

Berkeley Measure FF Fire, Emergency Services and Wildfire Prevention Tax: Shall an ordinance enacting a tax at a rate of \$0.1047 per square foot of improvements, which is estimated to generate \$8.5 million annually for firefighting, emergency medical response, 9-1-1 communications services, hazard mitigation, and wildfire prevention and preparedness, until repealed by the voters, be adopted? (Needs 2/3 vote to pass.)

The way it is now: Berkeley last passed a similar but lower property tax increase to upgrade firefighting capability, emergency medical services, wildfire prevention and earthquake preparedness to yield \$3 million in 2008, when these measures were less costly and appeared less urgent than they do now owing to enhanced Climate Change, emergence of COVID-19 preferentially striking the elderly and increased likelihood of earthquake.

What FF would do if it passes: authorize a special parcel tax of \$0.1047 per square foot of improvements (i.e., buildings or structures erected or affixed to the land) for each parcel of real property in the City of Berkeley, for the purpose of funding firefighter and emergency medical response, upgrades to the 9-1-1 dispatch system, hazard mitigation, and wildfire prevention and preparedness activities. City Council may increase tax annually as local cost of living or the per capita personal income growth in the state increases, whichever is greater. Very low income property owners would be exempt.

YES People for Measure FF say: FF will keep Berkeley safer by improving and upgrading 911 dispatch, emergency warning and ambulance services and strengthening programs to plan for and respond to catastrophic wildfires, earthquakes and other emergencies, the prospects of which have grown more dire recently given closure of Alta Bates Hospital, Alameda County cutting funding for first responder and ambulance calls and COVID-19 imposing huge new demands on local government budgets. The Mayor and City Council unanimously placed this measure on the ballot. Join elected leaders, firefighters, paramedics and seniors to vote YES on Measure FF for a safe and resilient Berkeley.

Rebuttal says services not affordable because of pension obligations, an unrelated expenditure.

NO People against Measure FF say: Berkeley Taxpayers already give the Fire Department \$8 Million/year with three assessments for Fire and Paramedic. Now the City wants to double those assessments to \$16 Million in the middle of the Covid 19-related recession! Berkeley Taxpayers already pay for Fire and Paramedic with Measure GG since 2008. The City failed to set aside funds for a disaster. Another glaring problem with this tax is that the City insists on the continued use of the faulty dwelling square footage database to do the calculations. Worst of all, this expensive tax does not guarantee the vulnerable public with promised benefits. This Measure admits that the purpose of this TAX will be changed. The City reserves the right to divert this tax to its Pension Funds. In a short time, the City will divert this tax to unfunded Pensions. The FF promise of accountability is deceptive. **Rebuttal** focuses on false statements of opponents. FF is a special tax which must be used for safety measures.

Measure GG: Tax on Transportation Network Company Trips - Majority vote

Shall an ordinance enacting a tax on users of Transportation Network Companies for prearranged trips originating in Berkeley, at a rate of 50 cents per trip for private trips and 25 cents per trip for pooled trips, regardless of the number of passengers on the trip, which is estimated to generate \$910,000 annually for general municipal services in the City of Berkeley until January 1, 2041, be adopted?

The way it is now: Transportation Network Companies (e.g., Uber, Lyft) enable passengers to prearrange transportation with a driver using an online-enabled application software, website or other system. Currently, users of TNCs do not pay taxes or fees to the City of Berkeley for rides that originate in the City.

What Measure GG would do if it passes:

The measure would impose a tax on TNC trips that originate in the City of Berkeley. Users of TNCs would pay a tax of 50 cents for a private trip and 25 cents for a pooled trip, regardless of the total number of passengers. Users would pay the tax to the TNC at the time of payment for the trip, and the TNC would remit the tax to the City of Berkeley on a quarterly basis.

Drivers would not be required to pay City of Berkeley business license fees while the tax is in effect. In addition, the tax would not apply to:

- 1) Trips paid or reimbursed by a state or federal government healthcare payor, including trips paid for or reimbursed under Medi-Cal.
- 2) Trips in Wheelchair Accessible Vehicles as defined by state law.

The tax is estimated to generate \$910,000 annually. The revenues from the tax may be used to fund any municipal governmental purpose.

YES People for Measure GG say:

For too long, TNCs like Uber and Lyft have not paid their fair share. Measure GG will help mitigate the impacts of rideshare companies, who unlike most businesses including taxis, currently pay nothing for the right to operate in Berkeley. The amount they pay in gas taxes is not enough to pay for the wear and tear on our streets.

Measure GG will:

- Encourage more shared rides through a discounted fee of 25 cents. This will help reduce trips and carbon emissions.
- Offer exemptions for healthcare workers and vehicles that are wheelchair accessible.
- Allow the Council to adopt further exemptions, waivers or discounts including those for low-income discount programs, free or donated trips, youth programs and more.
- Generate at least \$900,000 annually to support general municipal services like paving streets and improving pedestrian and bicycle infrastructure.

NO People against Measure GG say:

TNCs such as Uber and Lyft provide Berkeley residents and visitors with affordable, convenient mobility. TNCs allow residents in the hills and other less walkable areas to abstain from driving. They bring visitors to Berkeley who don't need to rent - and park - a car.

TNCs pay for City street repairs by buying gasoline and paying State gas tax and sales tax on the gasoline and autos, which is then distributed to cities for street repairs.

Don't let Berkeley expand its bureaucracy to oversee another tax bringing in less than \$1 million per year.

Berkeley Measure HH: Utility User's Tax: Shall an ordinance increasing the Utility Users Tax on electricity and gas from 7.5% to 10%, with exemptions for low-income users, for general municipal services, including programs to equitably reduce local greenhouse gas emissions, and authorizing the City Council to increase the gas users tax by an additional 2.5%, with the total tax estimated to generate \$2.4 million annually, until repealed by the voters, be adopted? Majority vote required to pass.

The way it is now: The Utility Users Tax on electricity and gas is currently 7.5%.

What Measure HH will do:

HH would increase the utility user taxes on electricity and gas from 7.5% to 10% and would authorize the City Council to further increase the tax on gas by an additional 2.5%.

HH would not increase the rates of City's utility user taxes on telephone or video services.

PG&E has informed the City that currently it cannot collect utility user taxes on gas and electricity at different rates. Consequently, the City Council could not impose the additional 2.5%, until PG&E is able to collect it.

HH would exempt individuals enrolled in the California Alternate Rates for Energy Program (CARE) or the Family Electric Rate Assistance Program (FERA) from both the gas and electricity user taxes.

HH would create the Climate Equity Action Fund and revenues from the increases in the gas and electricity user taxes may be placed in the fund, as well as any other funds designated by the City Council.

HH would rename the Energy Commission the Climate Action and Energy Commission and would direct the commission to provide non-binding recommendations to the City Council on how revenues in the Climate Equity Action Fund could be spent to address climate related or municipal issues. HH would also make technical changes to the utility user tax ordinances.

Financial Implications: The 2-5% increase in the gas and electric utility user taxes is estimated to generate \$2.4 million per year and the additional 2.5% gas user's tax is estimated to generate \$730,000 per year.

YES People for Measure HH say:

The pandemic and global warming are the twin crises of our lifetimes. Both have enormous economic impacts, disproportionately harm low-income and marginalized communities, and require collective action.

Voting YES on Measure HH will speed up reductions in greenhouse gas emissions while reducing energy costs for thousands of Berkeley residents and kickstarting a green economic recovery.

Berkeley made history by passing a Climate Action Plan, a Climate Emergency Declaration and a Fossil Free Resolution. But we are falling short on reducing global warming pollution and our plan needs funding. Measure HH could fund projects and programs that will address these goals.

The Fund would prioritize equity and environmental justice by ensuring that low-income families, seniors, renters, and small businesses hit hardest by the pandemic realize lower energy costs and benefit from the green economy.

Measure HH would save low income residents an average \$160/year while increasing cost by only the average of \$53/y for other residents.

Rebuttal to Argument Against HH

The Council has kept the faith and spent targeted funds as designated and will continue to do so. This is the time to make these important investments.

NO People against Measure HH say:

This Measure is a DECEPTIVE FOREVER Tax increase. Vote No!

Due to COVID, many people have lost their jobs or businesses, and we are all unsure of the future. This is a terrible time to add over \$4million of TAXES that ALL citizens must pay. Many of us are struggling to make our next mortgage or rental payment. Asking us to pay EVEN MORE in taxes is BAD.

This Tax revenue will be placed in the General Fund and can be spent on ANYTHING.

The City of Berkeley has a BAD Pension deficit problem. This Tax promises public services that will instead be diverted to Berkeley's ever-growing Pension. These funds will just disappear in the General Fund to be forgotten by the public.

The DECEPTIVE implication of this TAX is that this new increased tax is 'modern' and therefore GOOD. This argument suggests that the existing, lower utility tax is 'old fashion' and needs to be modernized into a new higher tax. Your opportunity to pay 30% more for the same utilities! Buried in the fine print is a provision that allows the Berkeley City Council to increase the tax rate on natural gas ANOTHER 2.5% to 12.5% total rate for natural gas.

Rebuttal to Argument For HH

A special use tax should pass by 2/3vote and be required to be spent on targeted projects.

The city lacks capability to successfully implement the proposed list of projects. The projects are not well thought out.

Measure II: Police Accountability Charter Amendment

Shall the measure amending the Berkeley City Charter to create an independent Berkeley Police Accountability Board and Director of Police Accountability to provide oversight of the Berkeley Police Department (Department) policies, practices, and procedures; obtain access to records; investigate complaints filed by members of the public against sworn employees of the Department; and recommend discipline of sworn employees of the Department, based upon a preponderance of the evidence, be adopted? (Majority vote required to pass.)

The way it is now: In 1973, Berkeley voters approved an ordinance establishing the Police Review Commission (“PRC”). That ordinance authorizes the PRC to investigate complaints, conduct hearings, and issue findings regarding police misconduct claims. The Police Chief and City Manager may consider these findings when determining whether to discipline a City police officer.

What Measure II would do if it passes:

A nine (9) member Police Accountability Board would replace the existing PRC. A Director of Police Accountability would be responsible for investigating complaints against sworn members of the Berkeley Police Department. The City Council could vote to remove any Board member or the Director.

The Board would have the following powers and duties:

- Make recommendations regarding the operation of the Police Department, including review of the Department budget;
- Review complaints against sworn members of the Berkeley Police Department and recommend disciplinary actions;
- Access records, compel testimony and issue subpoenas as needed to carry out its functions, subject to applicable state confidentiality laws,
- Review agreements between the Police Department and other law enforcement, military or private security organizations;
- Participate in the hiring of the Chief of Police;
- Adopt rules and regulations necessary to conduct its business,
- Any other powers or duties the Council may assign.

It would establish two separate processes by which a member of the public could submit a police misconduct complaint, with a final determination would be required within 240 days of the complaint. In the event of disagreement between the Board and the Chief of Police, the City Manager would make a final determination.

YES People for Measure II say

Measure II establishes an independent agency to investigate complaints and ensure effective civilian oversight of police conduct. This measure results from an unprecedented collaborative process between Berkeley Police, the Police Review Commission, and City Council.

The Charter Amendment replaces the Police Review Commission, established in 1973, with a new Police Accountability Board, with expanded powers to investigate police misconduct and provide civilian oversight. A Director of Police Accountability would provide professional oversight and investigate complaints, make independent findings, and recommend corrective action.

This is estimated to cost approximately \$300,000 per year, less than 0.5% of the Police Department’s current budget.

The City Council would still have ultimate say over policing policy and the City Manager’s Office would retain its authority over police department management.

Voting YES on Measure II will give the Police Accountability Board the authority and resources to thoroughly investigate misconduct allegations, propose discipline, and review police policies to protect civil rights and liberties and address racial and other disparities.

NO People against Measure II say

**No Argument
Opposed yet on file**

Measure JJ: Charter Amendment: Mayor and Council Compensation - Majority vote

Shall the measure amending the City Charter to provide that compensation for the office of Mayor be set at Alameda County’s median three-person household income from the California Department of Housing and Community Development and that of Council members maintained at 63% of the Mayor’s compensation, with annual increases based on changes in Area Median Income, but which may be lowered for unexcused Council meeting absences or negotiated salary reductions for City employees, be adopted?

The way it is now: The City Charter specifies that the Mayor is paid at a rate of \$2,850 per month, and City Council members are paid at a rate of \$1,800 per month. These amounts were set in 1998 and have been adjusted upward since then based on cost of living increases, so that currently the Mayor is paid \$61,304 per year and Council members are paid \$38,695 per year. The Mayor and Council members can be excused from meetings to attend to official business or for up to two regular meetings for illness without having their salaries reduced.

What Measure JJ would do if it passes:

The City Charter would be amended to set the Mayor’s salary to the same rate as the median income for a three-person household in Alameda County. Council members’ salaries would be set at 63% of the Mayor’s salary, which would maintain the existing proportionate relationship between the salaries for each position.

Based upon current income information for Alameda County, the Mayor’s annual income would be expected to be approximately \$107,300 per year, with Council members’ salaries set at approximately \$67,599 per year. These amounts would be subject to annual adjustments based upon changes in the area’s median income.

The reasons that the Mayor or Council members can be excused from meetings without a deduction in pay would be expanded to include the illness or death of a close family member.

YES People for Measure JJ say:

Reasonable compensation that allows leaders from diverse backgrounds to answer the call to service is a key to equitable, accessible and effective government. Berkeley’s new public financing of elections makes it possible for candidates with important perspectives to run, but the very low compensation makes it impossible for many to serve. The compensation level was set over 20 years ago and has not kept pace with area cost-of-living, while the jobs have become more and more complex.

Measure JJ creates a formula tying the Mayor’s compensation to that of a low-income household (\$107,300) and Council members to a very low-income household (\$67,599). The Mayor and Council oversee a \$450 million budget, develop policy with colleagues through policy committees, represent the community at regular and special City Council meetings and serve constituents, in addition to attending regular meetings.

NO People against Measure JJ say:

By voting yes on Measure JJ, you would be giving the Mayor and each Council member a 75% raise amid a great budget crisis.

In a recent City survey, 47% of Berkeley voters reported that they have been seriously hurt by the COVID-19 pandemic.

They are losing livelihoods and businesses, homes and careers – something that a 75% raise for elected officials will do nothing to help. Now is not the time for a 75% raise.

Measure KK: Charter Amendment: Administrative Provisions and City Attorney

Shall the measure amending the City Charter to eliminate the residency requirement for sworn members of the fire department, conform the provisions of Article V, Section 9.5 and Section 10 regarding the eligibility requirements for the Redistricting Commission to state law, remove gender-specific language and amend Article VII, Section 28 and Article XVI, Section 113 to update terms and duties of the office of City Attorney be adopted? (Majority vote required to pass.)

The way it is now: In 1994, Berkeley voters amended the City Charter to require that all City firefighters hired after January 1, 1995, live within a radius of 40 air miles of the City. All but four of the City’s roughly 130 firefighters were hired after January 1, 1995, and therefore must comply with this residency requirement.

The Charter restricts membership on the Citizens Redistricting Commission to registered voters in the City of Berkeley who have voted in the last two General Municipal Elections, unless ineligible to do so by reason of age, thereby precluding noncitizen residents from serving on the Citizens Redistricting Commission.

The Charter currently uses gender references such as “he” and “she.”

The Charter currently provides that the City Attorney is appointed by the City Manager, subject to the affirmative vote of five members of the City Council, and is responsible for prosecuting all criminal cases arising from violations of the Charter and City ordinances, and attending to suits and proceedings in which the City is interested, subject to the Council’s control over all litigation in which the City is involved.

What Measure KK would do if it passes:

Make changes in various section of the City Charter to:

- Eliminate City firefighters residency requirements;
- Rename the “Citizens Redistricting Commission” the “Independent Redistricting Commission,” and change requirements for appointments to conform with state law;
- Replace gender-specific references with gender-neutral pronouns such as “they” and “their”;
- Establish the Office of the City within the Charter.

YES People for Measure KK say

Changes in mutual aid reduce the need for firefighters to live in a small radius, and the rising cost of housing has pushed many first responders to live beyond the urban core. Lifting the firefighter residency requirement will allow Berkeley to recruit firefighters from a broader geographic area while still ensuring emergency response capabilities necessary for major events.

Subsequent to Berkeley’s adoption of an independent citizen’s Redistricting Commission, California adopted a law that residents “regardless of citizenship or immigration status” may hold appointed office. Measure KK conforms the Charter to State law and allows all Berkeleyans, regardless of citizenship, to serve on our Redistricting Commission.

Berkeley’s Charter doesn’t formally establish the Office of City Attorney or delineate its duties and powers in a comprehensive manner. Measure KK brings the establishment and responsibilities of the Office of City Attorney in line with best practices across the State.

NO People against Measure KK say

No argument against is currently available

Berkeley Measure LL Gann Limit Spending Authority: Shall the City appropriation limit under Article XIII B of the California Constitution be increased to allow expenditure of the proceeds of City taxes and income from the investment of those taxes for fiscal years 2021 through 2024? Financial Implications: This measure would not increase taxes or impose a new tax. It would authorize the City to continue to spend the proceeds of already-approved taxes for FY 2021 through 2024. (Needs majority to pass.)

The way it is now: The Gann Limit Spending Authority is Article 13B of the state Constitution passed in 1979 after passage of Article 13A, known commonly as "Prop. 13", and ensures that local governments spend only those taxes and investments thereof approved for a given budget period, which in 2016 the voters of Berkeley decided should be 4 years. Measure LL requests approval for a new 4 year budget period for 2021-2024.

What Measure LL would do if it passes: This measure would extend the voter-approved spending authorization by an additional four years, thereby allowing the City to continue to appropriate all funds generated by City taxes for fiscal years 2021 through 2024 **without increasing taxes or creating any new taxes.** It would authorize the City to continue to spend the proceeds from existing taxes as well as any income from the investment of the revenues generated by those taxes.

YES People for Measure LL say Berkeley population has grown by 11% in the last 10 years during which time a shrinking staff has been providing more services requested by voters. If Measure LL does not pass, the City will lose tens of millions of dollars in voter approved tax revenue and be unable to deliver a wide variety of services, reducing the quality of life throughout our City.

Rebuttal of this pro argument claims LL will raise taxes.

NO People against Measure LL say GANN Limits require that city residents be reimbursed when excess revenues exist. If this measure is not approved then, in this time of devastating health and financial dangers for most residents, the City might have to rebate excess dollars to taxpayers. Now, in a time of devastating health and economic impacts for most of our residents, our officials are trying to raise the tax burden even higher with a series of new tax measures and raises for City Councilmembers!

Rebuttal of this con argument says LL has nothing to do with increasing taxes but will allow taxes already approved to be spent.

Berkeley Measure MM Amendment of Rent Stabilization and Eviction for Good Cause

Ordinance: Shall the measure amending the Rent Stabilization and Eviction for Good Cause Ordinance to: prohibit eviction of qualifying tenants for nonpayment of rent during state or local emergencies; authorize the Rent Stabilization Board to set registration fees for certain partially exempt units; and limit the Accessory Dwelling Unit exemption to owner-occupied properties with a single-family home and one accessory unit be adopted? (Needs majority to pass.)

The way it is now: Rented single-family homes, rented condominiums, and newly constructed rental units are subject to good cause eviction proceedings for nonpayment of rent which may begin after three-days of notice to the tenant but these 3 rental types are not subject to rent control and stabilization conditions and are, therefore, partially exempt.

What MM would do if it passes:

Prohibit eviction for nonpayment of rent during state/local emergencies while maintaining rent control and stabilization conditions in currently partially exempt rentals, such as single-family homes, condos and newly constructed rental units; Rent Stabilization Board will collect information from owners of those properties, and set and charge a registration fee for those units covering cost of registration and counseling services but would not include cost of services such as rent adjustment petitions and hearings. The new registration requirements and fee would not apply where a property owner rents out their own home on a temporary basis, provided owner does not own any other rental units in the City, absence of owner from the unit does not exceed 24 months, and the length of the absence of owner is specified in the lease; and limits the ADU exemption to a single-family home residence of the owner and only one accessory unit, although more than one non-exempt ADU on the property is permissible.

YES People for MM say

Although City Council has enacted strong eviction protections, the Rent Stabilization Ordinance still recognizes non-payment of rent as a cause for eviction. Once the emergency proclamation is lifted, Berkeley renters may lose their homes. There are eviction controls on buildings built after 1980, even though they are exempt from rent control and do not pay any fees for services received from Rent Board, unlike older properties. This is unfair so newly-built and other similar units need to register and pay their fair share for services though not under rent control. Primary residences rented for up to two years are exempt, ensuring no fees for homeowners who register for a sabbatical or other limited absence. MM also encourages new housing construction by exempting new ADUs on single-family properties from rent and eviction controls. MM limits ADU rent and eviction control exemption to owner-occupied single-family properties, as passed by Berkeley voters in 2018. **Rebuttal** mainly contradicts pro arguments.

NO People against MM say

MM is a poorly-designed policy that will discourage homeowners from creating ADUs, adds no new tenant protections & poses as protecting tenants by prohibiting evictions during a state of emergency, which is already City law! 2 years ago, Berkeley citizens voted to exempt all ADUs from rent stabilization and eviction controls. Now the Rent Board wants to reverse the will of voters by removing this exemption for a second ADU under a complex set of rules not fully described in the measure. MM raises fees without oversight. The measure would even require that owners of all rented ADUs, single-family homes, condos, and new units pay a registration fee. No evaluation done to justify proposed new fee. **Rebuttal** merely restates pro arguments.