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# NEBA News

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NORTH EAST BERKELEY ASSOCIATION

Fall 2012

★★★★★ *BERKELEY ELECTION EDITION* ★★★★★

## TWO GENERAL MEMBERSHIP MEETINGS IN OCTOBER

### BALLOT MEASURES FAIR AND FORUM

*Thursday, October 4th, 2012, 6:00 – 9:30 p.m.*

*Fair: Meet the proponents and opponents of various ballot measures: 6:00 – 7:00 p.m.*

*Forum: Q&A 7:00 – 9:30 p.m.*

### CANDIDATE FAIR AND FORUM

*Thursday, October 11, 2012, 6:00 – 9:30 p.m.*

*Fair: Meet the Mayoral and District 5 candidates: 6:00 – 7:00 p.m.*

*Forum: Q&A candidates 7:00 – 9:30 p.m.*

**NORTHBRAE COMMUNITY CHURCH, 941 *The Alameda* (at Los Angeles)**

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### President's Message

It is with great pleasure that I take over the reins of NEBA President from Sharon Eige who served as President for four years. Sharon has been an inspiring leader in the community and we are most grateful for all her hard work. Fortunately for all of us, Sharon has graciously accepted a new role with NEBA as Editor-in-Chief. Thank you Sharon!

The focus of this expanded issue is the 2012 election. As clichéd as it may sound, this is going to be a very exciting election and we believe it will signal whether Berkeley is ripe for a change in terms of leadership and addressing our urgent fiscal challenges. We hope you find this issue informative and useful when deciding how to vote.

Inside this newsletter you will find a voters guide to key ballot measures and the position taken by the NEBA Board. The NEBA board strongly urges you to vote "Yes" on the FACTS (Measure V). We believe it is an important prerequisite for responsible fiscal planning. We do not support either the Pools (Measure N/O) or the Street/Watershed (Measure M) bonds for reasons outlined inside this edition.

In addition, there are short interviews with Councilmember Laurie Capitelli and his challenger for the District 5 seat, Sophie Hahn. Susan Wengraf

is running unopposed in District 6. We also posed a number of questions to Mayor Bates and challenger Jacqueline McCormick on a myriad of issues confronting the City to get a sense of their political and philosophical direction (the other four candidates for Mayor did not respond).

We also would like to invite you to join the discussion on two separate occasions, October 4<sup>th</sup> and October 11<sup>th</sup> (see above for details). It will be a wonderful opportunity to have some of your questions answered and for you to meet the candidates (Mayor Bates, Jacqueline McCormick, Kriss Worthington, Laurie Capitelli, and Sophie Hahn).

If you have not yet renewed or joined NEBA, now is the time! For over 30 years, your support has enabled NEBA to publish newsletters and present meetings of local interest. No other news medium focuses on issues concerning our area. You will see in-depth information and analysis in this newsletter that you will not see anywhere else — not the *Chronicle*, not the *Daily Planet*, and not *Berkeleyside*. Even if you disagree with us, you must agree that talking is good. Every dollar given to NEBA is spent to publish newsletters and present meetings; there are no administrative costs or salaries. Please support us. NEBA is too good to lose!

**Isabelle Gaston, PhD**



Lisa Benson Editorial Cartoon used with the permission of Lisa Benson, the Washington Post Writers Group and the Cartoonist Group. All rights reserved.

## SO MANY BALLOT ARGUMENTS, SO LITTLE SPACE!

In addition to all of the state and regional ballot measures to decipher, Berkeley voters will be faced with ten of our very own! Eight of these are vitally important and controversial, and two are relatively pro forma. The following is a description and pro/con analysis of the “big eight” controversial measures and the NEBA position, if any, and also a brief description of the two non-controversial measures.

- **MEASURE M--\$30 MILLION BOND FOR STREETS/WATERSHED**

\$30 Million Bond “for street improvements and integrated Green Infrastructure such as rain gardens, swales, bioretention cells and permeable paving to improve roads, reduce flooding and improve water quality in the creeks and bay. For homes assessed at \$330,500, \$700,000 and \$1,000,000: cost for first several years is, respectively, \$52.48, \$111.16, and \$158.80; average annual cost over 30 years is, respectively, \$38, \$81, and \$116.

**Arguments for:** Streets are failing...need to be repaired now...we cannot wait...no money to do so in City budget...when a street is refurbished, watershed improvements will be included to reduce flooding and filter runoff...may generate matching funds from elsewhere. This is a planned approach consistent with the Street Repair Plan, Watershed Management Plan, and the Auditor’s recommendations.

**Arguments against:** Streets are failing but this measure doesn’t specify or guarantee appropriate repair...does not clearly specify that the streets chosen are appropriate per the City Auditor’s recommendations to use

*StreetSaver* program...allows spending on expensive unproven technology...follows outdated Street Repair Plan...we need a comprehensive, clear, professional streets plan before spending scarce tax dollars

***NEBA RECOMMENDATION: VOTE NO ON MEASURE M***

- **MEASURES N AND O--\$19.4 MILLION BOND AND \$604 THOUSAND ANNUAL PARCEL TAX (WITH INFLATOR) FOR POOLS AND ASSOCIATED FACILITIES**

The bond would fund construction of “replacement” Warm and Willard pools and associated facilities as well as associated facilities at the existing West Campus and King Pools. The annual tax would fund maintenance and operation of the Warm and Willard pools. For homes assessed at \$330,500, \$700,000 and \$1,000,000: bond cost for first several years is, respectively, \$31.56, \$66.85, and \$95.50; average cost over 30 years is, respectively, \$23.10, \$49.07, and \$70.10. The initial cost of the parcel tax would range from \$14.80 to \$77.90 for, respectively, buildings of 1900sf, 3000sf, and 10,000sf. Note that Council can increase the parcel tax by 5% annually regardless of actual inflation rate.

**Arguments for:** Berkeley has lost two pools (Willard and BHS Warm Pool), has half as many public pools as two years ago...has inadequate swim facilities for youth and those needing a therapy warm pool. Improvements are also needed at King and West Campus pools. “...this is our last chance to repair and keep open all of our pools...there is a shortage of operational funding. Berkeley’s fiscal health is sound...the City is in strong financial shape.

**Arguments against:** Given the City’s \$1.2 Billion in unfunded needs, no new tax measures should be approved until all the fiscal facts are available and there is a longterm consensus plan. Pools appear to be low voter priority. Tax dollars are scarce and choices need be made. Berkeley already has nine pools open to the public (two City/BUSD, four Cal, and three YMCA), plus another at Berkeley High, and two in nearby Albany. The City wastes potential operational moneys on excessive employee costs. There are far less costly solutions through a cooperative approach among all pools that could extend hours and seasons of operation and selectively raise pool temperatures.

***NEBA RECOMMENDATION: VOTE NO ON MEASURES N AND O***

- **MEASURE P—RE-AUTHORIZATION OF PREVIOUSLY-APPROVED TAXES FOR PARKS MAINTENANCE, LIBRARY RELIEF, EMERGENCY MEDICAL SERVICES, EMERGENCY SERVICES FOR SEVERELY DISABLED, FIRE PROTECTION AND EMERGENCY RESPONSE**

***NO ARGUMENTS FILED AGAINST MEASURE P AND NO NEBA RECOMMENDATION.***

- **MEASURE Q—MODERNIZATION OF UTILITY USERS TAX**

Confusing measure, but no apparent increase in tax rate, maintains exemptions for non-profits, and adds exemption for low-income taxpayers.

***NO ARGUMENTS FILED AGAINST MEASURE Q AND NO NEBA RECOMMENDATION.***

- **MEASURE R—CHARTER AMENDMENT TO ALLOW CITY COUNCIL TO ADOPT DECENNIAL REDISTRICTING PLAN**

Amends the City Charter to eliminate City Charter designation of Council Districts and allows City Council itself to re-district by ordinance rather than by the current Charter guidelines. (Ed. Note: the Charter, and hence current District boundaries, can only be changed by the voters, whereas an ordinance is passed by a simple Council majority). Requires that new districts be as equal in population as feasible (considering topography, geography, cohesiveness, integrity, territorial compactness and communities of interest) and have easily understood boundaries such as major traffic arteries and geographic features. Provides that no changes may result in the residences of two sitting Councilmembers being located in the same District.

**Arguments for:** The Charter enshrines inappropriate boundaries that cannot be easily changed to reflect population changes. The current Charter districts are outdated and unfair. Measure R, by allowing Council to redistrict, makes redistricting easier and sets clear and fair rules. There will continue to be public input.

**Arguments against:** This measure takes away voter authority to change district lines and allows the sitting Council too much power to modify district lines without public input or consent, and to Council's own benefit. There is nothing wrong with current Charter districts as the basis for the tweaking necessary to meet federal requirements. Council could have presented a comprehensive redistricting plan to the voters but instead chose to present only a plan to transfer power to itself.

***NEBA HAS TAKEN NO POSITION ON MEASURE R***

- **MEASURE S—ORDINANCE PROHIBITING SITTING ON SIDEWALKS IN COMMERCIAL DISTRICTS**

Prohibits sitting on sidewalks in Commercial Districts from 7AM to 10PM with some limited exceptions. Requires a warning prior to citation (a single warning valid for 30 subsequent days) and enforcement in constitutional manner. Stated goal is to address the numerous deleterious impacts of encampments on public sidewalks. First violation charged as an infraction and subject to \$75 fine or community service. Subsequent violations could be charged as a misdemeanor.

**Arguments for:** We need to help service-resistant persons into services and prevent street encampments and menacing behaviors that deter shoppers, business, and pedestrians, create detritus on the sidewalks, and cause loss of jobs in closed businesses. Berkeley spends almost \$3 Million annually and offers comprehensive services. Outreach will occur before citation and citations will be erased for those participating in social services. This approach has been successful and legally upheld in over 60 cities.

**Arguments against:** This measure discriminates against an entire class who happen to be poor and restricts the public space we are all supposed to share. Inappropriate street behavior is already illegal. Police resources will be diverted from real crime. It won't be effective in helping business, helping homeless people or reducing their numbers, or increasing public safety.

***NEBA HAS TAKEN NO POSITION ON MEASURE S***

- **MEASURE T—WEST BERKELEY RE-ZONING**

Amends West Berkeley Plan and Zoning Ordinance to allow up to six large supersites in the next ten years, each under the same ownership, increasing maximum height limit to 75 feet and average height to 50 feet,

subject to the provision of community benefits and approval under the Master Use Permit (MUP) process. No limit on such sites after ten years. Purpose is to increase development flexibility and number of sites in West Berkeley eligible for an MUP.

**Arguments for:** This rezoning will encourage more jobs, startup companies, affordable housing, area improvements and services, and increased municipal revenue. Current zoning is too restrictive...caused loss of 1500 jobs...underutilized industrial sites. The rezoning has been discussed widely over seven years. Each new site would undergo extensive review. Need to bring West Berkeley into 21<sup>st</sup> century. Aquatic Park has been specifically excluded from Measure T rezoning.

**Arguments Against:** West Berkeley is a diverse, thriving and affordable home to residents, artisans, and businesses...provides 16,000 jobs...manufacturing space has lowest vacancy rate in Bay Area, at 2.9%...there is already 850,000sf of occupied R&D. Recent zoning changes provide ample opportunity for growth and development. Measure T promotes land speculation, higher rents, and severely adverse environmental impacts that would needlessly hurt artisans, artists, businesses, residents, and Aquatic Park. There are no guaranteed community benefits to compensate for the damage to the environment and quality of life. Measure T is backed by a few large landholders who will profit enormously.

***NEBA RECOMMENDATION: VOTE NO ON MEASURE T***

- **MEASURE U—SUNSHINE ORDINANCE**

Citizens initiative ordinance enacting numerous new requirements for City Council, boards and commissions that relate to agendas, meetings and public records, and creating a new commission to oversee its provisions with staff, legal counsel, and enforcement authority. City estimates annual cost of \$1 Million-\$2 Million.

**Arguments for:** State Brown Act open government requirements have been weakened and other means of enforcement are costly for injured parties. Berkeleyans don't have timely access to information, adequate opportunity to comment, or prompt access to public records. Measure U provides mechanisms to reduce enforcement costs (which have been grossly inflated)—an early alert system and a dispute resolution system. It encourages better advance planning for large contentious meetings. It encourages digital paperless documentation. Berkeley's existing Open Government ordinance has no enforceability. Freedom of information is an essential part of government.

**Arguments against:** Measure U would cost \$1-2 Million annually and divert scarce resources away from essential services in a time of fiscal shortfalls. It creates a new commission with costly unlimited access to legal counsel, no accountability, and unprecedented power over all City employees, elected officials, and volunteer board members. Measure U isn't needed--Berkeley already has an Open Government Ordinance and commission with similar purpose. Governmental gridlock would result from its onerous requirements.

***NEBA HAS TAKEN NO POSITION ON MEASURE U***

- **MEASURE V—FACTS ORDINANCE**

Citizens initiative ordinance to require the City to publish biennial certified reports of its 20-year financial obligations for employee/retiree expenses, capital assets and improvements, and productive capacity of City services, the present value of these obligations, and the annual revenue to meet them; and prohibiting any new or increased debt financing, property-related fee, assessment or tax absent the production and certification of this report by the City Manager or independent professional.

**Arguments for:** Berkeley has \$1.2 Billion in unfunded liabilities, which will grow exponentially if not addressed, and no plan to address the situation. Measure V requires the City to tell us the truth, be transparent, and produce accurate facts. Only then can our community develop a long-term fiscal plan. Our City has made commitments that cannot be kept due to lack of fiscal clarity, particularly in employee costs that are eating up the City budget. Our residents need to know why our expenses are increasing, our services decreasing, and our infrastructure crumbling. The City has ignored similar measures passed by Council—Measure V, as a citizens initiative and because of its tax-limiting provisions, cannot be ignored. The FACTS reporting requirements are similar to but better than those finally being promoted by Council, and if done properly should in no way “cripple” the City.

**Arguments against:** While Berkeley does have significant unfunded liabilities that must be addressed, it does not face insolvency, has substantial reserves, and an AA+ bond rating. Measure V—if the required report and certification are legally challenged, as is likely-- could cripple the City’s ability to pay its bills, damage its credit rating, and cost more in higher interest rates. The Council is committed to increasing transparency on this matter and producing a similar biennial report, but with a shorter less speculative timeframe. Measure V is poorly written, with undefined terms and is bad fiscal policy.

**NEBA RECOMMENDATION: VOTE YES ON MEASURE V**

## INTERVIEWS WITH DISTRICT 5 COUNCILMEMBER LAURIE CAPITELLI AND CHALLENGER SOPHIE HAHN

*By Isabelle Gaston, PhD*

This November, Councilmember Laurie Capitelli will be running for re-election for his seat representing District 5 in Berkeley. Councilmember Capitelli was first elected in 2004 so this will be his third term if re-elected.



Councilmember Capitelli’s challenger is Sophie Hahn. Ms. Hahn is well known for her work as a member of the Zoning Adjustments Board, President of the PTA at King Middle School, and as former Chair of the City of Berkeley Commission on the Status of Women. In 2008, she ran against the Mr. Capitelli and lost by a nail-biting 402 votes. Needless to say, this will be an interesting race to watch!



Laurie and Sophie graciously offered to share their thoughts and opinions about Measures on the ballot and other important issues confronting the City. These interviews were conducted prior to the cost-cutting changes to the state’s pension systems that were announced on August 31st. A brief analysis follows the interviews.

Question	1. What will be your top priority if elected?
Capitelli	My top priorities will be: crafting a sustainable budget including a schedule to reduce unfunded liabilities (including both employee obligations and infrastructure needs); enhancing the City’s resources by promoting economic development; channeling commercial activity and new housing to transit corridors in order to preserve our neighborhoods; enhancing resources for public safety and disaster preparedness.
Hahn	Berkeley’s financial situation must be resolved if we are going to have the community and services we want in the future. With \$1/2 billion in unfunded pension liabilities and \$1/2 billion in identified infrastructure needs, and <i>no plan or savings to pay for these</i> , I will push for a sharp, facts-based focus on securing the long-term financial health of our city. The current council majority, including my opponent, has been unwilling to face these realities in an effective manner, despite the “wake up call” of Vallejo and other more recent bankruptcies, and our own City Auditor’s reports. Balanced budgets are State mandated and not a sign of long term financial health, and bond ratings are largely a measure of the financial strength of the underlying

	community (the taxpayers themselves). Berkeley Budget SOS authored an item calling for a long range projection of our financial situation that was carried at Council by my opponent and others, but apparently was passed as an empty gesture. No long range report has been produced and no pressure applied to obtain it.
<b>Question</b>	<b><i>2. Do you support or oppose the \$20 Million pool bond measure and its associated \$600 Thousand special operational parcel tax on the ballot and why? (Measure N and Measure O)</i></b>
Capitelli	I support presenting the ballot measure to the voters for their decision. It has been several decades since we invested capital monies into our pools. Voters should decide the level of service that they desire. I will personally vote for the measure.
Hahn	I believe all bond measures should be part of a comprehensive financial plan for the City. Despite known, significant financial challenges in our future, no one on our Council has pushed for this. I will. Neglect of pools and other infrastructure has been the pattern and practice of current Council, and brings us to closures and disrepair. The entire community benefits significantly from the health and recreational aspects of pools, swimming is a life skill, and all youth must have an equal opportunity to learn to swim. With no other choices before us, I support the pool bond, but will push for an end to these practices when on the City Council.
<b>Question</b>	<b><i>3. Do you support or oppose the \$30 Million street/watershed measure on the ballot and why? What specific streets in North Berkeley will be paved? (Measure M)</i></b>
Capitelli	I support the measure. Expenditures will be focused on streets that are in need of repair and offer the greatest opportunity to include watershed management measures combined with street repair. Investment now is prudent because it will significantly decrease our liability in the future. Streets already prioritized for repair are listed on the City's website. These resources will increase the pace with which we repair our streets.
Hahn	I am a reluctant supporter of this Bond. Had I been on the Council I would have fought to clarify/enumerate the specific uses of these funds up front (no streets are enumerated). Nevertheless, street repairs are a real and pressing need. On the Council I will be a voice to ensure that the longstanding infrastructure needs throughout Berkeley are addressed in a comprehensive, long range plan.
<b>Question</b>	<b><i>4. Do you support or oppose the FACTS measure on the ballot and why? (Measure V)</i></b>
Capitelli	Though I support the proposal for a mandatory and accessible report (Council approved my request for such a report in May 2012) I oppose the measure because of the provision to limit the Council's fiduciary responsibilities if the report is not "certified." Although well intended, the measure lacks specificity, possibly opening the City up to a financial crisis if one dissatisfied citizen decides to litigate the validity of the "certified" report. If Council cannot act, there is the potential for freezing city assets, denying the City the ability to pay its' bills which could cost the City millions of dollars
Hahn	Yes, I strongly support the FACTS measure. The kind of report required by this measure is an essential tool for planning our future. A similar measure, authored by Berkeley Budget SOS – not initiated by my opponent or any other member of the Council - was passed but to no effect. Council has refused to demand that the report be produced and continues to make policy without regard to long term financial realities. Unfortunately, without a fiscally responsible Council, the public is required to compel this report.
<b>Question</b>	<b><i>5. Municipal bankruptcies are increasing around the country and especially here in California. Many residents in Berkeley are concerned about the financial health of our City when they see ongoing cuts to infrastructure and critical social programs. One of the major factors contributing to the poor fiscal health of municipalities is escalating retirement costs for city employees.</i></b>  <b><i>For many years – even before the 2008 financial crisis – the City Manager and City Auditor told the Council that retiree costs and health benefits were unsustainable. No action has been taken and consequently the unfunded liabilities of pension costs in the City have soared to more than</i></b>

	<p><i>500 million dollars.</i></p> <p><i>a. To address these urgent financial issues, Jerry Brown wants to mandate that all State and City employees pay ½ their retirement costs rather than having taxpayers pay both the “employer” and the “employee” share. Do you support his proposal?</i></p> <p><i>b. Jerry Brown has also proposed raising the retirement age for State and City workers to 55 for safety (from the current age of 50) and 67 for non-safety (from the current age of 55). Do you support this proposal?</i></p>
Capitelli	<p>a. I am not familiar with the details of the governor’s plan. There are a variety of factors that will go into building sustainable labor contracts with our employees and asking them to pay a portion of retirement costs is one of them. I do support that. But there is no simple fix. It is a complex combination of variables that require actuarial analysis and serious negotiation with our employees.</p> <p>b. I support an increase in the retirement age for both groups as part of an overhaul of our total compensation package for our employees. We are in the midst of negotiation with two groups and this topic has high priority for me and, I believe, a majority of my council colleagues.</p>
Hahn	<p>Many pension proposals are being considered at the State level, all complex. I support negotiated solutions; different scenarios for sharing of retirement costs and potentially raising the retirement age by some amount for new hires are two of many measures which can be discussed in the context of a full package, based on real information about the long term financial predicament of each public entity and on the terms of existing contracts.</p>
Question	<p><i>c. In addition to receiving a \$250 Thousand annual pension, the recently retired City Manager of Berkeley received over \$143 Thousand in unused vacation and sick time*. Is this appropriate when homeless services are being seriously cut back and public swimming pools for city residents have been closed? Would you support a “use it or lose it” approach to vacation and sick time?</i></p>
Capitelli	<p>The manager’s contract included provisions for payout of sick leave and unused vacation days. The current manager’s contract does not include such provisions, an indication that the Council as a whole no longer supports this. I believe future employee contracts should not allow for the unlimited accumulation of vacation or sick time.</p>
Hahn	<p>The City manager’s salary was “spiked” in his final years, resulting in higher post-retirement benefits (for life), which was an inappropriate use of public monies. My opponent voted in favor of this and it was wrong. Regarding accumulated leave, if it was specified in his contract the City Manager was “entitled” to it, but knowing the city’s fiscal situation first hand, he might have chosen not to accept it. Going forward, reducing accrual of sick and/or vacation time should be considered, with other possible measures, in negotiations. This particular outcome is and should be very difficult for the community to accept.</p>
Question	<p><i>d. If you do not support any of the above proposals, how do you suggest the City tackle its unfunded obligations in a fiscally meaningful way?</i></p>
Capitelli	<p>The only thing I would add to the above responses is that a strong and growing economic base will be an additional factor in dealing with these issues.</p>
Hahn	<p>We need a full analysis of how realistically projected revenues and costs play out over time, followed by a comprehensive, shared plan to address Berkeley’s long term wellbeing. The public must be brought into this process with full, accessible and broadly disseminated information. District 5’s current Councilmember has mischaracterized our City’s financial realities by stating publicly that Berkeley is in “better fiscal shape” than other cities, and suggesting that balanced budgets are proof of long term fiscal health. It’s time for leaders willing to address these difficult issues with full information and honest assessments, and to create reality-based plans.</p>

\* Overall, in 2011, over \$1.7 Million was paid out to 120 retiring employees in unused vacation and sick time (Public Records Act request).

## **ANALYSIS OF THE INTERVIEW WITH COUNCILMEMBER CAPITELLI AND CHALLENGER SOPHIE HAHN**

It must be emphasized at the outset that Councilmember Capitelli and challenger Sophie Hahn were given limited space to respond. We hope that as a reader you will contact them if you need clarification and/or attend the Candidates Forum on October 11th.

Both incumbent and challenger support the Pool Bond (Measure N) and the associated annual Special Tax (Measure O). Capitelli stated that it has been a while since capital monies had been invested into our pools and that it is up to the voters to decide. Hahn's support was more nuanced. She said that the Pool Bond had been thrust on the voters out of "neglect" of pools by the current Council and a lack of a comprehensive financial plan by elected officials. It is important to note that a similar measure was on the ballot two years ago and failed. Neither Capitelli nor Hahn addressed the fact that this bond measure may create a financial hardship for some struggling residents.

Both incumbent and challenger support the Streets/Watershed Bond (Measure M). Capitelli clearly expressed his support for this measure and stated that investment now would significantly decrease our liability in the future whereas Hahn stressed that infrastructure needs should be part of a comprehensive, long range plan. Capitelli cited the Berkeley website for information on what streets would be repaired; however, the measure does not list the streets to be repaired, something that challenger Hahn pointed out. Thus, it is left to the voters to guess whether any streets will in fact be repaired in Districts 5 and 6 if this measure passes, since there is no guarantee. In fact, in many City Council meetings the emphasis when discussing this proposed measure was on the need for watershed improvements, and, the Council rejected committing a set amount of money towards street repair (such as ½ of the 30 million dollars).

One of the biggest differences between Capitelli and Hahn was their positions on the FACTS measure (Measure V). In 2010, under pressure from City residents, the Council passed a resolution requiring the City Manager to prepare a full report on the City's financial obligations. Unfortunately, the resolution was ignored by the City Manager and the report was never generated. The FACTS Ordinance was drafted with the purpose of helping City residents understand the City's economic future. Capitelli is against the report called for in Measure V because he states that it lacks specificity and may create a financial crisis in the City if a citizen questions whether the report is properly "certified". In contrast, Hahn strongly supports this measure and believes it is a critical part of planning stating that "without a fiscally responsible Council, the public is required to compel this report".

Both incumbent and challenger appear to support some form of pension reform. Capitelli said he is supportive of raising the retirement age of City workers and asking employees to pay a portion (he did not specify how much) of retirement costs. However, it was surprising that he said he was not familiar with the Governor's proposal given the impact the proposal could have on local governments across California. Capitelli stated that pension reform is "a complex combination of variables that require actuarial analysis and serious negotiation with our employees". A reasonable voter might ask why the Councilmember hasn't taken any substantive action on this front in the eight years he has been office. Hahn reiterated the necessity of a full analysis of the City's unfunded obligations and the need for the public to secure access to information but did not specifically state what sacrifices, if any, she would request of employees to this looming crisis. Hahn, however, did appear to be acquainted with the various proposals being actively debated in Sacramento.

Two additional measures on the ballot are the sit/lie ordinance (Measure S) and the West Berkeley rezoning ordinance (Measure T). NEBA did not specifically ask the candidates their opinion on these measures for this interview. Based on his voting record, Capitelli appears to be a strong proponent of West Berkeley rezoning and the sit/lie ordinance. In contrast, Hahn opposes Measure T favoring preserving this unique neighborhood and its diverse economy. She also opposes the sit/lie ordinance (personal communication).

## QUESTIONNAIRE: MAYOR TOM BATES AND CHALLENGER JACQUELINE MCCORMICK

There are six people vying for Mayor this fall in Berkeley. One is the incumbent, Mayor Tom Bates. Bates has



been Mayor for ten years. The other four are Jacquelyn McCormick, Kriss Worthington, Zachary Running Wolf, Kahlil Jacobs-Fantauzzi, and Bernt Wahl.

The following questionnaire was specifically developed to elicit unambiguous responses from the candidates so that voters would have a clear idea on how the candidates stand on key issues. Unfortunately, only two of the six candidates were willing to put their positions in writing, Tom Bates and Jacquelyn



McCormick, and we appreciate their willingness to be forthright about their positions. We can only conclude that the other candidates either are not willing to share their true positions with voters or will adjust responses depending on the particular audience. Kriss Worthington emailed us that although he “deeply shares the concerns raised in NEBA's questionnaire, despite hours of trying, I can't fit answers into one word”. He has, however, accepted an invitation to participate at the NEBA Candidates Forum.

Although, Jacquelyn McCormick also said, “a Yes/No response was difficult – there is just so much more to say” – she did answer the questionnaire and also stated, “My top three priorities if I become Mayor will be to provide a clean and transparent government, prevent our city from falling into bankruptcy, and to support our citizens, neighborhoods and our community to shape the future of our city. I believe that leaders are elected to serve the people — not to serve themselves or special interests — and it is my intent to do so in an open and collaborative manner.” McCormick is best known in the Berkeley community for spearheading the FACTS initiative (Berkeley Budget SOS) and an attempt to unseat Gordon Wozniak for the District 8 seat in 2010.

Mayor Bates prefaced his responses by stating: “I am honored to be your Mayor. Berkeley has the highest bond rating for a city of our size, and we’ve worked together on the 2020 Vision for children and youth as we’re working hard on climate change issues, and to create new jobs.” An analysis of incumbent Mayor Bates and his challenger Jacqueline McCormick is unnecessary; their responses, stark differences, and visions of the City speak for themselves.

Question: Measures	Yes or No	
	Bates	McCormick
Do you support the FACTS initiative?	No	Yes
Do you support the \$30 Million streets/watershed bond?	Yes	No
Do you support the \$19.4 Million pool bond?	Yes	No
Do you support the parcel (annual) tax to operate the warm water and willard pools of approximately \$604 Thousand?	Yes	No
Do you support the redistricting plan?	Yes	No
Do you support the sit/lie ordinance?	Yes	No
Do you support the West Berkeley rezoning plan?	Yes	No
Do you support the Sunshine Ordinance?	No	Yes
<b>Questions: Taxation and Budget</b>		
Do you support higher property taxes and fees for Berkeley homeowners?	*	No
Is the City doing a good job on expansion of the tax base and economic development?	Yes	No

Is the City in good financial condition with respect to long term benefit obligations and infrastructure repair?	No Answer †	No
Should the City be putting more money into the Reserve Fund for long-term obligations and infrastructure repair?	Yes	Yes
Should tax-exempt educational and large nonprofit institutions be induced to pay a fair share for City services (fire, police, emergency medical) now received gratis?	Yes	Yes
<b>Other Questions</b>		
Should the City more forcefully seek reimbursement from UCB for the \$15 Million+ in free services it receives; for example, by Payment-in-Lieu of Taxes (PILOT) fees paid by universities in other locales?	Yes	Yes
Do you support an increase in Berkeley's population/population density (currently 110,000) of more than 5% over the next 15 years?	No Answer	No
Do you support more high-density development in Berkeley?	Yes	No
Is too much Berkeley real estate in the hands of tax-exempt educational institutions and large nonprofits?	No	Yes
Are you proud of Downtown Berkeley?	Yes	No
Do think an adequate system is in place for public input into City decision-making?	Yes	No
Do you think the City has a "silent majority" that is turned off by our City Government?	No	Yes
Jerry Brown has proposed raising the retirement age for State and City workers to 55 for safety (from the current age of 50) and 67 for non-safety (from the current age of 55). Do you support this proposal?	Yes (for new workers)	Yes
Jerry Brown wants to mandate that all State and City employees pay 1/2 their retirement costs rather than having taxpayers pay both the "employer" and the "employee" share. Do you support this proposal?	No	Yes
In addition to receiving a \$250 Thousand annual pension, the recently retired City Manager of Berkeley received over \$143 Thousand in unused vacation and sick pay. This does not seem fair when many City services are being seriously cut back. Would you support a "use it or lose it" approach to vacation and sick time?	Yes	Yes

These answers were given prior to the cost-cutting changes to the state's pension systems that were announced on August 31st.

\* Mayor Bates added "the council can put taxes and fees on the ballot but only homeowners can determine if they will pass by a 2/3 vote". Note to reader from NEBA: This statement by Mayor Bates is not accurate. All voters, including renters and students, determine property taxes, not just homeowners.

† Mayor Bates stated that Berkeley has major infrastructure problems and long term pension obligations.

 **NEBA needs you!** NEBA is inviting a small number of sincere NEBA members who love Berkeley to join the NEBA board and share information and opinions directly with neighbors through our twice yearly public meetings and newsletter, the *NEBA News*. We are a lean and congenial (not mean) team with a mission to inform residents in Berkeley Districts 5 and 6 about issues of vital interest to our community. If we have not mentioned an issue that is dear to you, tell us about it! If you would like to participate in developing and managing our website, that would be very welcome, also.

Please 'like' **NEBA** on Facebook!  [www.facebook.com/#!/group.php?gid=102663323119957](http://www.facebook.com/#!/group.php?gid=102663323119957) .

North East Berkeley Association  
P.O. Box 7477, Landscape Station  
Berkeley, CA 94707

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\_\_\_ \$ 25 Individual Membership \_\_\_ \$ 35 Family Membership \$\_\_\_\_\_ Hardship \$\_\_\_\_\_ Donation

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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.**

**City Councilmembers Laurie Capitelli and Susan Wengraf send email newsletters. To subscribe: Email [lcapitelli@ci.berkeley.ca.us](mailto:lcapitelli@ci.berkeley.ca.us) with "subscribe" as the subject. Email [swengraf@ci.berkeley.ca.us](mailto:swengraf@ci.berkeley.ca.us) requesting to subscribe to the District 6 e-mail news.**