



League of Women Voters Berkeley Albany Emeryville

The Voter

“ . . . to promote informed citizen participation in government.”

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<http://lwvbae.org>

March 2012

Conversation: Privatization Discussion

The article on this page and the suggested websites introduce the complexities of privatization and will enrich our conversation this month.

When: Tuesday, March 6, from noon to 2:00

Where: Albany Public Library, Edith Stone Room
1247 Marin (at Masonic), Albany

They will also prepare you for the consensus discussion to be held in Oakland in conjunction with the other local Leagues of Alameda County.

Conversation Continues at Privatization Consensus Meeting

When: Saturday, March 24, from 9:30 am to noon

Where: Cesar Chavez Public Library
3301 East 12th Street, Oakland
....(Near BART station and BART parking lot)

Carpooling will be arranged at the Privatization Discussion Meeting on March 6.

Privatization Comes to Consensus

Adopted by the LWVUS as a study topic in 2010, privatization has become the focus of increasing public attention as the U.S., among many other nations, has been struggling to work its way out of the current severe economic downturn. Lost jobs, and hence lost income tax revenues, have led governments at every level to look at ways to reduce their outlays for essential public services just as more people need them. One of the most tempting choices is to hand off a customary government function or service to some private company that claims to be able to deliver the same quality to the same number of people for less money.

Privatization is a slippery concept because it is so many-faceted and interpreted differently, sector by sector, by state and federal governments. As a result, the topic tends to be studied on a case by case basis. In the U.S., widely different legal or regulatory limits exist on the authority and accountability imposed on the private contractor. As a result, the LWVUS Board adopted a fairly abstract definition of our study scope, but focused on ways for governments to retain control of private sector participation:

The purpose of this study is to identify those parameters and policy issues to be considered in connection with proposals to transfer federal state or local government services, assets and/or functions to the private sector. It will review the stated goals and the community impact of such transfers, and **identify strategies to ensure transparency, accountability, and the preservation of the common good.**

Governments are organized to accomplish large public purposes such as defense, education, natural resource development and management. In the course of achieving those goals, they have been relying on the private

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sector for centuries. Military contractors provide ships, uniforms, weapons and airplanes, for example, that the government buys to provide for the national defense.

In recent years, however, legislative changes and technological advances have massively increased the power of the private sector relative to governments and public agencies. Large multi-national corporations now have assets exceeding that of many countries, but the ultimate corporate goal is to show a profit, not to secure the common good.

Corporate-government partnerships have become an uneasy match, with private funds available in seemingly endless quantities, to influence legislation, elections and public opinion. Corporate for-profit investments in fields as diverse as public schools, prisons, railroads, water supply, health care and transportation have transformed these traditional areas of public service into potential markets, with opportunities for entrepreneurs. For example, a recent headline in *Education Week* reads “Firms Scrap for Share of School-Management Market”. The article goes on to describe a study “on the organizations that manage public schools [which] depicts an industry in flux, ... Since the late 1990s, the number of for-profit ‘education management organizations,’ or EMOs, has tripled, to nearly 100, and the number of states those entities work in has nearly doubled, to 33.”

Schools have traditionally been seen as agencies to educate children and prepare them for adulthood, not as growth industry opportunities. In the same vein, the foundations spun off from profitable private corporations have been working to bring principles of successful business management models to running public schools, whether the principles apply or not.

Our consensus questions will be focused on bringing some specifics to the broad terms the study scope has outlined to ensure transparency, accountability and the common good, whether the service or function is provided by government or private organizations. What aspects of the government-private sector partnership need to remain in the hands of our elected officials, embedded in the terms of the contracts by which the two sectors work together?

Our national study committee has compiled a list of articles on various aspects of the privatization debate, all of them available on the LWV Oakland website.

<http://www.lwvoakland.org/privatization.html>

Web Resources for Privatization Study

LWV Oakland has compiled an easily accessible and useful list of web resources for the Study, including the materials from the LWVUS. You are encouraged to at least skim through them to more fully participate in the discussion and consensus.

Resources

Glossary

Consensus questions

General Accounting Office: Report on Privatization

Reports written by members of the LWVUS study committee:

State Laws Addressing Privatization

Privatization: The Public Policy Debate

State Level Privatization 2011

Public Library Privatization - A Case Study

Strategies for Best Practice

Subcontracting Public Education

Privatization of Prisons

Privatization of a Publically Owned Waste Water-Treatment Plant

Deregulation of Railroads

The Legal Framework of Transparency and Accountability within the Context of Privatization

The Glossary mentioned above contains some useful distinctions to bear in mind. Some of these are reprinted on the back of the Consensus Questions handout included with this *Voter*.

In addition, *Time* magazine, in its January 19, 2012 issue, published a short, readable article by David Rothkopf on the way the international economic crisis is forcing even the large multi-national corporations to rethink the kind of *laissez faire*, free-market capitalism that has been a hallmark of the US economy since its beginnings <http://business.time.com/2012/01/19/command-and-control/#ixzz1IliuZaIU>.

Helene Lecar

Redrawing of Council District Lines in Berkeley Deferred in Contemplation of Possible Charter Amendment

The Berkeley City Charter requires that after each decennial Federal Census, the Council must adjust, if necessary, the boundaries of the Council districts in order to assure that the districts "shall continue to be as nearly equal in population as may be according to said census".

Although under the Charter the deadline by which this must be accomplished is not until December 31st of the third year following the Census year (that would be December 31, 2013 this round), the Council and City staff nonetheless undertook last year to try to have the new District lines drawn in time for the November municipal election of this year, 2012.

Over several months, after announcement of how the process would proceed, development of a timeline, and solicitation of plans from the public, a total of seven plans were submitted and the Council Agenda for January 17 included an Item that would have had the Council select one of the submitted maps for approval, and then proceed to adopt that plan and begin the election calendar. Candidates for the four Council districts up for election in November would have determined their eligibility under the new lines and begun to comply with the election timelines.

But this was not what occurred.

Instead, there was a motion to defer the redistricting process to 2013 and consider a Council-proposed Charter Amendment on redistricting for the November 2012 ballot. (The vote was 7 for and 2, Arreguin and Worthington, against.)

The controversy that the Council was acknowledging centered around two issues. Under the current Charter:

- a.the every-ten-year redistricting "shall preserve, to the extent possible, the Council districts originally established [for the municipal election of 1986] and shall become effective as of the next general election of Councilmembers...." and
- b."no change in the boundary or location of any district by redistricting....shall operate to abolish or terminate the term of office of any Councilmember...."

A group comprising primarily students from UC Berkeley wished to propose redistricting that would re-align district boundaries in such a way as to improve the possibility of a student being elected to the Council---or at least enhance the district's number of student voters to such an extent that students would have larger influence on the determination of the winner for that district.

A campaign is going forward to change the Charter, at least regarding the two provisions noted above that are seen to stand in the way of this potential re-alignment. The Council on its own initiative could refer Charter amendments for voter consideration on the November 2012 ballot, or the people proposing these changes could do so via citizen initiative.

The League, which has been participating in the process from the beginning, moderating hearings and commenting before the Council, will continue to monitor what proposals and subsequent district maps will be submitted, and keep the League membership and public apprised of related developments.

Sherry Smith, President

Health Care Committee Report

Several members of the health committee went to Sacramento January 9 for Lobby Day. We were there in support of SB 810 and the health science students' annual march and lobby work, joining more than 600 other supporters on the steps of the Capitol.

LWVC is a member of the California Coalition for a Healthy California, the newly named coalition of organizations in the state actively working for single-payer insurance and SB 810, the single payer bill in the Senate.

On January 17 another group from our health committee went with many others from the Coalition to Sacramento to attend the Senate Appropriations Committee hearing on the bill and to support the bill. The room was full, with a long line of people endorsing the bill, and Trudy Schafer from LWVC spoke for the League. The bill was passed out of committee two days later. Unfortunately, it failed in the Senate by two votes. The next meeting of the health care committee will be March 19 at 1:30 at the new office.

Li-hsia Wang
Chair, Health Care Committee

Natural Resources/Environmental Concerns Winter 2011-12 Report

November: Transition Towns

The November 12, 2011 meeting “From Oil Dependence to Local Resilience” focused on Transition Towns with a presentation by Trish Clifford of the Richmond Rivets Transition Initiative. The focus of Transition Initiatives is to re-localize the essential elements of the community that are needed to sustain and thrive in a world increasingly challenged by dwindling oil supplies (also known as peak oil) and climate change. The international movement began in the UK about 5 yrs ago in response to threats to our way of life and our planet, Clifford said. “A Transition Town is a way for us to build strong, local, resilient communities to create a future we want to live into,” she said.

According to their website richmondrivets.org, “Our vision is of a vibrant, resilient Richmond, California where progress means interdependence, resourcefulness, and plenty for all.

“Richmond, like other urban areas, has already “picked itself up by the bootstraps” out of necessity, and is working toward a sustainable future for and with the community. The city manager’s office includes a division of Environmental Initiatives, which supports activities ranging from food scrap recycling to the city’s climate action plan. The city commits to green-collar jobs by partnering with Solar Richmond, a non-profit providing hands-on solar installation training to low income residents as part of a pre-apprenticeship construction program. In 2009, the city met and surpassed its goal of achieving 5 m W (milliwatts) of solar installation in one year.

“Another successful venture is “Richmond Grows”, a Seed Lending Library located in the main branch library (that) offers residents lessons on growing produce, then saving the seeds to return to the Library to lend to other urban farmers. Like Detroit and other cities, Richmond has involved the young people in urban farming. Some of the high schools have partnered with Urban Tilth to lay the infrastructure and build the capacity to grow significant amounts of produce.”

To learn more about Transition Initiatives, see the many links through Richmond Rivets: <http://www.richmondrivets.org/index.html>

December: Mystery Writer

Our December 12 annual potluck meeting featured Portland, Oregon mystery writer Ann Littlewood whose slide show presentation recounted her journey to being a zoo

mystery writer who highlights wildlife and conservation issues. Expressive and forthcoming with a charming, dry wit, the author began with a variation on a quote by E.B. White, “I arise in the morning torn between a desire to improve the world and a desire to enjoy it. This makes it hard to plan the day.”

Interested in wilds and wildlife from a young age and inspired by *The Management of Wild Animals in Captivity* by Lee S. Crandall (University of Chicago Press), she became a zookeeper at the Portland Zoo (now Oregon Zoo) assigned mostly to the nursery where she raised cats, including lions, a tiger, and cougars; primates including mandrills and an orangutan; native mammals such as black-tailed deer, black bear and harbor seals; and raised parrots, grouse, wood ducks, owls and penguins.

According to her biography, “she has been scratched, bitten, pecked, stepped on and taloned (and) in one memorable episode waded into a stock tank with a baby hippo to give it an enema.” However, she quipped, the financial realities of raising primates—two boys if her own—led her to exchange a hose and rubber boots for a briefcase and a pantsuit. Her business writing career took her to Automated Data Processing and then to Kaiser Permanente. “Mystery writer” is her latest incarnation.

Littlewood has published articles in *Primates*; *International Zoo Yearbook*; and *Animal Keepers’ Forum*, the journal of the American Association of Zoo Keepers in which she’s a member. She visits zoos wherever she travels and now spends many hours at fictional Finley Memorial Zoo in Vancouver, Washington, enmeshed in adventures with any animal she feels like while channeling Iris Oakley, her mystery-solving protagonist. She has published *Night Kill* and *Did Not Survive* with Poisoned Pen Press. Littlewood is the sister of LWVBAE Natural Resources and Climate Team member Nancy Parker and lives in Portland with her husband. Learn more at <http://zoomysteries.com/>

January: Report from Durban

January 9, 2012 Andy Katz briefed us on the climate conference in Durban, South Africa, which he attended on behalf of the Sierra Club. “To know where we’re going it’s important to know where we’ve come from,” Katz began, giving a short overview of climate science and the UN Framework Convention on Climate Change, an international environmental treaty to stabilize greenhouse gas concentrations to prevent dangerous anthropogenic climate change. In 1997 the Kyoto Protocol set binding targets for reducing GHG emissions.

The main outcome of the Durban talks was to extend the Kyoto protocol for another five years beginning January 2013. The parties to Kyoto are divided in two camps: An-

nex 1 or rich countries taking legally binding emission cuts; and non-Annex 1 nations who are supposed to cut emission voluntarily. Katz said a big sticking point in the talks were that the U.S. wanted all commitments to be binding but China would not agree to this.

The most important optimistic outcome was a commitment to a Green Climate Fund, which will provide \$100 billion from the developed world to the underdeveloped world to help in their adaptation and mitigation efforts including reducing emissions from deforestation. This has a two degree goal: 1) a mitigation reporting process that includes disclosure of assumptions by the base year; and 2) a market mechanism defined where credits must deliver “real, permanent, additional and verified mitigation outcomes.”

Katz focus was on 1) Legal forum and the overall structure of the agreement and 2) carbon markets – followed because there’s an emerging trend in quantifying the benefits and putting them into a carbon market system. “There’s environmental integrity issues with that,” he said.

Katz said California is leading the way in so many ways with a 33 percent renewable portfolio—33 percent clean energy by 2020. “A big thing that happening in California is how to spend the revenue that comes in from cap and trade - \$600 million to \$1 billion,” he said. “Hopefully we’ll make a model in California that will be adopted by other states and that other states won’t merely rely on cap and trade but will work for what best for the community in that state. Obama can’t do at more than he’s doing; we need Congress, we need states to put caps,” he said.

According to Katz’s blog, which also ran in the Sierra Club’s Compass blog <http://sierraclub.typepad.com/compass/2011/12/cop-17-united-states-climate.html>

“The UN Climate negotiations...tracks on the wide range of issues from mitigation, finance and the green climate fund, adaptation, and other issues... (to combat) climate change but the progress is slow and incomplete compared to the needed reductions to avert the catastrophic impacts of global climate change.”

“At the center of the debate is the commitments to reduce emissions, and how the Parties interpret the UN Framework Convention’s language of “common but differentiated responsibilities,” a principle that recognizes that developed countries such as the United States should bear a greater reduction responsibility than developing countries. Meanwhile, the United States bargaining position calls for “legal symmetry,” or an equivalent legal form of commitments, for agreement.

“Sierra Club’s efforts to advocate for standards on clean cars and fuel, greenhouse gas standards from power plants,

and other measures under EPA authority are likely enough to achieve the 14-17% if the Obama Administration can implement them, but we have to push beyond that, moving beyond coal and toward renewable energy.

The science indicates that current pledges under the Cancun Agreementss amount to global emissions of 55 billion tons of CO² in 2020, which is 11 billion tons above meeting the 2 degree target. This level of emissions leaves us headed toward a temperature rise of 3.5 degrees Celsius (6.3 degrees F) which will lead to extreme storms and heat events, damaged water and agricultural systems, sea level rise, and air quality and public health impacts.

“U.S. Special Envoy for Climate Change Todd Stern (acknowledged) that there are no plans to expand the ambition of the current U.S. target of 14-17% reduction below 2005 levels by 2020, but expressing optimism that the outcome will include agreements on adaptation, technology transfer, and launch of the green climate fund.

Although Sierra Club members and advocates from other organizations have repeatedly questioned the U.S. delegation on how the U.S. will work toward negotiating a pathway toward limiting climate change to 2 degrees Celsius, the commitments from the Administration seem held in place under the current Congress. While we need the U.S. and international community will come to an agreement in Durban on a pathway to stabilize the climate, we also need to double-down on our climate protection campaigns at home in the U.S.”

Gail Schickele, Natural Resources Director

Delta Plan Debate Continues

from the Bay Area Monitor

Critical management decisions continue to be debated on how to protect the Sacramento-San Joaquin Delta ecosystem and California’s primary water supply. Delta water exports are currently restricted as courts and regulators try to improve conditions for imperiled fish. Residents and local governments fear that water supply and environmental management changes will harm the area’s economy.

A report released in January 2012 by the nonprofit Public Policy Institute of California examines potential economic effects of changes in the Delta land and waterscape as a result of management activities and natural forces such as earthquakes, flood flows, rising tides, and climate warming.

Continued on page 7

An Observation on Regional Democratic Discourse

By Alec MacDonald, and of the Bay Area Monitor*

The saying goes that all politics is local, and few would deny the reality of this catchy mantra. Yet lately, politics around here have started feeling distinctly... regional.

Why? Because that's been the scope of many pointed political conversations these days. Perhaps most conspicuously, a lively discussion has been unfolding over how regional government officials should manage the Bay Area's growth. But not to be overlooked, another dialogue has focused attention on the growth of regional government itself. Does this burgeoning exchange of words and ideas signify a new era of interconnectedness among the nine counties that ring the San Francisco Bay? Not necessarily, but proponents for a stronger spirit of regionalism might find reason to be encouraged by all the chatter, even if it comes with an edge of controversy.

Friction and frustration have been in ample supply at the second round of Plan Bay Area public workshops this winter. For this round of workshops, regional agencies have invited residents to weigh in on a set of five distinct scenarios, each outlining a different way to arrange the Bay Area's jobs, housing, and transit over the coming decades. Not everyone, however, has embraced the opportunity; in fact, a number of people have attended the workshops with the sole purpose of expressing their displeasure that government should attempt such an undertaking at all.

Although these protestations have prevented the recent workshops from running as smoothly as organizers would like, all the hubbub has attracted a level of media attention that regional governmental affairs almost never receive. The unfortunate truth is that many residents don't even know the names of the agencies in charge of the Plan Bay Area effort, despite its impact on their future. In reporting on the workshop disruptions, newspaper and television outlets are overturning that ignorance. Sure, the Metropolitan Transportation Commission and the Association of Bay Area Governments would prefer people learn about their existence through a less sensational storyline, but at least the dramatic coverage demonstrates that something vital is at stake.

In actuality, the brouhaha depicted in print and on the airwaves might not even fully capture just how high the stakes really are. Ultimately, Plan Bay Area represents more than \$200 billion in transportation spending and a shot at curbing global warming — two pretty good reasons for folks to sit up and take notice. What else can be done to see that more of them do?

This question was posed at a December 13 hearing on the mechanisms of regional governance in the Bay Area; convened in Oakland by the state Senate's Transportation and Housing Committee, the event followed on the heels of similar hearings held in San Jose and San Francisco. The agenda for the Oakland hearing uniquely focused on the need to bolster community outreach and public participation, especially as legislators consider adding two additional seats to MTC's 19-member policy board via passage of Assembly Bill 57 (Beall). With or without this particular change, however, the influence of regional government seems likely to continue expanding, and many observers worry that average citizens are getting left out of the increasingly important decisions occurring at this level. Accordingly, speakers at the hearing called for greater openness, responsiveness, and accountability on the part of regional agencies.

Although articulating a contrasting ideology (and in quieter tones) than the workshop dissidents, these advocates share a key similarity with that crowd: the desire to have a voice in the political process. And that, in a nutshell, is an essential challenge of democracy. Opinions vary from person to person, but everyone wants to be heard.

How can such a broad mix of perspectives be accommodated? There is no simple solution, only the certainty that, as long as regional agencies uphold their responsibility to engage the public, these conversations will remain animated and quite often contentious. It might not be entirely pleasant, but it's for the good of the Bay Area.

*The Bay Area Monitor is a Project of the League of Womens of the Bay Area Education Fund

Delta Continued from page 5

According to the report, “Most changes are expected to affect land and water conditions in the Delta’s primary zone of 500,000 acres of largely subsidized agricultural lands in the inner Delta where development is restricted because of high flood risk.” The report forwards that by 2050, island flooding, habitat conversions, the introduction of dual conveyance (the addition of a tunnel for more water management control), and sea level rise could generate 1,100 to 1,800 direct job losses per year and affect roughly 15 percent of total economic activity. Total losses for the legal Delta as a whole would amount to one percent of economic activity.

Given the inevitable changes in land and waterscape, the report also recommends four planning priorities to support transitions in the Delta economy. The first emphasizes strategic decision-making to protect the most valuable Delta lands. The second encourages growth of nature-based and cultural recreation within the inner Delta to help offset agricultural-related losses. The third calls for more extensive modeling to establish salinity levels Delta farmers are likely to face. And the last seeks to establish mitigation actions to lessen the costs of adjustment for landowners and others harmed by the Delta’s physical changes.

Of course, PPIC can only offer suggestions; the real authority to determine if actions are consistent with state law lies with the Delta Stewardship Council.

Created by the ground-breaking bipartisan Delta Reform Act of 2009, the seven-member DSC is charged with developing a Delta Plan aimed at meeting coequal goals of water supply reliability and ecosystem restoration. In August 2011, the DSC released the fifth of seven staff draft versions of the Delta Plan, along with five alternative plans, as required by the California Environmental Quality Act. The alternatives included a “no project” alternative, two alternatives with increased emphasis on water supply reliability, one alternative with increased emphasis on Delta ecosystem restoration, and one alternative with increased emphasis on protection and enhancement of the Delta communities and culture. These alternatives were based on comments, input, and alternative plans submitted by statewide water users, environmentalists, and Delta interests and communities.

In November 2011, DSC staff released a report analyzing the environmental impacts of the latest draft plan and its alternatives. This draft environmental impact report concludes that the fifth draft plan, which contains 12 regulatory policies and 61 non-binding recommendations, “is environmentally superior to the alternatives because it advances a hybrid regulatory and collaborative approach for achieving the coequal goals.”

According to Doug Wallace, environmental affairs officer for the East Bay Municipal Utility District, “The Delta Plan is a programmatic document over which Delta Stewardship Council has no authority to implement, so it makes it a very unusual document [and] difficult to grapple with in terms of how to [enact].”

As Wallace told the *Monitor*, “The Delta Plan is a blueprint that guides management of the Delta for a number of decades hence. Two basic pillars in the Delta Plan are to meet the coequal goals and to reduce reliance on the Delta for water supply. This is the cause for interpretation and debate.”

By Gail Schickele

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Mim and Bob Hawley
Elizabeth Horowitz
Angharad Jones
Katherine Kocal
Jane Ann Lamph
Madeline Mixer
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*Nashua Kalil
Linda and Charley Swift*

Many thanks for remembering our League.

Louetta Erlin
Donations Secretary

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The League of Women Voters is a nonpartisan political organization that encourages active and informed participation in government, and influences public policy through education and advocacy.

Calendar — Berkeley addresses unless otherwise noted

February

22	Wed	3:00-5 pm	Board Meeting, LWVBAE Office 2530 San Pablo Ave	S. Smith	548-1769
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March

2	Fri	5:00 pm	<i>Voter</i> deadline	F. Packard	845-3037
3	Sat	10 am-noon	A Century of Empowered Women Oakland City Hall 1 Frank H. Ogawa Plaza http://www.waterfrontaction.org/parade		
6	Tue	noon-2:00 pm	Conversation: Privatization Discussion Albany Library 1247 Marin Ave, Albany	H. Lecar	549-9719
12	Mon	7:30-9:00 pm	Environmental Concerns 1174 Euclid Ave	C.Stone	549-0959
19	Mon	1:30-3:00 pm	Health Care Committee, LWVBAE Office, 2530 San Pablo Ave	L. Wang	848-5765
24	Sat	9:30 am-noon	Privatization Consensus Meeting Cesar Chavez Public Library 3301 East 12th Street, Oakland	H. Lecar	549-9719
28	Wed	3:00-5:00 pm	Board Meeting, LWVBAE Office 2530 San Pablo Ave	S. Smith	548-1769