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# NEBA News

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*NORTH EAST BERKELEY ASSOCIATION*

*Fall 2014*

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

**Please Come to the Next NEBA Meeting**  
**WEDNESDAY, OCTOBER 1, 2014 7:00 PM**  
**Epworth United Methodist Church**  
*PLEASE note new day and location!*

## The Parks Tax and The Downtown Plan

- 6:30-7:00 PM Meet and Mingle
- 7:00-8:00 PM The Parks Tax Pro and Con followed by Questions from the Audience
- 8:00-9:00 PM The Green Downtown Initiative Pro and Con followed by Questions

**Epworth United Methodist Church - Fellowship Hall**  
**1953 Hopkins Street (between The Alameda and Sutter Street)**  
**Berkeley CA 94707**

*PLEASE note new day and location!*

### President's Message

The focus of this fall's membership meeting will be on the Parks Tax and the Downtown Initiative. Please note that because the Northbrae Church was unavailable on October 1st, our meeting will be held at the Methodist Church on Hopkins near the intersection of Shattuck. We hope you can attend and we look forward to seeing all of you!



This summer a lovely new parklet or “micro-park” opened in front of the Cheese Board Collective on Shattuck at Vine. It is a beautifully designed public space with tables and benches, and provides a welcome respite from a sometimes congested block. Because it is a public space there is no requirement to buy anything from the Cheese Board – food or otherwise. The parklet was financed entirely by the Cheese Board, and neighboring businesses contribute to its upkeep.



Photos by I. Gaston

The concept of a parklet originated in San Francisco in 2005, and there are now approximately 40 of them dotting its landscape. Owing to their popularity, parklets have cropped up all over North America from New York to Dallas to Portland to Vancouver, B.C.

In 2013, the City of Berkeley got on board and approved a three-year pilot program allowing up to ten parklets, each of which will incur a loss in revenue of two parking spaces. In some instances, new parking spaces will be added elsewhere to replace the ones lost. Two more parklets are planned in the Gourmet Ghetto.

**Isabelle Gaston, PhD**

## **THREE CHEERS FOR DIRECT DEMOCRACY AND CITIZEN BALLOT INITIATIVES**

**Barbara Gilbert**

Yes, our state and local ballots are long and sometimes strewn with semi-ludicrous ballot measures. Ballot-box legislating can occasionally create chaos. But I would not have it any other way.


Citizen right of direct democracy—initiative, referendum, recall—is a vital ingredient of the checks and balance system of our democracy, complementing, checking, and balancing the sometimes wrong-headed, outlandish, or missing mandates of our executive, legislative and judicial branches.

Direct democracy is particularly important in California, effectively a one-party state. We are all mostly Democrats, but nevertheless can disagree on many vital issues.

In California, citizen initiatives have reformed medical marijuana and criminal law, protected long-time homeowners, subject new taxation to a higher voter mandate, and changed medical malpractice laws. In Berkeley, voters have been able to express their will via initiatives on Bus Rapid Transit, City financial planning (the FACTS initiative), and, this November, on the shape of our Downtown and the legitimacy of newly-drawn redistricting lines. Through the umbrella effect of state-level citizen initiatives, Berkeley voters now have more say on local property-related taxes and fees.

We are all occasionally unhappy with our elected representatives for their sins of commission and omission, and sometimes their arrogance, even if we voted for them and might still vote for them again, given limited choices. Direct democracy allows us to be more nuanced in our choices and impact with regard to some important matters.

So voters, as tiresome as can be, please carefully read your voter pamphlet and other materials on state and local ballot measures. You may thereby have more impact on events than in voting for some judge or transit director or representative chosen by insiders, about whom you'll learn zilch in the voter pamphlet, and over whose official actions you may have little or no influence.

 **NEBA needs you!** NEBA is inviting a small number of sincere new board members who love Berkeley and who want to share information and opinions directly with neighbors through our public meetings and newsletter, the *NEBA News*.

## **BERKELEY'S NOVEMBER BALLOT MEASURES**

There are seven local ballot measures this November—tax on sugared beverages, parks tax, recall amendment, corporate personhood advisory, flex work advisory, downtown initiative, and redistricting. Following, in ascending order of complexity and importance, is a brief description, outline of pros and cons, and statement of NEBA Board voting recommendation (if any). All measures require a simple majority for passage, except for the parks tax which requires two-thirds approval.

### **MEASURE O, CHARTER AMENDMENT RE: RECALL**

Revises recall provisions of Berkeley Charter to conform to state and case law, to facilitate consolidation of elections and reduce likelihood of special elections. Placed on ballot unanimously by City Council. No opposing arguments filed. **NEBA Board recommends YES ON MEASURE O**

### **MEASURE P, ADVISORY RE: CORPORATE PERSONHOOD**

Advisory measure calling for an amendment to the U.S. Constitution to abolish the concept that corporations be considered persons entitled to constitutional rights, and that expenditure of money is free speech. Placed on ballot unanimously by City Council. A similar measure on the state ballot was recently removed by the California Supreme Court on the grounds that it is probably an invalid measure for the state ballot. No opposing arguments filed. **NEBA Board takes NO POSITION ON MEASURE P**

### **MEASURE Q, ADVISORY RE: FLEX WORK TIME**

Advisory measure to City council to adopt an ordinance giving all Berkeley workers the right to request part-time work and to promote the right of request and request approval at the state and federal level (for state and federal employees), subject to the flex time work not causing operational problems. Placed on ballot by voter petition. Measure promotes flexible work options (such as part-time, telecommuting, compressed work weeks) that would ostensibly improve family life, increase employment, increase productivity, reduce turnover, and reduce environmental impacts. Addresses issues of caregiving and work/family balance. Proponents assert that working less may lead to focus on quality time rather than more “stuff” thereby lessening environmental impacts. No opposing arguments filed. **NEBA Board takes NO POSITION ON MEASURE Q**

### **MEASURE S, REDISTRICTING**

Measure would “certify” with majority approval the new voting district lines approved by City Council majority. After almost four years of wrangling and a successful referendum to place this Council decision before the voters, it is now up to voters to decide if these will be the district lines until the next census in 2020 or whether the City need immediately embark on a new redistricting process. Placed on ballot in compliance with Charter provisions re: referendums.

For a full discussion of the recent redistricting process, go to the opinion piece written by Barbara Gilbert, NEBA board member, at p.2 of

<http://northeastberkeleyassociation.org/Newsletters/NEBA%20Newslettersspring%202014.pdf>

### **Arguments for**

This map, chosen by City council majority after an extensive public outreach and affirmation by the courts, meets all legal criteria: equal district populations, compact and understandable boundaries, protection of communities of

interest. After almost four years of process, we have a fair map and it's time to move on.

### **Arguments against**

This map disenfranchises voters, divides communities of interest, and is gerrymandered to protect political friends and punish political enemies. It creates an illicit fraternity-dominated “student district” and unnecessarily divides neighborhoods. The process creating this map was not fair and open. We need to reject this map and start anew with a Citizens Independent Redistricting Commission.

### **NEBA Board recommends a YES VOTE ON MEASURE S**

#### **MEASURE D, TAX ON DISTRIBUTORS OF SUGARY BEVERAGES**

Imposes a 1 cent per ounce tax on the distribution to Berkeley stores and restaurants of high-calorie low-nutrition sugary drinks and sweeteners used to make these drinks, exempting sweeteners used by consumers, items sold by very small retailers, and certain other items. The tax to be paid directly by distributors. The measure envisions the establishment of an expert panel to advise the City on programs to educate the public and reduce consumption of sugar-sweetened beverages. Placed on ballot unanimously by City Council. This is a general tax requiring a simple majority for passage and the funds garnered would go into the City's General Fund (as opposed to a special tax requiring two-thirds approval, where the funds garnered would go into a special fund strictly usable only for the stated purpose). The general tax route was chosen to enhance the measure's chance of passage. Presumably, the expert panel and proponents of the measure would generate enough pressure to ensure that any General Fund revenues garnered by the tax would not be diverted to other purposes.

The measure is aimed at the public health crises of diabetes, obesity, and tooth decay thought to be significantly engendered by the intensive promotion and consumption of sugary beverages, and particularly damaging to children, low-income communities, and communities of color. There are also significant health care costs attributable to these diseases.

### **Arguments For**

Sugary drinks cause widespread health problems starting in childhood, with one-third of all children (and nearly half of minority children) predicted to develop diabetes. There are also issues of heart disease and tooth decay. Hundreds of millions of dollars is spent by “Big Soda” on marketing to children. This measure will directly address the health issues and educate the public about healthier food choices.

### **Arguments Against**

Since revenues would go into the City's General Fund, this measure does not ensure that revenues will be directed toward health and wellness programs and it would enable Berkeley officials to spend the money how they choose. The measure contains arbitrary and confusing exemptions relating to types of drinks to be taxed and types of stores to be covered. This is the wrong way to address complex health issues.

### **NEBA Board takes NO POSITION ON MEASURE D**

#### **MEASURE F, INCREASE IN PARKS TAX**

Proposes 16.7% increase in existing special tax for parks to “sustain community parks...children's playgrounds, tennis, basketball courts, and ball fields...” and changes the annual inflation factor to a choice of two other inflation factors from which the City Council can choose when making annual adjustment. The tax for the average 1900sf

home would rise from about \$240 to \$280 the first year.

### **Arguments For**

The growth in park acreage, population, and park usage has increased the cost of caring for City parks. Although staffing has been reduced 25% and maintenance has been cut back, there is still a budget deficit. Without a modest increase in the tax, services will be cut and closing of some parks considered. This tax increase will ensure proper care for our parks; delaying major maintenance will increase long-term costs. Healthy parks and related amenities are vital to our City.

### **Arguments Against**

Since the original 1997 parks tax, the tax rate and revenues have doubled, yet staff has been cut and our parks are deteriorated. This is not a problem of inadequate funds, but of gross mismanagement. Parks moneys have been directed to greatly increased compensation for fewer employees. This measure doesn't specify exactly where the new money would go, but it likely would be similarly misspent. The City needs a master plan to address \$1B in City liabilities and fairer cost-sharing among the major stakeholders—employees, UC, and developers, in addition to taxpayers. Voters need to demand fiscal reform and reject short-term fixes that delay a true reckoning.

### **NEBA Board recommends a NO VOTE ON MEASURE F**

### **MEASURE R, DOWNTOWN INITIATIVE**

Placed on ballot by citizen initiative. Would significantly amend City's Zoning Ordinance for Downtown, superseding the Downtown zoning advisory measure passed by voters in 2010. Since the measure would legally enact zoning changes, few amendments could be made without subsequent voter approval. This is a very complex measure (as was the 2010 measure). Would change height limits; impose additional developer requirements and fees; establish a civic center Historic District Zoning Overlay prohibiting most commercial activity therein; upgrade various requirements for “green” buildings, auto and bike parking, prevailing wage, local hire, and sale of alcohol; mandate on-site affordable housing instead of in-lieu payments; and much more.

### **Arguments For**

This measure would fulfill and expand the promises of 2010 by closing loopholes in the 2010 measure and promoting and expanding many public goods including: higher green building standards, on-site affordable housing, expanded bike and auto parking requirements, enhanced job opportunities for Berkeley residents and higher wages, increased developer fees to be directed toward public goods such as public restrooms and open spaces. Also imposes a needed “Civic Center Overlay” to protect historic Downtown civic buildings from commercial uses. Respects existing neighborhoods. The opponents claim that nothing would get built under this measure is simply not credible given skyrocketing demand.

### **Arguments Against**

Measure would end the Downtown revival by imposing new and overly-stringent requirements that would stop new affordable housing and hotel development, and reduce anticipated tax revenues from such development. It would overturn the 2010 Downtown Plan approved by 64% of voters and change the rules in the middle of the process. 1300 planned housing units will not likely be built and buildings over 60' tall would be financially infeasible. It would make Berkeley more expensive, car-dependent, and polluted. It is an inflexible and partly illegal measure whose flaws could only be fixed at the ballot box with more costly elections, or through costly litigation.



## **NEBA Board recommends a YES VOTE ON MEASURE R**

The NEBA Board discussed this measure extensively and met with both proponents and opponents. We had a very hard time as the measure is so complex and there are positives/negatives on both sides and in the old versus new zoning. In the end, we felt that Measure R, while not perfect, was the better package for Berkeley's Downtown and for the entire Berkeley community. Also, as homeowners and taxpayers, we are not enamored with the relatively low revenue contribution by developers to our City nor with added municipal and environmental costs created by excessive increases in overall and renter population.

## **CITY OF BERKELEY FINANCE DIRECTOR RETIRES**

### **Isabelle Gaston**

After 20 years at the helm of the Finance Department at the City of Berkeley, Bob Hicks stepped down in August. Interestingly, no reason was provided by the City for his sudden departure. An announcement of his successor has not been made. While never having personally met Mr. Hicks, I felt I knew him, and I trusted him. He spoke at City Council meetings at least several times a year and had a level of gravitas that I admired especially when it came to discussing escalating pension costs.

This past March Mr. Hicks broke the news that CalPERS was going to raise its rates.....again. He looked tired of being the bearer of bad news - a broken record on the mounting fiscal crises. But Mr. Hicks never displayed any emotion much less frustration that most on the Council did not appear to understand the implications of rising CalPERS rates with regard to pension costs or any other important financial matters. I almost felt sorry for him.

The budgetary data NEBA reports in our newsletter were often taken from Mr. Hicks' presentations at Council. We wish Mr. Hicks the best and thank him for his service. It clearly was an unenviable job.



*Naked Ladies in Tilden Park, Aug 2014, S. Robey*

## **SOMETHING TO THINK ABOUT...**

Berkeley faces a huge fiscal crisis with about \$500M in unfunded liability for employee benefits and about \$500M in unfunded infrastructure needs.

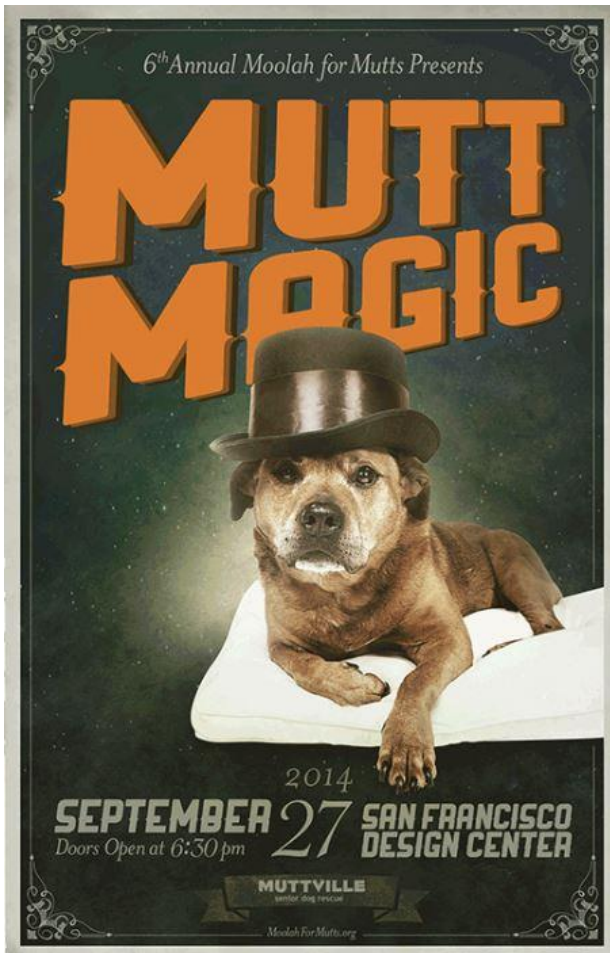
Please see the below article about an Arizona firefighter who sees protecting the public from financial ruin as part of his obligation and repairing the fiscal situation with employee givebacks as a duty to the next generation.

<http://www.sfgate.com/default/article/Arizona-firefighter-leads-charge-to-cut-pensions-5684717.php>

Also, go to the following link that lists total compensation for City of Berkeley's employees.

<http://publicpay.ca.gov/Reports/Cities/City.aspx?entityid=61&fiscalyear=2012>

It's time for our City officials and employees to seriously address the problem, stop nickel-and-diming hard-pressed taxpayers and get fairer contributions from the other players--City employees, UC, developers, BUSD, and even local deep-pocket philanthropists.



## MUTTVILLE senior dog rescue

The tragic truth is that every day, dogs in good health with wonderful

personalities are euthanized. Why? They're older. And because they're older, they're not considered adoptable. Mutttville rescues senior dogs and finds them new homes or gives them hospice. Mutttville also provides information about caring for older dogs and support for people who do. Our foremost need is for loving homes for these wonderful dogs. If you can foster or adopt a dog, or volunteer your efforts, or donate, please do. Or cuddle with a mutt at Mutttville's Cuddle Club! They will bring you so much love and joy. Visit <http://www.mutttville.org/foster>

**Contact your Berkeley city government with your questions and concerns.** *They want to hear from you!*

City Council Roster Contact Information:

<http://www.cityofberkeley.info/ContentDisplay.aspx?id=18496>

To receive email newsletters from City Councilmembers Laurie Capitelli and Susan Wengraf:

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.

**QUESTION FOR YOU!** Would you prefer receiving your NEBA newsletter electronically? If so, please let us know. Simply send us your email address to [info@northeastberkeleyassociation.org](mailto:info@northeastberkeleyassociation.org), and we will email each issue to you! For those who prefer a hard copy, no worries, you will still receive it in the regular mail.

### BERKELEY CITY COUNCIL MEETINGS

Do you want to learn more about Berkeley City Government? Are you interested in hearing your elected representative's opinions on important issues? One of the best ways is to attend a City Council Meeting. All meetings are held at 2134 Martin Luther King, Jr. Way at 7 PM. There are 7 meetings remaining in 2014: September 30th, October 7th, October 21st, November 18th, December 9th, and December 16th.

Visit [http://www.ci.berkeley.ca.us/Clerk/City\\_Council/City\\_Council\\_Agenda\\_Index.aspx](http://www.ci.berkeley.ca.us/Clerk/City_Council/City_Council_Agenda_Index.aspx) to find the agendas for meetings to come and videos of past meetings.

**HELP!** 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!

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

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**Mission Statement North East Berkeley Association**

**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.**

**Please look for NEBA on Facebook!**