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# NEBA News

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**NORTH EAST BERKELEY ASSOCIATION**

**Fall 2008**

**★★★★★ COMPREHENSIVE LOCAL ELECTION EDITION ★★★★★**

## **TWO GENERAL MEMBERSHIP MEETINGS IN OCTOBER**

### **BALLOT MEASURES**

*Wednesday, October 15, 2008, 7:00 p. m., Haver Hall*

### **MEET THE CANDIDATES: MAYOR, COUNCIL, SCHOOL BOARD**

*Thursday, October 23, 2008, 7:00 p. m., Chapel*

### **BOTH MEETINGS AT NORTHBRAE COMMUNITY CHURCH**

*941 The Alameda (at Los Angeles)*

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#### **President's Message**

It is with enormous regret that we oppose the Library Bond. The Public Library is the jewel of Berkeley, and we treasure it. However, we oppose the ballot measure method of funding for the library and other essential services. It is not right for these services that we value most to be treated as afterthoughts, funded by special initiatives, when we expect them to be funded from the tax money that the city already has.

The Fire Protection and Emergency Response and Preparedness Tax to enable the City to keep fire stations open and improve emergency medical response and disaster preparedness is not right. Fire and emergency response by the city is essential, and these are services that we want and need to be safe. They are not optional, and they should be funded from the taxes that we already pay first.

We place great value on the work done by the people who provide these services, and we appreciate them, and we want to fund their efforts. Providers of these services should not have to beg us for handouts in every election. Too much money is spent by the city for other activities that would not be approved if the voters could have a say, money that should be spent instead for the essential services that we do want.

Whether you agree or disagree, you will have your opportunity to join the discussion with your neighbors on the ballot measures on Wednesday, October 15, and you can meet and share your concerns with your city candidates on Thursday, October 23, 2008.

The Ballot Measure Guide and the Candidates' answers to NEBA's Pointed Questions on the next pages are fascinating! Read the next pages!

Please join NEBA. Your membership dues support the newsletter mailings and public meetings where our voices can be heard! We need your support as paid-up members. If you haven't yet renewed or joined, *NOW IS THE TIME!* Visit us at: [www.northeastberkeleyassociation.org](http://www.northeastberkeleyassociation.org).

#### **Sharon Eige**

*Please note NEBA's two general meetings: October 15, we'll have speakers representing both sides of the ballot measures. October 23, you can hear all six candidates for mayor and councilmember for districts 5 and 6, along with all four candidates for School Board Director. We hope you can attend both!*

## VOTERS GUIDE TO KEY LOCAL BALLOT MEASURES

(Arguments summarized from filed ballot arguments. NEBA Board recommendations were unanimous, and based on extensive and thoughtful discussion.)

### MEASURE HH--GANN TAX RENEWALS

**Description** State law requires periodic voter ratification of previously-approved special property taxes that exceed allowable spending limits (1986-1987 spending adjusted for inflation). Although 2/3 voter approval is required for original passage of the special taxes, only 50%+1 vote is needed for ratification. Berkeley has seven such special taxes and BUSD has three (see your tax bill, right side). Up for ratification is about \$25M worth of special taxes that exceed the allowable limit--a 1988 library tax, 1997 parks tax, 1997 emergency medical services tax, and a 1998 emergency service tax for the severely disabled.

**For the Tax Renewal** Ratification will allow the City to continue to provide these important community services. Not a new tax, just a continuation of already-approved moneys. If doesn't pass, loss of tens of millions of dollars, forcing dramatic reductions in City services. City needs these taxes because of Prop 13 losses. City funding for essential services has increased, not decreased, e.g 60% increase for public safety over last nine years. 1600 City employees long in place, since 1990. City uses General Fund for new services such as new emergency medical, recycling, health services, and gets tens of millions in state and federal funding. By voting against this, the will of voters is being subverted.

**Against the Tax Renewal** City has enough discretionary money in \$141M General Fund to pay for these important and essential services and save the average taxpayer about \$900 annually. A 31% staffing increase since 1980's has cost the City an extra \$62.5M annually. These Gann moneys fund no extra services, just allow Council extra money for pet projects. All of these basic services were previously paid by General Fund. A simple Council majority could maintain these services and de-fund wasteful City expenditures that would never be passed by voters. \$25M is actually funded by Measure HH, not the "tens of millions" claimed. City budget up 60% in last ten years but resident incomes haven't kept pace. New homeowners face \$10K annual property tax bill plus 1.5% property transfer tax, and Berkeley is freezing them out.

**NEBA Board Recommends** YOU DECIDE ON HH.

### MEASURE GG—FIRE PROTECTION/EMERGENCY PREPAREDNESS TAX

**Description** \$3.6M special property tax to keep fire stations open and improve medical response and disaster preparedness. 2/3 voter approval necessary. Annual cost of \$78 for 1900 sf home.

**For the Tax** These services have been cut back. There are fewer fire stations than in the past and continued rotating closures are planned. This tax will hold the line on additional station closures and cuts to fire and emergency services, ensure paramedic service at every fire station, fund neighborhood disaster preparedness, and upgrade radio communications equipment. Now, only three fire stations have a designated paramedic. Opponents are a small group who are misleading the voters and using GG as a wedge issue: GG guarantees adequate funding that can only be used for stated purposes. Berkeley's families are being put at risk

**Against the Tax** Fire protection is an essential City service and should be top priority in core budget, not a political football. GG doesn't guarantee adequate staffing, reduction of core funding, or diversion of GG funds. Core General Fund budget is now a slush fund for things voters wouldn't approve—payments to developers, fraud bailouts, excessive City employee raises, payments to ineffective outside contractors. Council needs to prioritize and fund essential services first, which it could do with a simple majority vote. There is no budget deficit or fund shortage or financial crisis—real property tax revenue has doubled in last eight years and is still growing; average City employee compensation is already \$159,000 with new 14% increase signed; and City

has too many employees. Voters rejected similar measure in 2004. Proponents are unconscionably threatening voters and playing on voters needs and fears. Proponents are misleading voters: number of fire stations has been the same for about 50 years; excessive employee compensation, especially fire department \$2M overtime, accounts for funding needs; and better paramedic services could be provided at little extra cost.

**NEBA Board Recommends** VOTE NO ON GG

### **MEASURE FF—LIBRARY BOND**

**Description** \$26M general obligation bond for renovation, expansion, seismic and disabled access improvements to Berkeley's four branch libraries. \$59 early years cost to average homeowner (\$330,500 valuation), \$27 average annual cost over 30 years. \$83 early years cost to new homeowner (\$1,000,000 valuation).

**For the Bond** While the Central Library has been fully renovated, the four branch libraries are old and out of date and have (mostly) not been renovated in thirty years. The buildings have crowded spaces, suffer structural damage, need ADA accessibility, and lack the infrastructure to meet technology needs. FF will bring the buildings up to current code standards, meet seismic requirements, enhance accessibility, create "greener" operations, add space for popular programs, and enhance historic architectural features. The Library system accommodates 800,000 annual visits and more than 700,000 annual checkout items. The branches are open six days per week. The Board of Library Trustees is appointed by and reports annually to the Berkeley City Council and the Council holds it accountable. Current Library funding is not adequate to pay for major physical improvements.

**Against the Bond** The Library is beloved and an essential City service that should be at least partially funded by the City's \$141M General Fund instead of entirely by special bonds and taxes. Annual City ad valorem real property tax revenue is up more than 100% over eight years and Transfer Tax revenue has averaged about \$13M annually. The City has been profligate, spending millions on developer subsidies and \$159,000 plus for average City employee compensation, but not one penny for the Library. Library spending of its generous special taxes is up 56% in just 6 years, to \$15.2M, more than double the 22% CPI increase. Library salaries are up 14% since 2006 and will increase by another 14% in the next three years. Half of Library usage is by non-Berkeleyans who pay nothing. The Library needs to be more directly accountable to the public. The average homeowner already pays about \$300 annually for Library operations (in addition to bond payments for the Main Library reconstruction). After a 2004 NO vote by voters, the Library should have lived within its means, managed its revenues better, applied for available state and federal monies, and set aside some moneys for physical improvements.

**NEBA Board Recommends** VOTE NO ON FF

### **MEASURE KK—VOTER APPROVAL FOR EXCLUSIVE TRANSIT-ONLY AND HOV/BUS ONLY LANES**

**Description** This is an initiative ordinance that would require voter approval before the City could dedicate a public street or traffic lane to bus-only, transit-only, or high-occupancy vehicle-only use. Voter approval wouldn't be required for minor changes. Under current law, the City Council alone can make such dedications.

**For Measure KK** Our major arteries are threatened with partial removal from public use, with no compensation to residents, by dedications, massive reconstruction, and resulting congestion. The main threat arises from AC Transit's proposal for Bus Rapid Transit which would cost taxpayers hundreds of millions of dollars and would not benefit the public: local bus stops would be eliminated; most public parking would be removed and/or pushed into already-overparked neighborhoods; local businesses would suffer; travel time and energy savings would be insignificant; and, since the existing buses often travel empty, there is no guarantee of

increased ridership. A better transit system will result if we look at other options and put any plan before the voters. KK is democratic and in line with Berkeley's values and its historical vote about undergrounding the BART tracks. The City Attorney assertion of hundreds of thousands of dollars to implement KK is false and misleading.

**Against Measure KK** There is already an adequate City review process for major transit projects, including many public meetings, City board and commission input, and an environmental impact statement. Having voters second-guess elected representatives on transportation decisions is a waste of time and money. KK would produce costly delays to transit improvements and undercut Berkeley's "Green Initiative" (Measure G) approved by 81% of the voters in 2006. It would create a significant impediment to implementing General Plan policies relating to improving public transit and creating alternatives to the automobile. KK says nothing about how to improve transit, reduce traffic, or protect the environment. KK actually subverts the democratic process by subverting the normal process of meetings and comments, and it is completely out of touch with Berkeley values. Implementing KK could cost the City up to \$1.2M.

**NEBA Board Recommends** VOTE YES ON KK

### **MEASURE LL—REFERENDUM ON CITY'S REVISED LANDMARKS PRESERVATION ORDINANCE (LPO)**

**Description** In 2006 the City Council approved substantial changes to the LPO. Because of a 2006 citizens initiative (defeated 43.24% to 56.76%), and the current voter-initiated referendum on the new LPO, the new LPO was not implemented and the old version currently stands. If passed, Measure LL will implement the new LPO. The new LPO proposed in Measure LL purports to streamline and make state-law compliant the process for landmark decision-making by the City's Landmarks Preservation Commission (LPC), revises the procedure and timeline for designating a landmark, grants the LPC new authority to prohibit demolition of historic resources, and eliminates property owner approval in establishing historic districts.

**For Measure LL** The existing landmarks law is flawed and Measure LL fixes its flaws: it fixes its legal flaws, as determined by a judge in 1999 and Berkeley's City Attorney; it allows property owners to find out in advance if their property is a landmark and thereby subject to many regulations, unlike current law that prohibits this pre-determination; it sets new and clearer standards for what constitutes a landmark, and clear timelines for determination; and it gives the LPC more authority to deny demolitions. Measure LL has been approved by the LPC and the City Council after an extensive six-year process. Berkeley has diligently protected its history, and LL supports legitimate historic preservation. A small group is trying to block these needed revisions after being defeated by voters in their 2006 attempt.

**Against Measure LL** This measure expedites: the demolition of historic buildings; the destruction of neighborhoods and affordable housing; environmental degradation and global warming, by promoting demolitions and new construction (which produces 48% of greenhouse gases) over preservation and retrofit. LL was written to help speculators and developers by making it easier to demolish historic buildings. LL severely restricts the time available to save historic resources, such as Iceland. The current ordinance is not legally flawed, and it has been upheld by the Appeals Court and certified as fully compliant by the State Office of Historic Preservation. The current ordinance also allows property owners to find out in advance if their property is a landmark.

**NEBA Board Recommends** VOTE NO ON LL

**POINTED QUESTIONS FOR CANDIDATES BATES & DEAN (MAYOR), CAPITELLI & HAHN  
(DISTRICT 5), SORGEN & WENGRAF (DISTRICT 6)**

**Overview** While NEBA does not endorse candidates, its mission is to inform, educate, and advocate for the interests of, Berkeley residents of local electoral Districts 5 and 6 (please see our full Mission Statement). In line with our mission we submitted a list of 32 pointed questions to candidates, with the aim of illuminating candidate inclinations and positions on key issues, and publishing the responses for our membership

The list of questions is certainly not comprehensive and we could have added at least 32 more! In retrospect, some of the questions might have been worded more felicitously. While we fully understand that these questions address complex issues, the “Yes, No, No Answer” format was necessary given the space limitations of the newsletter and our desire for clarity (as opposed to the usual “all things to all people” approach of politicians). Where candidate Yes or No responses were substantially qualified, we placed the response in the “No Answer” category. We urge our members to further explore the questions with candidates, in as much depth as possible, at the various candidate forums and other venues available between now and November 4.

NEBA members may not be aware that there are numerous local endorsement groups, such as the Sierra Club, Livable Berkeley, employee unions, Berkeley Citizens Action, etc. (check the candidate endorser lists you’ll be getting in the mail!) that send out candidate questionnaires, hold private meetings with candidates, and then issue their endorsements, all without the ordinary voter being privy to the conversation and commitments privately made. In our national election there has been comprehensive coverage and vetting of candidates. Local politics affects our lives dramatically and local elected officials play a crucial role in our everyday lives. NEBA members and all Berkeley residents are entitled to more sunshine on the candidates!

All candidates responded to our questionnaire, except for mayoral candidate Tom Bates, and were offered an opportunity to make a short general statement re: the questionnaire. Here are the candidates general comments and caveats.

**Mayor Tom Bates** I have decided not to complete your questionnaire. The questions are simplistic, often based on inaccurate statements about the city, and many are not at all reflective of the complexities and nuances of the issues. I respectfully disagree that yes/no responses to these very important questions will enlighten anyone as to my beliefs, record, or inclinations. While you said you wanted to understand the candidates positions in a clear manner—this survey does not accomplish that goal.

**Shirley Dean** I will work to develop a Services-Based Outcomes Budget identifying essential/core services, setting priorities, establishing performance standards, and giving the public more input into budget decisions. City budgets are always balanced, it is unlawful to do otherwise. The issue is not balancing the budget, the issue is what’s *in* it.

**Laurie Capitelli** No general statement.

**Sophie Hahn** Most yes/no answers mean mostly yes or no or lean yes or no, and are not absolute. An \* indicates “with reservations” and a \*\* indicates “significant caveats or explanation”. A “No Answer” response means that the question is far too complex for a yes or no, or that significant terms require definition, or is a compound question not amenable to yes or no, or is a false dichotomy, or there is some other significant issue with the question. (Ed. Regrettably, it was not possible to include Ms. Hahn’s asterisk notations.)

**Susan Wengraf** Made no overall statement except that her “No Answer” responses generally indicated “This is a complicated question that deserves in-depth discussion”.

**Phoebe Anne Sorgen** Many questions that I did answer yes or no ...require a more nuanced response. ...I am nevertheless revealing the direction I am currently leaning. Few of these issues are black, white, or gray, but multi-hued.

### **Taxation and Budget**

1. Are fire, emergency medical, police, and library essential City services?  
Yes—Dean, Hahn, Wengraf, Sorgen                      No—Capitelli
2. Should fire, emergency medical, police and library be given first priority for discretionary General Fund allocations?  
Yes—Dean, Hahn, Wengraf, Sorgen                      No—Capitelli
3. Do you support higher property taxes and fees for Berkeley homeowners?  
Yes—Capitelli                      No—Dean, Hahn, Sorgen                      No Answer--Wengraf
4. Do you support Measure FF, the Library Bond?  
Yes—Dean, Capitelli, Hahn, Wengraf, Sorgen
5. Do you support Measure GG, the Fire Protection and Emergency Preparedness Tax?  
Yes—Dean, Capitelli, Wengraf, Sorgen                      No Answer--Hahn
6. Do you support Measure HH, the Gann special tax renewals?  
Yes—Dean, Capitelli, Hahn, Wengraf,                      No Answer--Sorgen
7. Is the average City employee compensation of \$159,000 plus 14% increase over the next 3-4 years appropriate?  
Yes—Capitelli                      No Answer—Dean, Hahn, Wengraf, Sorgen
8. Is the City ratio of City employees to residents (app. 1:60) too high?  
Yes—Sorgen                      No Answer—Dean, Capitelli, Hahn, Wengraf
9. Should expensive and nice-to-have but non-essential City services and projects, such as the Downtown Oxford/Brower Project Downtown and \$20 million in youth services, be put before the voters?  
No—Dean, Capitelli, Hahn, Wengraf                      No Answer--Sorgen
10. Is the City doing a good job on expansion of the tax base and economic development?  
No—Dean, Capitelli, Hahn, Sorgen                      No Answer--Wengraf
11. Is the City in good financial condition with respect to long-term benefit obligations to employees and infrastructure repair?  
No—Dean, Hahn, Sorgen                      No Answer—Capitelli, Wengraf
12. Should the City be spending less and putting more money into the Reserve Fund for long-term obligations and infrastructure repair?  
Yes—Dean, Hahn                      No Answer—Capitelli, Wengraf, Sorgen
13. Should tax-exempt educational and large nonprofit institutions be induced to pay a fair share for City services (fire, emergency medical, police, public works, etc.) now received gratis?  
Yes—Sorgen                      No—Hahn                      No Answer—Dean, Capitelli, Wengraf

### **Town/Gown Relations**

14. Should the City more forcefully seek reimbursement from UCB for the \$15M+ in free services it receives, for example, by Payment-In-Lieu of Taxes (PILOT) fees paid by universities in other locales?  
Yes—Dean, Wengraf, Sorgen                      No Answer—Capitelli, Hahn
15. If unreimbursed, should the City continue to provide free police, fire, emergency medical, and public works services to UCB?  
Yes—Dean, Hahn, Wengraf                      No Answer—Capitelli, Sorgen
16. Should the City try to restrain UCB expansion into Downtown and the Southside?  
Yes—Dean, Capitelli, Hahn, Wengraf, Sorgen
17. Should the City rescind the Settlement Agreement with UCB wherein it ceded most planning and fee levying power over UCB for 15 years?  
Yes—Dean, Sorgen                      No—Capitelli                      No Answer—Hahn, Wengraf



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**OCTOBER 15th and 23rd MEETINGS**

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**North East Berkeley Association (NEBA) is a nonpartisan community organization whose mission is to inform, educate, and advocate for the interests of Berkeley residents of local electoral Districts 5 and 6 (roughly coincident with the 94707 and 94708 zip codes). Civic issues of particular interest and concern include municipal fiscal responsibility, local taxes and fees, public safety, public education, and basic neighborhood services. NEBA is informed and guided in its mission by the single-family zoning and homeowner status of most of NEBA residents. NEBA does not support or oppose any political candidates or parties. However, NEBA does hold candidate and issue forums, thereby stimulating interest and discussion. On occasion, NEBA will offer analysis, opinion, and a recommended position on important local issues. To accomplish its mission, NEBA publishes a newsletter and holds community meetings, each at least twice annually. Its Board of Directors meets monthly and Board subcommittees more often as needed.**