

LWV PROS & CONS

General Election

Tuesday, November 2, 2010

League of Women Voters Berkeley Albany Emeryville

<http://lwvbae.org/>

office@lwvbae.org

BERKELEY SCHOOLS

MEASURE

H

BERKELEY PUBLIC SCHOOLS FACILITIES SAFETY AND MAINTENANCE ACT (requires 2/3 majority vote)

The Question

To provide essential maintenance of schools and grounds, shall Berkeley Unified School District continue its existing special tax based on the square footage of residential and commercial buildings, and \$20 on unimproved parcels with annual cost-of-living adjustments for 10 years?

Background

Currently, the Berkeley Unified School District has a 12-year special tax, approved by the voters in 2000, for maintaining school buildings, classrooms, roofs, playgrounds, electrical systems and eliminating any fire and safety hazards. Income from the tax brings in about \$5 million a year. The state cannot take the funds. An independent committee oversees these funds. The tax rate, which has a built in cost-of-living adjustment, is at present:

6.31¢ per square foot for residential buildings,
9.46¢ per square foot for commercial buildings,
and \$20 per unimproved parcel.

People with very low income are exempt from paying the tax.

What this Measure Would Do

Measure H, which requires a 2/3 vote of approval to pass, would not impose a new tax, but would continue the exist-

ing tax, for the same purposes, for another 10 years, beginning in 2013-14, when the current measure will expire.

Fiscal Effect

The original Facility Safety and Maintenance Act, Measure BB, was approved by voters in 2000. It took effect in 2001 with a tax rate of 4.5¢ per square foot for residential buildings and 6.75¢ for commercial buildings. Over the last nine years, through the cost-of-living adjustments the tax rates have increased to the present levels cited above. Depending on inflation or deflation, the tax rates are likely to increase or decrease slightly when Measure H takes effect in 2013. For unimproved parcels, there would be no change in the annual tax.

Supporters Say

- In light of the ongoing severe cuts in the state budget for education, it is critical to have money from the community earmarked for essential school maintenance.
- To ensure that the money is used wisely, the District must provide an annual plan, with input from the Facilities Safety and Maintenance Oversight Committee.
- The District must have an independent annual audit and provide both the Facilities Oversight Committee and the public with quarterly reports updating revenue and expenditures.

Opponents Say

- The measure does not specify how the money will be spent.
- All the new buildings funded by bonds should require less maintenance than the old ones they replaced.

**OCTOBER 18 IS THE LAST DAY TO REGISTER TO VOTE
IN THE NOVEMBER 2, 2010 ELECTION**



BERKELEY UNIFIED SCHOOL DISTRICT GENERAL OBLIGATION BOND
(requires 55% majority vote)

The Question

Shall Berkeley Unified School District issue \$210,000,000 in bonds to improve school safety and facilities?

Background

Measure A of 1993, and Measure AA of 2000 have provided Berkeley Unified School District (BUSD) with almost \$275 million in bonds over the last 20 years. Each required and received over 2/3 approval from the voters. Measure AA was proposed following a major fire in April of 2000, which destroyed a 26-classroom building at the high school. Bond funds brought new buildings to the campus and amenities to other school sites, but the missing classrooms of the destroyed building have not yet been restored even though all the existing funds are committed.

In 2000, voters statewide approved Proposition 39 which reduced the voter approval requirement for the construction, rehabilitation, or replacement of K-14 schools from two-thirds to 55%. Prop 39 requires that such bond measures must designate specific projects to be completed with the money, have a citizen oversight committee to monitor the bond expenditure, and provide for annual independent audits. (See the full text of Measure I in your Alameda County Sample Ballot for The Bond Project List.)

What This Measure Would Do

Measure I proceeds would enable the District to replace the classrooms at the high school, construct other new class-

rooms for growth, complete seismic upgrades, construct science labs, upgrade computers and education technology, renovate playgrounds, replace restrooms, cafeterias, roofs, heating and fire safety systems, remove hazardous materials, improve energy efficiency, and qualify for State grants.

Fiscal Effect

Variations in the timing of bond sales, the amount and repayment structure of bonds sold, market interest rates, and actual assessed valuations over the term of repayment will affect the actual tax rate. It is estimated that when bonds are sold in 2011-2012 the tax rate will be \$15.00 per \$100,000 of assessed evaluation. The highest rate is estimated to be \$60.00 per \$100,000 of assessed evaluation in fiscal years 2018 through 2039.

Supporters Say

- Prop 39 rules would enable BUSD, using Measure I funds, to pay for major renovation and replacement of substandard facilities, and remove hazardous substances, renovate athletic facilities, upgrade infrastructure, plumbing, electrical capacity, sewer lines, renovate school kitchens, and meet the requirements of the Americans with Disabilities Act.
- As a Prop 39 bond, Measure I will benefit from having a Citizens Oversight Committee, to ensure that the moneys are spent only for the purposes approved by voters, and an annual accounting audit.

Opponents Say

- Inclusion on the Bond Project List does not guarantee that a project will be funded or completed.
- The District has not had separate independent financial audits for previous bond issues. If this Measure passes, Berkeley Unified will have invested \$484.5 million in school facilities in 20 years, far more than any other district with comparable enrollment.

CITY OF BERKELEY



ADOPTING A GREEN VISION FOR DOWNTOWN
(requires majority vote)

The Question

Shall the City of Berkeley adopt policies to revitalize the downtown and help to meet the City’s climate action goals?

Background

The current Downtown Plan, adopted in 1990, gives primary importance to preserving the historic character and human scale of the area. Building heights in the central Downtown are generally limited to 5 stories, with incentive bonuses for special concessions heights can reach 7 or more stories.

In 2005 the City and the University entered into a joint planning process to update the Downtown Plan. The Downtown Area Plan Advisory Committee (DAPAC) completed its work in 2007. As required by law, that plan then went to the Planning Commission and the City Coun-

cil. Both bodies made some changes to the Plan; a final version of a new Downtown Area Plan (DAP) was adopted by the Council in 2009. In early 2010 a referendum qualified to put the DAP on the ballot. Rather than putting the full measure to the voters, the Council rescinded it, and instead, by a vote of 7 to 2, adopted this Measure to put on the ballot. The policies proposed in Measure R are based largely on the DAPAC Plan and the DAP.

The University of California owns about 25% of the Downtown Area. As a State agency, UC is not legally bound by the City's land use and zoning controls. It had, however, agreed to abide by the DAP as approved by the Council. It is uncertain how the University views Measure R.

What This Measure Would Do

Measure R would adopt policies to guide the City Council's decision-making about Downtown development. The policies would concentrate housing, jobs and cultural destinations near transit, shops and amenities; preserve historic resources; enhance open space; and promote green buildings.

In keeping with the DAPAC and Council plans, Measure R designates the Downtown Area as the area bounded by Hearst Street and Dwight Way and Oxford/Fulton Street and Martin Luther King, Jr. Way. It further specifies a Core area defined as an area within one block of a Downtown BART Station entrance, where the tallest buildings, up to 180', could be located.

Measure R policies require that buildings be constructed to high green standards with specified public benefits. A "green pathway" would streamline the permit process for developers who voluntarily offer additional public benefits, including 20% affordable rental housing or an in-lieu of fee. It advises that maximum height in the Downtown Area be 5 stories, with the exception of two mixed-use buildings that could be up to 120' tall, and in the Core area, a hotel and two residential buildings that could be no higher than existing 180' buildings.

Fiscal Effect

This fiscal effects of this Measure are unknown. They

could include costs associated with permitting and compliance as well as additional future tax revenues associated with new businesses in the downtown area.

Supporters Say

- Measure R would foster an attractive Downtown by providing for open spaces and plazas and encouraging housing opportunities for all types of households at all income levels. It would attract businesses and new jobs that will strengthen our City's economic vitality and draw residents to the Downtown.
- Measure R is a major step toward meeting Berkeley's goals for reducing greenhouse gas emissions. By clustering new housing and jobs in the Downtown near good transit services, by requiring green building standards and practices, and by creating pedestrian and bicycle-friendly streets, this Measure would encourage the thousands of people who commute to work in Berkeley to live near their jobs, thereby reducing traffic-related pollution.
- Measure R protects neighborhoods and historic resources. All zoning changes and development proposed under this Measure would be subject to full public review and hearings at Commission and City Council meetings.

Opponents Say

- Measure R is misleading and destroys the best of downtown in order to save it by expanding the size of downtown while offering inadequate protection for adjacent neighborhoods without a sufficient buffer zone.
- Best green practices will not be followed. The city will build to LEED Gold or equivalent not LEED Platinum and hidden costs of carbon creation are ignored. Provides giant loopholes for developers with no non-compliance penalties. No guarantee that the "green pathways" benefits to the city will be achieved.
- Throws out a 5-year community process called the Downtown Area Plan Advisory Committee that did not weaken the Landmark Preservation Ordinance, and kept the downtown boundaries.



TAX ON CANNABIS BUSINESSES (requires majority vote)

The Question

Shall a tax be authorized on medical cannabis businesses and shall the City's appropriations limit be increased to permit expenditure of these tax proceeds?

Background

Since 1996, the use of medical marijuana has been legal in California. Berkeley's business tax system taxes medical marijuana businesses at the retail tax rate of 2% per \$1,000 in gross receipts. Berkeley does not have a distinct category for cultivation, dispensing, and ancillary activities associated with medical marijuana such as baking and product development.

What This Measure Would Do

Measure S would create a new business tax classification and rate for cannabis cultivators, dispensaries and ancillary activities at a rate not exceeding \$25.00 per \$1,000

on gross receipts phased in over two years; on nonprofit medical cannabis businesses not exceeding \$25.00 per square foot for the first 3,000 square feet and \$10.00 per foot thereafter; and on non-medical cannabis businesses of \$100.00 per \$1,000 gross receipts. If State Proposition 19 passes, this measure would permit the City to levy \$100.00 per \$1,000 gross receipts for non-medical cannabis businesses. This measure gives the City Council authority to adopt different rates and exemption levels for all businesses subject to the tax.

Fiscal Effect

It is anticipated that the gross receipts tax on medical marijuana businesses would raise \$165,000 or more in 2011 and almost \$500,000 per year thereafter. It is antici-

pated that the square foot tax would raise approximately \$160,000 per year, subject to annual inflation. It is impossible to calculate the amount of tax proceeds associated with non-medical cannabis businesses.

Supporters Say

- The Cannabis Tax will provide new revenue for essential city services like public safety, street repair and public health programs.
- Measure S is supported unanimously by the Berkeley City Council.

Opponents Say

- No arguments were filed in opposition to Measure S.



AMENDMENTS TO MEDICAL CANNABIS REGULATIONS

(requires majority vote)

The Question

Shall certain provisions of the Berkeley's Medical Cannabis Ordinance be amended and shall the Council be permitted to adopt other amendments as it deems them necessary?

Background

Since 1996, the use of medical marijuana has been legal in California. In 2008, Berkeley voters passed Measure JJ, to allow the City to permit, without hearing, up to 3 medical marijuana dispensaries. Currently, dispensaries may not be located within 1,000 feet of a public school. Measure JJ also allows, without permit, collectives and cultivation, and includes a self-policing Peer Review Commission. Outdoor cultivation is limited to 10 plants in visible locations.

What This Measure Would Do

Measure T, if passed, would reconstitute the Commission to include nine members, each appointed by a Council member, and clarify that medical cannabis collectives are allowed in residential neighborhoods. It would increase the number of allowed dispensaries from 3 to 4. New and relocated dispensaries would be allowed only in Commercial zones. The measure would allow up to 6 cultivation

locations of up to 30,000 square feet each, in the Manufacturing zone. The measure would decrease the minimum distance requirement for dispensaries from public schools and other dispensaries from 1,000' to 600' and include private schools in the distance requirement. The measure requires the Chief of Police to establish security requirements for all establishments. Measure T gives the City Council the authority to make further amendments.

Fiscal Effect

Attributes of the measure that require City funding include establishment and maintenance of a medical cannabis commission, oversight of operational and safety standards for collectives and dispensaries, zoning certificates and related permit activity, development and adoption of licensing processes and standards, and unknown policing costs.

Supporters Say

- Measure T establishes licensing procedures, sets high standards and provides safe access to medical cannabis for patients in need.
- Measure T requires code compliance, energy offsets, and medicine to be as organic as possible.
- Measure T requires a security plan approved by the Chief of Police.

Opponents Say

- Measure T permits more than 4 acres of growing facilities in the "M" Manufacturing District with no public review, even if it is next to your home.
- Measure T includes an oversight commission but provides no funding for oversight and enforcement.
- Measure T gives the City Council exclusive power to expand the marijuana industry without voter approval.

CITY OF ALBANY

MEASURE

N

ELECTED/APPOINTED CITY ATTORNEY CHARTER AMENDMENT (requires majority vote)

The Question

Shall the Albany City Charter be modified to provide that the City Attorney be elected at the November 2, 2010 election to a one-year term and that, beginning in December 2011, the City Attorney be appointed by the City Council?

Background

Currently, the Albany City Charter provides that "...City Attorney shall be elected from the City at large and shall hold office for 4 years and until a successor is elected and qualified."

What This Measure Would Do

If this measure is approved, the City Attorney who is running in the November election would be elected for a 1 year term. Thereafter, the City Attorney would be appointed by the City Council. The City Council can establish specific qualifications for the position, including municipal law experience, and appoint the person determined to be best qualified, regardless of that person's place of voter registration or residence.

Supporters Say

- 98% of California cities appoint their attorneys because it is simply good government.

- It would widen Albany's pool of legal expertise. Our small population severely restricts our choice of a well-qualified municipal attorney.
- Few individual attorneys possess the expertise to practice increasingly complex municipal law. Appointing an attorney allows us to advertise, screen and interview individuals and firms for professional competence and experience.
- It would bring legal costs under tighter control. Attorney costs in California cities are determined primarily by the number and type of legal issues they face. Appointing the City Attorney would enable the Council to define clear boundaries for duties and responsibilities.

Opponents Say

- This measure would open the door to dismissal for reasons such as offering legal advice unpopular with the Council. Past Councils unsuccessfully put this measure on the ballot when they disagreed with the elected City Attorney's advice.
- An elected City Attorney, responsible to both the community and council, is an important check and balance on closed-session decision-making.
- An appointed City Attorney might be reluctant to jeopardize his/her position by disagreeing with questionable Council actions.
- Giving up our right to elect those who serve and represent us diminishes their obligation to be transparent and accessible.

MEASURE

O

UTILITY USERS TAX ORDINANCE; AMENDMENT TO MUNICIPAL CODE (requires majority vote)

The Question

Shall the Communications portion of the City's Utility Users' Tax be reduced and redefined to reflect technological advances and changes in state and federal law?

Background

The City's Utility Users Tax was first enacted in 1971. Since then, there have been major changes in technology and in state and federal law. The tax now provides for a

7% tax on telephone communications, and on gas and electricity.

What This Measure Would Do

Measure O updates the Communications portion of the current Telephone, Gas and Electricity Users Tax to reflect changes in technology and changes in state and federal laws. The telephone users tax would be reduced from 7% to 6.5%; the gas and electricity users tax would remain at 7%. It would remove outdated references to federal law from the City's code, replace older terms and definitions with modern language to include all types of communications and video services, regardless of the technology used. All telephone customers would be treated in a uniform manner, whether they have land-line service, wireless service, or other type. Traditional telephone service users would see a rate reduction. E-mail would not be

taxed, nor would digital down-loads, including music, games, ring-tones or similar digital products. Measure O would also exempt users with solar energy systems from taxes based upon use generated by those systems, and it would prohibit any tax-rate increase in the Utility Users Tax without voter approval.

Supporters Say

- Without passage of this measure, outdated references to federal law would remain and could result in lawsuits and possible loss of the current utility users tax revenue to the city. The City Council asks voters to support this measure.

Opponents Say

- No arguments were filed in opposition to Measure O.



SPECIAL TAX FOR PARAMEDIC ADVANCED LIFE SUPPORT, FIRE ENGINES AND AMBULANCE SERVICE ORDINANCE (requires 2/3 majority vote)

The Question

Shall the “Paramedic Advanced Life Support Fire Engines and Ambulance Service Tax” be amended, to provide that the City Council may increase the tax commencing in fiscal year 2011–2012 in accordance with the Consumer Price Index for the greater San Francisco area?

Background

In 2000, Albany voters approved a special parcel tax to support the costs of a program for advanced life support for fire engines, ambulances and credentialed employees. The average residential parcel pays \$18.00 per year and commercial properties pay \$200.00 per year. At the time this tax was approved, the ordinance did not contain a provision for adjusting this amount to reflect cost of living increases.

What This Measure Would Do

Measure P would allow the City Council to increase the tax annually to reflect annual adjustments in the Consumer Price Index (CPI) for the greater San Francisco area, commencing in fiscal year 2011–12.

Fiscal Effect

To accommodate increasing costs, this measure would add about \$0.53 per year for the average residential and commercial unit. Using the average annual CPI for the last ten years, 2.6%, the projected total increase would be about \$5.26 per parcel over the next ten years.

Supporters Say

- Albany is one of the few California cities with an emergency medical response time shorter than 4 minutes. With firefighter paramedics trained in advanced life support, residents receive high quality medical care from door-to-door.

Opponents Say

- No arguments were filed in opposition to Measure P.



CANNABIS BUSINESS LICENSE TAX (requires majority vote)

The Question

Do you approve setting a business license tax to be paid by a cannabis business operating in the City of Albany?

Background

In 2006, Albany citizens voted to allow permitting of a single cannabis dispensary establishment/business in Albany, but without a category for medical cannabis dispensaries or sales in its tax system. State law requires that voters must approve any new license tax rate.

What This Measure Would Do

Measure Q would require a for-profit or non-profit cannabis business to pay an annual business license tax. A for-profit cannabis business would pay a business license tax of \$25.00 per \$1,000 of gross receipts. A non-profit organization that operates a cannabis business would pay a business license tax of \$25.00 per square foot on all business improvements occupied by the cannabis business.

Fiscal Effect

If this Measure passes, the revenue generated from a cannabis business would be placed in the General Fund. The amount of the tax would depend on either the gross receipts or the size of the premises.

Supporters Say

- Without the passage of this measure, a dispensary or business would only pay the “Business License Tax Rate”, an annual tax based on the average number of employees.

Opponents Say

- No arguments were filed in opposition to Measure Q.

EMERYVILLE SCHOOLS

MEASURE

J

EMERY UNIFIED SCHOOL DISTRICT GENERAL OBLIGATION BOND OF 2010

(requires 55% majority vote)

The Question

Shall Emery Unified School District issue \$95 million in bonds to update and upgrade school facilities?

Background

Emery Unified School District is very small (with 900 students in three (3) schools). As a result of past financial difficulties and the present state budget crisis, the school district has had to postpone essential repairs and upgrades. In 2000, voters statewide approved Proposition 39 which reduced the voter approval requirement for the construction, rehabilitation, or replacement of K-14 schools from two-thirds to 55%. Prop 39 requires that such bond measures must designate specific projects to be completed with the money, have a citizen oversight committee to monitor the bond expenditure, and provide for annual independent audits.

What This Measure Would Do

Measure J proposes that Emery Unified undertake \$95 million in bonds to, in collaboration with the City of Emeryville, replace/upgrade outdated schools which no

longer meet seismic safety standards; provide updated classrooms, technology, science/computer labs; improve school safety; create energy efficient cost-saving facilities that provide adult education, job training, after-school care, pre-school, and other community services. It contains provisions for monitoring expenditures, independent audits, and The Bond Project List as required of Prop 39 bonds. (For The Bond Project List see the full text of Measure J in your Alameda County Sample Ballot.)

Fiscal Effect

The Tax Rate Statement filed in conjunction with Measure J estimates that the property tax rate needed to pay off the bonds is \$60 per \$100,000 of assessed valuation.

Supporters Say

- Measure J builds seismically safe schools, improves energy efficiency (saving money for our classrooms), installs current technology, updates science labs, and expands after-school recreation and learning programs. Investing in Emeryville schools helps to attract more local families and attract and retain good teachers.
- Measure J enables Emery schools to provide a range of essential services such as adult education, job training, after-school care, public health services, and more -- all at the same location where schools are housed -- in a centralized, cost-efficient way that benefits all children and families.

Opponents Say

No arguments were filed in opposition to Measure J.

Who May Vote?

A person entitled to vote must be:

- a U.S citizen
- a resident of California
- not in prison or on parole for the conviction of a felony
- at least 18 years of age on the date of the election, and
- registered to vote 15 days before the election.

ALAMEDA COUNTY

MEASURE

F

ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT MEASURE (requires majority vote)

The Question

Shall a \$10.00 per year local vehicle registration fee be established in Alameda County to improve transportation and transit and encourage green transportation options?

Background

A state law passed in 2009 allows local transportation agencies to impose an increase in the Vehicle Registration Fee (VRF) of up to \$10. The funds generated must be used for transportation and transit related improvements, which are consistent with the Regional Transportation Plan. Eight of the nine Bay Area counties, including Alameda County, have a proposal for the new VRF on the November 2010 ballot. How the funds will be spent varies by county depending on each county's local transportation plan.

What This Measure Would Do

Measure F would authorize that an annual fee of \$10.00 be added to fees associated with registering a vehicle in Alameda County. The VRF is expected to raise about \$11 million a year for transportation and transit related improvements throughout the County. The Alameda County Transportation Commission would manage and distribute the funds; all would be spent within the County. These

funds could not be taken by the State. The specific spending plan for Alameda County is:

- 60% on repairing and maintaining local streets and roads.
- 25% on congestion relief, including express buses, transit passes for students and workers, and park and ride lots or rail station improvements.
- 10% on technology improvement, including traffic signal connection and commuter information systems.
- 5% on crosswalks, sidewalk, lighting and improvements to bicycle and pedestrian travel.

Fiscal Effect

Measure F would add \$10 per year to the cost of registering a vehicle in Alameda County. The \$11 million per year expected to be generated by the VRF would be helpful to local and county agencies in meeting some of their transportation related expenses.

Supporters Say

- Funding from state government is unreliable. Measure F will provide a secure, local source of funds for critically important local transportation projects.
- Better streets and roads make them safer for drivers, pedestrians and bike riders. They also help keep down gas costs, lower vehicle maintenance costs and reduce greenhouse gas emissions.
- Measure F will improve public transit making it easier for residents in every part of the County to get to work and school; and, it will make it easier to combine public transit with other forms of transportation.

Opponents Say

- No argument was filed against Measure F.

**REMEMBER TO VOTE
TUESDAY, NOVEMBER 2
POLLS ARE OPEN
7:00 AM TO 8:00 PM**

The address of your polling place is above the mailing label on your sample ballot, or look it up at smartvoter.org

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