

### MEASURE

# M

### Bonds To Improve and Streets and Watersheds (requires 2/3 vote)

- The cost to repair streets increases sharply when maintenance is put off. Keeping streets in good repair is 5 to 10 times cheaper than replacing streets that have failed.

The structures for collecting storm water are also aging and breaking, causing local flooding, sinking of soil, and paving and poor water quality.

### Supporters Say

- City streets are failing. The sooner we fix them, the less repairs cost.
- Measure M income could help the City win grants for additional watershed maintenance and repairs.
- Fixing streets in bad condition is much more expensive than keeping streets in good repair; on average, it costs about \$36,000 per mile to fix a “good” street, \$309,000 for a street in “poor” condition, and \$1.15 million per mile to rebuild streets in “failed” condition.
- We need drainage improvements and related flood controls to help stop the flooding in the flatlands and the overflowing sewers in the hills.

### Opponents Say

- Measure M is not enough money to repair the terrible conditions of Berkeley streets; we should wait and vote for all needed repairs in a single measure.
- M will not fix all of our watershed, drainage, and other environmental needs; it does not guarantee that the City will use the newest “best management practices” and permits experimental methods that may cost more.
- This measure will be used mostly for street repair and will not take care of many serious flooding and drainage problems.
- The November 2012 ballot already includes too many measures that will increase taxes.

### The Question

Should the City of Berkeley issue general obligation bonds not exceeding \$30,000,000 for street improvements and integrated drainage?

### What Measure M Would Do

Measure M will raise \$30 million to fix, maintain and improve streets that urgently need work, although it is not enough to make all the street repairs needed in Berkeley. Work to prevent flooding and improve water quality would be combined with street repairs when possible. The improvements would include, but not be limited to, large underground storage pipes and environmentally friendly drainage solutions like ditches, planted areas or paving that catch rainwater and reduce runoff.

### Fiscal Effects

Over the 30-year life of the bonds the tax would average about \$38 per year for a home with an assessed value of \$330,500, \$61 for a home with an assessed value of \$700,000, and \$116 for a home with an assessed value of \$1,000,000.

### The Way It Is Now

Street repairs have declined as City of Berkeley revenues have declined. A 2011 report by the City Auditor’s office concluded that 62% of Berkeley’s streets are in substandard or failed condition.

- Streets in poor condition increase drivers’ costs and add to greenhouse gas emissions



**Bonds for Pools and Their Facilities (requires 2/3 vote)**

**The Question**

Should the City of Berkeley issue general obligation bonds not exceeding \$19,400,000 to replace and renovate the Warm Water and Willard pools and facilities, and renovate the existing West Campus and King pools and facilities?

**What Measure N Would Do**

Measure N proposes that the City of Berkeley issue \$19.4 million in bonds to construct replacements for the Warm Water pool and Willard Middle School pool and repair, renovate, or replace the locker rooms and other facilities for the Warm Water, Willard, West Campus, and King Middle School pools, following the 2009 Pools Master Plan. If voters approve Measure N, the bonds will not be purchased unless Measure O also passes. O is a special tax measure to maintain and staff the two new pool facilities. The Berkeley Unified School District would lease the land for the pools to the City for little or no rent and would pay the same user fees to the City as other users.

**Fiscal Effects**

The Tax Rate Statement filed in conjunction with Measure N estimates that the property tax rate needed to pay off the bonds is \$7.01 per \$100,000 of assessed property value for 30 years or about \$42 per year for a home valued at \$600,000.

**The Way It Is Now**

The City closed two of its four pools, on property owned by the Berkeley Unified School District, between 2010 and 2011 because it did not have the money to pay for maintenance and public safety. The Willard Middle School pool, open five months each year on Telegraph Avenue in South Berkeley, provided swimming lessons, family, open, and lap swimming as well as showers for the homeless. The Warm Water Pool, on the Berkeley High School campus, was visited about 13,000 times a year by 300 individual users. Two pools remain open year-round in Berkeley, the West Campus Pool near the west end of University Avenue and the King Middle School Pool on Hopkins Street in North Berkeley, which provide swim lessons, a home base for the Berkeley Barracudas and Berkeley Aquatics Masters swim teams, as well as water exercise, family, open, and lap swimming.

Although Berkeley voters approved \$3.25 million for the renovation of the Warm Water pool in 2000, the City never sold the bonds. In 2009, the Berkeley City Council adopted the Pools Master Plan.

**Supporters Say**

- Children, families, and individuals rely on City pools for exercise, recreation, and swim instruction.
- Berkeley residents want all four public pools. In 2010, Berkeley voters almost approved Measure C to renovate all 4 pools.
- We can fix our pools and plan for our city’s financial health at the same time.

**Opponents Say**

- The City faces a looming insolvency and now is not the time to invest in pools.
- In a recent voter survey of Berkeley residents, pools ranked second to bottom among eleven possible funding areas.
- Pools and swim skills are very important, but there are plenty of pools in our area.



**Bonds to Maintain Pools and Their Facilities (requires 2/3 vote)**

**The Question**

Shall a special tax of \$0.00779 per square foot of improvements on land in Berkeley be authorized to fund maintenance and operation of the replacement Warm Water Water and Willard pools, if a bond measure funding construction of those pools is adopted?

**What Measure O Would Do**

Measure O is a special property tax, effective July 1, 2013, to provide \$604,000 annually to staff, operate, and maintain facilities and programs at the proposed Willard and Warm Water pools. Measure N, a companion bond measure requiring 2/3 voter approval, provides funds to rebuild the Willard and the Warm Water pools and their facilities and to refurbish existing pool facilities.

As for Measure N, collection of this tax is dependent on two things: 1) the City entering into a lease with the Berkeley Unified School District for the pool facilities, and 2) voter approval of Measure N. If just one of the two measures passes, neither the tax nor the bond funding to build the pools will go forward.

## Fiscal Effects

The proposed City special tax is \$00.00779 per square foot, \$9.35 for a 1,200-square-foot home or \$11.69 for a 1,500-square-foot home, and \$77.90 for a 10,000-square-foot-building in the fiscal year 2013-2014. This tax is indexed for inflation, so it will increase as the cost of living increases.

## The Way It Is Now

When, between 2010 and 2011, the City closed two of the four pools it maintained on Berkeley Unified School District property because it did not have money for maintenance and public safety investments, it also eliminated the funding to staff, operate, and maintain the facilities and their programs.

## Supporters Say

- Pools provide healthy community-based recreation activities for our children and youth.
- Measure O would maintain and modernize our pools and make them more energy-efficient.

## Opponents Say

- Berkeley has \$1.2 billion in unfunded liabilities and shouldn't add additional tax burdens.
- The City should reduce expenditures like the \$200,000 for employee health club membership to pay for operation and maintenance of our pools.



**Raise the  
Gann Limit  
(requires majority vote)**

## The Question

Should the Gann Limit be raised to allow the City to spend taxes previously approved by the voters for park maintenance, libraries, emergency medical services, emergency services for severely disabled persons, and fire protection and emergency response and preparedness, for fiscal years 2013 through 2016?

## What Measure P Would Do

P would raise the Gann Limit on the City budget for four years so that the City could spend the special taxes approved by Berkeley voters.

## The Way It is Now

Because voters approved Proposition 13 and Proposition 4 in the 1970's and Proposition 111 in 1990, California's Constitution requires local voter approval every four years of the "Gann Limit." In 2012, the City Council unanimously approved this appropriation limit for fiscal year 2013 and placed Measure P on the ballot. The City finance staff calculated Berkeley's Gann Limit based on population growth, inflation, and the transfer of fiscal responsibility from one level of government to another.

## Adjustment Shown

To Fiscal Year 2012 Gann Appropriation Limit	\$158,511,320
Add "Growth Factor" of 1.04787 percent	
Add Special taxes	
FY 2013 Gann Appropriation Limit <b>Total</b>	<b>\$198,753,976</b>

Berkeley may not spend more of its tax revenue than this Gann Limit; Berkeley's proposed 2013 budget does not exceed the Gann Limit.

## Fiscal Effects

Approving the measure does not change your current taxes. It authorizes the City to spend money raised by existing voter-approved taxes.

## Supporters Say

- P must pass to continue city services. It does not raise taxes. Voters have approved these taxes.
- Our population has grown by more than 9%; we must adjust our current taxes so that we can have adequate city services.
- We need these funds to keep improved emergency medical response and disaster preparedness levels, to keep fire stations open, and to fund libraries, parks, and emergency services for severely disabled people.

## Opponents Say

There are no arguments filed against Measure P.

**OCTOBER 22 IS THE LAST  
DAY TO REGISTER TO VOTE  
IN THE NOVEMBER 6, 2012  
ELECTION**

## MEASURE

# Q

**Amend the  
Utility Users Tax  
(requires majority vote)**

## MEASURE

# R

**Redistricting Charter  
Amendment  
(requires majority vote)**

### **The Question**

Should the existing Utility Users Tax be revised to keep up-to-date with changes in technology and Federal and State laws, keep exemptions for nonprofit educational organizations and hospitals, and add an exemption for low-income taxpayers, and require an annual verification and public report?

### **What Measure Q Would Do**

Measure Q is mainly a “housekeeping measure” that updates technical descriptions of which telephone and other communications services are covered by the Utility Users Tax so that the City can get as much income as possible from the tax. At the same time, it adds a new Federally required exemption for very low income people. The tax administrator is required to notify suppliers who need to collect the tax and to carry out local and state government rules and regulations. It requires a yearly audit. Exemptions for non-profit educational organizations and hospitals continue.

### **Fiscal Effects**

Uncertain. Although the measure gives relief to low-income people, they have to apply for it, so the number who will apply is unknown. Applying the tax to additional communications services could expand the number of people who pay the tax.

### **The Way It Is Now**

Berkeley’s Utility Users Tax (UUT) of 7½% is a charge on telephone communication services. Its technical and legal provisions are out of date. The tax supports police and fire services and helps fund public health and recreation, street and park maintenance, libraries and senior programs. There is an exemption for nonprofit educational organizations and hospitals, but no exemption for very low income people.

### **Supporters Say**

- Vote for Q to maintain police, fire, and city services.
- Q does not increase the tax rate.
- Q gives tax relief for very low income people and continues the relief for some nonprofits.

### **Opponents Say**

No argument was filed against this measure.

### **The Question**

Should the Charter of the City of Berkeley be amended so that council district redistricting can be adopted by ordinance, while retaining all the current requirements such as equal populations, geography, and communities of interest?

### **What Measure R Would Do**

Charter Amendment R removes detailed descriptions of district lines from the Charter, but keeps all the current-standards or criteria that the City Council must obey to draw the district lines.

After November 2012, R would require the City Council to draw new district lines by December 31, 2013, based on the 2010 census figures. The new district lines will apply in all elections until the 2020 census—when the redistricting process will begin again. R will protect current holders of Council seats from being excluded from their districts by redistricting—as the current Charter does.

### **The Way It Is Now**

The 2012 election: Charter Amendment R will not apply to this election. The November 2012 election will obey the current Charter and its current descriptions of council districts, which were based on the 2000 U.S. census. Mayor, Auditor, and School Directors are still elected city-wide. The current charter requires that the district lines stay as close as possible to the original 1986 lines, but that the districts must also have as equal populations as possible and take into account topography, geography, cohesiveness, contiguity, integrity, compactness of territory, and communities of interest.

*Who draws the Districts?* In the past two redistricting cycles, the City Council has invited public participation, provided all the necessary census and map data, and set up a process for citizens to draw up and propose plans to the Council. Public hearings on the plans were held. The Council then adopted one of the plans. The Council has not announced any changes in this process. This process was followed in 2011-2012, but the Council decided not to accept any of the eligible plans.

In this election, districts will not be equal in population. People have moved and the population has grown to 112,580 people. According to the 2010 U.S. census, the City of Berkeley has almost 10,000 more people than in 2000. Based on the 2010 census information, each of the eight districts should have about 14,000 voters. Instead, all the districts will have fewer or more voters than 14,000—ranging from 993 too few to 2550 too many.

## Fiscal Impact

No significant additional costs to the City.

## Supporters Say

- Vote Yes on R. Charter amendment R preserves all the important standards for drawing districts fairly. It makes sense to use an ordinance rather than the Charter to describe the districts, because district lines must be changed every 10 years.
- Inviting the public to draw up competing plans and holding public hearings on the plans would help ensure that the City Council will adopt a fair redistricting plan.
- R and the current Charter give the City Council the final decision; that won't change.

## Opponents Say

- Vote No on R. Incumbents always adopt redistricting plans that help them and their allies get reelected.
- R gives the City Council more power to draw districts; we should keep the lines drawn in the 1986 initiative.
- Courts rarely modify decisions made by a charter city such as Berkeley. Therefore the protection of the existing charter provision should be retained.

## Want More Info?

**For the full texts of all the city and county ballot measures, legal analysis and official arguments for and against, go the website of the Alameda County Registrar of Voters and scroll down to the letter and title of the measure at [acgov.org/rov/next.htm](http://acgov.org/rov/next.htm).**

**SmartVoter.org Nonpartisan Election Info**  
Type in your address for comprehensive info about everything on your ballot.

**EasyVoter Guide at [www.easyvoter.org](http://www.easyvoter.org)**  
Info for new and busy voters in many languages.



**No Sitting on  
Commercial  
Sidewalks  
(requires majority vote)**

## The Question

Should Berkeley prohibit sitting on sidewalks in commercial districts from 7:00 a.m. to 10:00 p.m.—with a warning before citation, protections for citizen rights, and with exceptions for wheelchair and other uses?

## What This Measure Would Do

Measure S gives Berkeley police the power to tell people sitting on the sidewalk in commercial areas during business hours of 7:00 a.m. to 10:00 p.m. that they may not sit on the sidewalk. If violators do not stand up or move away, the police can cite them for an infraction. Violators would have to pay a \$75 fine or do community service. Violators who repeat the violation within 30 days of the first citation could be charged with an infraction or a misdemeanor and could be jailed. Exceptions: People suffering medical emergencies, in wheelchairs, or sitting on public benches or café chairs or during street festivals or events. M requires the City to adopt rules and procedures so that police do not violate citizen rights under Federal or State law.

Measure S increases enforcement of existing laws and adds a new law limiting sitting on the sidewalk in business areas in an attempt to further reduce problematic street behavior. Before S takes effect on July 1, 2013, the City would do outreach and education with homeless and youth service providers, merchants, community agencies, and City staff, including police.

## Fiscal Effects

Costs or benefits to the City are uncertain.

## The Way It Is Now

As in many cities, mentally ill, addicted, homeless and other people gather in Berkeley's streets and parks. Berkeley has responded by providing shelter, free food and social services on an ongoing basis and as a result of the 2007 Public Commons for Everyone Initiative (PCEI). The \$1 million PCEI program is funded by a twenty-five-percent increase in hourly parking meter fees. Ordinances regulate sleeping on the streets and problem behavior. The Downtown Business District recently taxed itself to make physical improvements on downtown streets in addition to the Berkeley Host Ambassadors program, which aims to make the city more welcoming and safe.

## Supporters Say

- Business areas in Berkeley are unwelcoming and unpleasant because groups of people, often with dogs, are sitting on sidewalks.
- Berkeley businesses are struggling and not enough new businesses are opening.
- Berkeley provides lots of support services for people in need and spends \$2.8 million annually on them.
- Similar laws in San Cruz, Santa Monica, and Seattle have worked; the conditions for businesses have improved.

## Opponents Say

- Anti-sitting laws violate civil rights and civil liberties.
- S criminalizes the innocent activity of sitting in public spaces and punishes homeless people instead of helping them in difficult economic times.
- Berkeley police have the authority to stop people who are threatening others or creating disagreeable or dangerous situations.
- A similar law in San Francisco has not been effective.



## Amendments to West Berkeley Plan and Zoning Ordinance (requires majority vote)

### The Question

Should the West Berkeley Plan and the Zoning Ordinance be amended so that up to 6 large sites, each under the same ownership, could be developed during the next 10 years, with a maximum height of 75 feet and with a site-wide average height of 50 feet, and only if community and environmental benefits are provided to West Berkeley?

### What Measure T Would Do

Measure T would permit mixed uses, taller buildings, and potentially more dwelling units on some block-size building sites in West Berkeley. Developers would give significant benefits to the community and additional protections to Aquatic Park, where appropriate. The West Berkeley Plan and Measure T apply to Berkeley between San Pablo Ave. and the freeway. In its first ten years, Measure T could apply to only six large sites; thereafter, T could apply to single block sites owned by single owners since August 1, 2011. Before any applications for these large developments are considered or approved, the City

Council will approve specific lists of possible community benefits and Aquatic Park protections. Each proposal would be reviewed, as applicable, by the Planning, Design Review, and Landmark Commissions and the Zoning Adjustment Board and could be appealed to City Council.

### Sites Included

Sites greater than 4 acres or any complete city block under the same ownership since August 2011. No more than six sites will be developed in first 10 years, any eligible site thereafter. Owners choose whether to use this option or current rules.

### Community Benefits and Aquatic Park Protections

State law does not permit the City to require community benefits, so developers must provide them voluntarily. Consequently, this measure offers developers incentives to take advantage of T.

**How tall?** Maximum building height: 75 feet; average height: 50 feet. Current maximum height is 35 to 45 feet.

**How much floor area?** 3 times the lot area. Current floor area is 1.5-2 times the lot area.

**How dense?** “Mini” housing units could be allowed.

**Lot area coverage?:** 75% for the buildings; 10% for open space for public. Current coverage in Industrial areas does not require public open space.

**Off-street parking?** Developers of these sites can apply to reduce parking requirements by up to 50%.

### Fiscal Effects

Unknown

### The Way It Is Now

The West Berkeley Plan and its related zoning changes are a response to the City Council’s 2006 request that the Planning Commission make changes to encourage building reuse and expansion and to allow more intensive development on some large sites in West Berkeley. The City announced the plan publicly and held many meetings over the years, following the rules for General and Area Plans, which do not require notifying affected property owners and residents. The City contacted developers and some community groups. Over time, other stakeholder groups became involved, including large site owners, the West Berkeley Artisans and Industrial Companies, and the Multi-Use Residential Group representing residents and small business owners.

### Supporters Say

- Measure T will stimulate growth and bring new jobs where many jobs have been lost. T will bring new kinds of businesses and allow start-ups to stay in Berkeley as they grow.
- Current zoning rules make it hard to have different uses on the same site; T allows a mix of varied uses – arts, housing, biotech, and green industries.

T will give us significant community benefits that we could not get any other way—for example, employment and training for residents, shuttle buses, and affordable housing—which will revitalize the economy. We can't have growth without some increase in traffic and other concerns cited in the Environmental Impact Report for T, but developers will have to mitigate these impacts to the extent possible.

### Opponents Say

- West Berkeley is our most vibrant neighborhood—a diverse mix in ethnicity, architecture, arts, and businesses. Rising rents will drive out existing jobs and businesses and affect the lives of more than 7000 people who live south of San Pablo.
- Massive 75-foot-tall buildings will dwarf existing modest family homes and artists' live/work units and gentrify the neighborhoods—at the expense of current residents and small businesses.
- The Environmental Impact Report for Measure T pointed to 44 significant and unavoidable detriments—especially traffic gridlock, as well as air pollution, blocked views, and shadowing.
- Measure T betrays Berkeley's commitment to environmental leadership. Council rejected protections for Aquatic Park suggested by the Sierra Club, Citizens for East Shore Parks and the Audubon Society.



**“Sunshine” Initiative (requires majority vote)**

### The Question

Should an ordinance be adopted to expand agenda and meeting requirements for the City's legislative bodies (Council, Rent Stabilization Board and all 36 commissions); increase disclosure requirements for public records; and create a commission with authority to take enforcement action against the City?

### What Measure U Would Do

Initiative Measure U would require the City Council, Rent Stabilization Board, Board of Library Trustees, and Berkeley commissions to make changes in their agendas and meeting procedures and to significantly expand the range of written communications by staff, Council and Commission members that would be open to the public, including some currently considered privileged or propri-

etary. A Commission would have new powers to enforce its provisions—including taking the City to court at City expense. Most provisions could not be changed without voter approval.

M requires that: all meetings, including short and/or informal committee meetings, be recorded and minutes made available; the amount of time be equal for presentation of both sides of a land use or other issue; meetings must be in or moved to locations big enough to hold all those who appear to speak; and “Lobbyists”, defined as anyone paid to influence City policy, register and pay fees.

**Enforcement** A commission would enforce the ordinance. There are several levels of enforcement:

**Early alert system** allows an audience member to call any perceived violation to the immediate attention of the meeting chair for consideration and action.

**Public Hearing before the Commission**—allows anyone to file a complaint with the Commission on possible violations. The Commission would report its decision on the issue to the City Council, which could decide how to respond.

**Lawsuit Against the City** If the Commission disagreed with the City Council's decision, the Commission could sue or take other legal action against the offending person or body—at City expense.

**Meetings** At public hearings both sides of a controversy would receive equal time to speak. U would also expand public comment from one to three minutes for each speaker.

**Public additions to agendas by petition** The public could add an item to a Council or commission agenda by gathering 100 signatures for Council and 50 signatures for commissions.

**Records and Reporting** Generally, the City would have to keep more records and open more records to the public, including reports on regional meetings, personnel files not protected by state or federal law, staff drafts and memos—as well as—after decisions become final—proprietary information in bids, as well as Council closed session decisions and discussions about lawsuits, negotiations, or other topics.

### Fiscal Effects

The cost of the additional requirements is much debated. The City Attorney estimates are between \$1 and \$2 million annually. Any lawsuits would add substantial costs. Some requirements of U could also reduce costs.

### The Way Things Are Now

In 2001, the Council asked staff to write an ordinance to increase citizen access to information. In the following ten years, draft ordinances were discussed, but none adopted. Information about city activities did become more easily accessible through cablecasts and internet streaming of Council and other meetings. Posting of agendas and packets of background information on the City

website supplemented the posting of public notices and packets. In 2007, at the Mayor's request, a citizens group convened to draft a new proposal which was presented in 2010. Although the Council did not adopt that proposal, in 2011 it passed an Open Government Ordinance which put into effect many of the recommendations in it. Because the Open Government Ordinance had no "enforcement" process and covered a smaller range of communications, the Sunshine citizens group that had drafted the original proposal placed the initiative on the ballot.

### Supporters Say

- Citizens need timely access to the information the Council and staff use to make decisions and the opportunity to comment in public meetings before decisions are made.
- Other cities' "Sunshine" initiatives have failed because they lack enforcement, as the current Berkeley Open Government Ordinance has failed. U has the enforcement necessary to succeed.
- We need fairness in presenting both sides of issues, particularly for land use issues. U would require equal time for both sides in presentation of any issue.
- The City's estimate of \$1-2 million per year is based on speculative and out-of-date information; the estimate includes costs now spent for the Open Government Ordinance. Costs could go down because the new early alert and Commission hearings would prevent lawsuits that might otherwise be brought against the city.

### Opponents Say

- Measure U adds new, complicated, costly record-keeping requirements for the staff, the Council, and volunteer and elected commissioners. The current Open Government Ordinance protects citizens' right to know. Any needed changes can be proposed to and adopted by the Council.
- Measure U gives an appointed commission unprecedented power over the elected body that appoints it. The City Council is elected by the people and can be removed by the people; it should have the ultimate authority.
- Voters do not have time to read and fully understand Measure U. At thirty-odd pages it is too long and complex. If provisions create problems, they cannot be changed except by going back to the voters.
- Measure U would be expensive. Cost is estimated at \$1-2 million per year; more if the Commission files lawsuits.



### "FACTS"

**Fiscal Accountability,  
Clarity, Transparency &  
Sustainability  
Initiative  
(requires majority vote)**

### The Question

Should the City have to publish certified biennial reports of its 20-year financial obligations, including employee retirement benefits, and be forbidden to carry out many financial activities, such as debt financing, until the report is adopted?

### What Measure V Would Do

Measure V would require a report every two years evaluating the City's financial obligations (future expenses and debts) for a 20-year term. This report must be completed and "certified" before the City of Berkeley can take on any further debt; do debt financing or structuring; or impose or increase any new taxes, assessments or fees.

### Fiscal Effects

Uncertain.

### The Way It Is Now

In January 2010 the City Council passed a resolution requiring the City Manager to provide a report that evaluates the City's long-range unfunded obligations, that is, the future debts of the City that the City can not pay at its current income level. Other future expenses were requested as well. The citizens group that had brought the FACTS proposal to Council wanted a longer term than 10 years and an enforcement clause; they gathered signatures to place the FACTS initiative on the ballot. Soon thereafter, on May 29, 2012, the City Council passed a new resolution asking staff to provide reports every two years on the City's expected future expenses. The principal differences between the FACTS initiative and the recent City Council Resolution are the number of years covered by the reports (20 years versus 5 and 10 years) and the enforcement clause, which only appears in the FACTS initiative. Currently, Council can carry out financial transactions even if the report is delayed.



## Supporters Say

- Berkeley won't be able to pay its future bills; it has at least \$1.2 billion in unfunded obligations, which will grow if not taken care of properly.
- V will give the City Council and the public a clear picture of Berkeley's long-term financial obligations and a way to plan to manage them.
- The City has given employees too much toward their retirements and neglected safety net services, streets, storm drains, and buildings.

## Opponents Say

- V's enforcement clause creates significant financial risk for the City. If certification is delayed, even if it is not the City's fault, the City would not be able to transact the normal business of debt restructuring or bridging loans—the short term loans the City routinely takes -- at very favorable rates—to give the City cash flow between tax collection periods. V would not allow the City to respond to earthquakes or other emergencies.
- The Council now requires two reports—on infrastructure and on employee and retiree costs—to do sound longer range planning. A 20 year report is just guesswork for the later years, so it would not help practical planning.
- Terms are not defined and could lead to dispute or litigation.

# Alameda County

**MEASURE**

**A 1**

**Parcel Tax for the Zoo  
(requires 2/3 vote)**

### The Question

Should Alameda County add a \$12 per year parcel tax for residential parcels and \$72 per year for commercial and industrial properties, with low-income senior exemptions, mandatory audits and citizen oversight?

### What Measure A1 Would Do

Measure A1 would add a parcel tax on property in Alameda County. Residential parcels would pay \$12 per year; non-residential parcels would pay \$72 per year. This tax would continue for 25 years.

The money from this measure would be spent to repair existing zoo facilities and to support current programs. In particular, the money would be used to keep the entrance fee low, to support educational programs and to care for the animals. A1 would create a public oversight committee appointed by various elected officials and bodies and the zoo to ensure that the money is used correctly.

### Fiscal Effects

The zoo would get about \$6 million per year from Measure A1 for 25 years.

### The Way It Is Now

The Oakland Zoo has a total budget of approximately \$13 million. The money comes mainly from fees to visit the zoo and from sale of food and gifts at the zoo. Almost 9% of the money comes from public support from the City of Oakland and the East Bay Regional Park District.

Nationally, the average level of public support for municipal zoos is approximately 35% of their operating budgets. The zoo has had support for capital improvements from a variety of bond measures over the years. In the past, Oakland provided more money for the zoo, but has cut funding in recent years. Oakland support includes part of the transient occupancy tax recently approved by Oakland voters.

About 15% of zoo visitors come from Oakland; about 65% come from the rest of Alameda County. The zoo presents educational programs to students from all over the Bay Area. Some come to the zoo; others get visits from the zoomobile. Schools with a large number of poor students get these programs free; other schools pay for the programs. Last year, 47 school districts from 12 counties participated in zoo programs in some way; 16 of the 47 were from Alameda County.

### Supporters Say

- The Oakland Zoo is an important public resource. We should support it and help it maintain its current high standard of care for animals and exceptional educational programs.

### Opponents Say

- A1 is presented as a humane animal care measure, but its stealth purpose is to fund—or free up other funds—for a massive expansion into ecologically rich habitat in Knowland Park near a chaparral plant community with native wildlife.

# MEASURE

# B 1

## One-half cent Sales Tax for Transportation (requires a 2/3 vote)

### The Question

Should the voters of Alameda County approve a 1/2-cent sales tax increase for transportation that will continue “in perpetuity” to help fund transportation projects and programs in the county?

### What Measure B1 Would Do

More than three-fourths of the income from Measure B1 will be dedicated to improving transit, for paratransit, local streets and roads, bicyclists and pedestrians. Less than one-quarter will be spent to improve and extend freeways and highways, encourage transit-oriented development, improve freight transportation, and develop a trial transit pass program for middle and high school students.

Full updates to the spending plans will be voted on at least once by 2043 and every 20 years afterward. If more projects are identified before 2043, the Alameda County Transit Commission can submit a plan earlier for voter approval. A majority vote will be needed to approve the updates.

*A Yes Vote means:* An additional half-percent tax would be added to all taxable purchases in Alameda County.

*A No Vote means:* The current ½ cent sales tax will expire in 2022.

### Fiscal Effects

If B1 is approved, people shopping in Alameda County would pay the current ½-cent sales tax and an additional ½-cent tax. The resulting 1-cent tax would continue forever or until an initiative is put on the ballot to end the tax. Between 2013 and 2043 the tax would raise almost \$7.8 billion for transportation. The state will not be able to take any money from the tax.

### The Way It Is Now

In 1986 and 2000 Alameda County voters approved Measure B, a 1/2-cent sales tax for transportation that will expire in 2022. The funds are managed by the Alameda County Transportation Commission (ACTC). The tax has funded improvements for transit, streets and roads,

highways and freeways, and bicyclists and pedestrians. In recent years, state and federal funding has been cut and the economic downturn has reduced tax revenues. As a result, transit services have been cut, fares have increased, and local streets and roads have deteriorated because maintenance has been delayed. However, most capital projects under Measure B have been completed ahead of schedule.

### Supporters Say

We need permanent transportation sales taxes so we can maintain and upgrade our transportation infrastructure and services now and in the future.

This sales tax measure would:

- Return many bus services to 2009 levels.
- Nearly double funding for paratransit to serve seniors and people with disabilities.
- Repair overpasses, bridges, and elevated freeways for earthquake safety.
- Prevent further deterioration in many local streets and roads.
- Expand lanes, trails, and walkways and improve safety for walkers and bicyclists.
- Develop and, if successful, expand a transit pass program for local middle and high school students that would reduce car trips, harmful pollution near schools and teach young people to use transit.
- A public oversight committee will make sure that spending follows the plan.

### Opponents Say

Sales taxes are unfair because low-income households pay more of their income in sales taxes than higher-income households.

Measure B1 would:

- Extend the sales tax forever without giving voters any chance to vote to support or oppose it
- Provide too little money to expand bus transit as our population grows or to repair most local streets and roads.
- Build new highway lanes that would increase car travel and the greenhouse gas emissions that worsen climate change.
- Encourage cities to develop high density, mixed-use developments near transit centers. Cities that do not comply could fail to receive some Measure B funds to develop new transit services even though their residents would still be paying the sales tax.
- **Not** relieve rush-hour traffic on most highways in the County.
- **Not** give voters clear, detailed proposals so they could judge whether their transportation needs will be met and whether the plans are cost-effective.

# City of Albany

## MEASURE

# F

### One half-cent Sales Tax (requires 2/3 vote)

#### The Question

Should the City of Albany enact a one-half of one percent sales tax, with annual independent audits, to end after eight years, with all funds spent only in Albany?

#### What This Measure Would Do

It would enable the City to maintain and provide city services and facilities, including: Fire and Police protection, safety and emergency response; recreation programs, parks, playgrounds and open space; senior and youth programs and facilities; community development and environmental preservation; and other general city services and facilities. It would be independently audited each year and would expire after eight years.

*A Yes Vote means:* All taxable purchases in Albany would be subject to a one-half of one percent sales tax, with all funds to be spent only in Albany.

*A No Vote means:* The current sales tax would remain in effect, with no added funds for the City of Albany.

#### Fiscal Effects

F would add one-half of one percent to the sales tax currently collected on purchases made in Albany. It would be collected by the State Board of Equalization and the funds could be spent only in and by the City of Albany.

#### Supporters Say

The City of Albany has maintained fiscal stability. Early in the recession, Council and staff took belt-tightening steps. However, the deep and long economic recession has reduced state and federal funding to local governments.

Staff and community workshops have generated ideas to restructure many operations, reduce costs and make budget cuts. The City has already cut employees, reduced compensation, shared staff with other cities, and stretched dollars.

The City will not be able to meet citizen's needs: for example, in maintaining safe public facilities, keeping pace

recreation programs, parks, playgrounds and open space; senior and youth programs and facilities; community development and environmental preservation; and other general city services and facilities.

It would be independently audited each year and would expire after eight years.

#### Opponents Say

No argument was filed against this measure.

### You may vote if

- You are a U.S. citizen and California resident.
- You will be at least 18 years old on Election Day.
- You are not in prison or on parole for a felony.
- You have not been judged mentally incompetent.
- You registered to vote at least 15 days before the election.

### You must re-register if

- You change your residence address or mailing address.
- You change your name.
- You want to change your political party affiliation.

**If you registered, but your name is not on the voter list at your polling place, you have the right to cast a provisional ballot at any polling place in your county.**

# STATE BALLOT MEASURES

**For Full League State Pros & Cons, go to**  
<http://www.cavotes.org/vote/pros-cons-pdf>

## **Proposition 30 Temporary Taxes to Fund Education. Guaranteed Local Public Safety Funding**

Should the California Constitution be amended to (a) temporarily increase sales and personal income tax rates; (b) guarantee certain revenue transfers to local governments; and (c) eliminate state funding of certain mandates to local governments?

## **Proposition 31 State Budget. State and Local Government**

Should the state constitution and law be amended to require government performance reviews and two-year budget cycles, to prohibit the Legislature from creating certain expenditures unless offsetting revenues or spending cuts are identified, and to make changes in certain responsibilities of local government, the Legislature and the Governor?

## **Proposition 32 Political Contributions by Payroll Deduction. Contributions to Candidates**

Should unions, corporations, government contractors and state and local government employers be prohibited from using payroll-deducted funds, or in some instances their own funds, for political expenditures?

## **Proposition 33 Auto Insurance Companies. Prices Based on Driver's History of Insurance Coverage**

Should automobile insurance companies be permitted to offer a discount to drivers who have continuously maintained their insurance coverage, even if they change their insurance company?

## **Proposition 34 Death Penalty**

Should the death penalty be repealed and replaced with life imprisonment without possibility of parole when someone is convicted of murder with specified special circumstances?

## **Proposition 35 Human Trafficking. Penalties**

Should the definition of human trafficking be expanded, penalties for traffickers be increased, convicted sexual traffickers be required to register as sex offenders, and additional training for law enforcement officers be required?

## **Proposition 36 Three Strikes Law. Repeat Felony Offenders. Penalties**

Should California law be amended to provide that a life sentence should not be imposed for a third felony conviction unless the third conviction is for a serious or violent felony?

## **Proposition 37 Genetically Engineered Foods. Labeling**

Should labeling be required on foods containing genetically modified ingredients when such foods (whether raw or processed, plant or animal) are offered for sale to consumers in California?

## **Proposition 38 Tax to Fund Education and Early Childhood Programs**

Should California's personal income tax rates be increased during 2013-24 to provide funds for public schools, early childhood education programs, and state debt payments?

## **Proposition 39 Tax Treatment for Multistate Businesses. Clean Energy and Energy Efficiency Funding**

Should the California tax code be changed to require multistate firms to pay income taxes based on a percentage of their sales in California, with roughly half of the resulting tax increase to be used to fund clean/efficient energy projects for five years?

## **Proposition 40 Redistricting. State Senate Districts**

Should the current state Senate districts be retained?

Note: The League of Women Voters of California Education Fund is not publishing its Pros and Cons on paper this year. You may download them to read or print at  
<http://www.cavotes.org/vote/pros-cons-pdf>