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# NEBA News

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*NORTH EAST BERKELEY ASSOCIATION*

*Fall 2016*

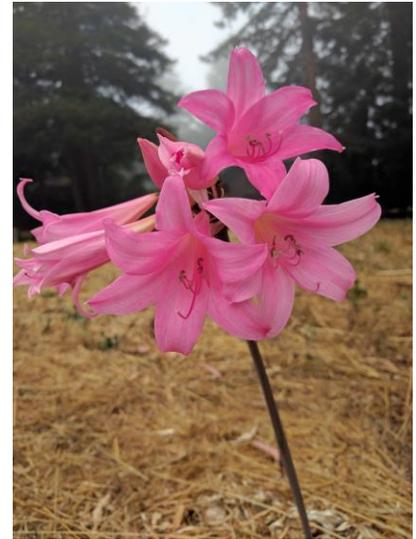
★★★★★ *BERKELEY ELECTION EDITION* ★★★★★

*Please Come to Three NEBA Meetings*

**THURSDAY, OCTOBER 6 7:00 PM**

**Thousand Oaks Baptist Church, 1821 Catalina Ave  
(at Colusa)**

- 6:30-7:00 PM Meet and Mingle
- 7:00-9:00 PM City Councilmember debates moderated by TONA
  - District 5 Sophie Hahn and Stephen Murphy
  - District 6 Fred Dodsworth, Isabelle Gaston, and Susan Wengraf



*Naked Ladies in Bloom in Tilden S. Robey*

**THURSDAY, OCTOBER 13 7:00 PM**

**Northbrae Community Church, 941 The Alameda  
(at Los Angeles)**

- 6:30-7:00 PM Meet and Mingle
- 7:00-9:00 PM Mayoral Forum: Jesse Arreguin, Laurie Capitelli, Kris Worthington and Ben Gould

**THURSDAY, OCTOBER 27 7:00 PM**

**Northbrae Community Church, 941 The Alameda (at Los Angeles)**

- 6:30-7:00 PM Meet and Mingle
- 7:00-9:00 PM Ballot Measure Forum
  - T-1 \$100M Infrastructure and Facilities Bond
  - Competing measures U-1 and DD, Business License Tax Increase on Rental Units
  - X-1 Public Financing of Campaigns

## **President's Message**

The focus of this expanded issue is the 2016 election. Inside this newsletter, you will find a voter's guide to the T-1, U-1, DD, V-1, W-1, X-1, Y-1, Z-1, AA, BB and CC ballot measures and the position taken by the NEBA Board, if any. In addition, you will find the answers to a questionnaire sent to several of the mayoral candidates, and District 5 and District 6 candidates. We hope you find it informative and useful when deciding how to vote!

This could be a critical election in Berkeley this November. Mayor Tom Bates is stepping down after 14 years in office. The two candidates most likely to succeed him are city councilmembers Laurie Capitelli of District 5 and Jesse Arreguin of District 4. Suffice it to say, Mr. Capitelli and Mr. Arreguin have very different visions for the future of Berkeley.

In addition, two city council seats, Max Anderson's of District 3 and Mr. Capitelli's are up for grabs. Sophie Hahn and Stephen Murphy are both vying to fill Mr. Capitelli's empty District 5 seat. Finally, incumbents Darryl Moore of District 2 and Susan Wengraf of District 6 are both being challenged. Ms. Wengraf has two opponents, Fred Dodsworth and Isabelle Gaston.

We are pleased to announce that NEBA is co-sponsoring our election forums this year with the Thousand Oaks Neighborhood Association (TONA) on three Thursday nights in October. The first forum, the District 5 and District 6 debates, will be moderated by TONA and held at the Thousand Oaks Baptist Church on Colusa. The second forum, the mayoral debate, will be moderated by NEBA and held at the Northbrae Church. The final forum will be a debate on several of the measures on the ballot (Measures T-1, U-1, DD and X-1); it will also be moderated by NEBA and held at the Northbrae Church. Please join us for one, two, or hopefully all three of the forums. We look forward to seeing you!

**Isabelle Gaston, PhD**

## **CANDIDATE QUESTIONNAIRES: CANDIDATES FOR MAYOR AND COUNCILMEMBERS**

**Isabelle Gaston**



There are a total of eight people vying for Mayor this fall in Berkeley. Three are city councilmembers: Jesse Arreguin (District 4), Laurie Capitelli (District 5), and Kris Worthington (District 7). The other five are Bernt Rainer Wahl, Zachary Running Wolf, Naomi D. Pete, Ben Gould, and Mike “Guy” Lee. Due to space limitations in our newsletter, we limited our invitations to participate in the questionnaire to the three councilmembers and Mr. Gould, a UC

Berkeley graduate student. Note: Councilmember Worthington did not respond to the questionnaire.

### **Questions for Mayoral candidates, pictured above (from left to right): Jesse Arreguin, Laurie Capitelli, and Ben Gould**

<b>Question</b>	<b>What will be your top priority if elected?</b>
Arreguin	My top priority is to create an equitable city – by creating more affordable housing opportunities for people at all income levels, tackle our homeless crisis, address equity in our schools and community, and ensure efficient and effective city services to serve people in every corner of our city. My other priorities including keeping Alta Bates Hospital open, improving public safety and disaster preparedness, and responsibly managing our budget and promoting fiscal sustainability.
Capitelli	I want to continue the economic development of our community. A strong economic base will help us address a critical housing shortage. It will help us address critical infrastructure needs. I want to also focus on public safety gradually rebuilding our core of sworn police officers and insure that we have adequate staffing and equipment to meet our emergency medical needs. I want to address homelessness and a minimum wage at the regional level.
Gould	My top priorities will be addressing the housing shortage, reinvesting in parks & infrastructure, and implementing effective environmental policies. We need more housing throughout Berkeley (especially near transit), available at all income levels. We also need to tackle our \$500 million in deferred maintenance capital improvements (including biking and transit infrastructure), and reduce our dependency on natural gas.

<b>Question</b>	<b>Do you support the \$100 million Infrastructure and Facilities bond measure (Measure T1) and why?</b>
Arreguin	I support Measure T1. Berkeley faces half a billion in unfunded capital needs. Measure T1 helps us begin to address this, but we need a long term fiscal action plan. I have concerns with the lack of specific projects or funding categories in the measure. If passed I will advocate for a public process to develop priorities for Measure T1 funding. We can look to the successful process developed after Measure M as a model.
Capitelli	Yes. This is an opportune time with low interest rates and millions of dollars of existing bonds maturing in the next few years. Phasing in a bond measure will help us keep ad valorem taxes relatively level as we address our long neglected infrastructure.
Gould	Yes. Berkeley has over \$500 million in deferred maintenance and capital improvements needs, and it's time we stop kicking the can down the road and start fixing things. \$100 million isn't enough to address our deferred needs – much less end the structural deficit – but it's a good start, and on Council, I'll work to ensure the money is spent effectively.
<b>Question</b>	<b>What disaster plan will you work on to put in place to provide emergency medical and other services and shelters for residents?</b>
Arreguin	Berkeley needs more proactive outreach to ensure that all neighborhoods are prepared and organized for disaster. Berkeley's various public safety departments need to continue to upgrade and increase coordination and communication with our regional mutual aid partners. We also need to prevent the closure of Alta Bates Hospital which would put thousands of residents at risk during a major disaster. Berkeley's shelters need to be retrofitted for earthquake safety. Power lines need to be undergrounded.
Capitelli	We have a great opportunity with the Wengraf initiated study to comprehensively address the issue of utility undergrounding. Undergrounding utilities (initially along our arterials and collector streets) affords us the opportunity to look at the entire grid and how to restructure it for the 21st century. We also need to expand the cache program, send CERT training out to the neighborhoods, identify and strengthen our shelters and be sure to keep our mutual aid agreement current and adhering to best practices.
Gould	I will work to ensure our city parks and newly downsized EBMUD reservoirs (e.g. Summit, Cordonices) can be used as emergency shelter locations and FEMA/Red Cross staging locations, and expand the emergency cache program near these sites. I will also work to ensure we have sufficient designated evacuation routes, and expand the undergrounding of power lines and the phasing out of natural gas to minimize post-disaster risks to health and safety.

<b>Question</b>	<b>Yes/No/No Comment (NC)</b>		
	<b>Arreguin</b>	<b>Capitelli</b>	<b>Gould</b>
Do you support the Public Campaign Financing measure?	Yes	Yes	Yes
Do you think the City is addressing its unfunded obligations in a fiscally meaningful way?	No	Yes	No
Are you proud of downtown Berkeley?	Yes	Yes	Yes
Do you support more high-density development in Berkeley?	Yes	Yes	Yes
Do you think an adequate system is in place for public input into City decision making?	No	Yes	Yes
The City is paying over \$20 million a year on health insurance for its employees. City workers and their families do not pay either premiums or co-pays for their health care if they receive Kaiser Insurance. If elected, would you maintain this policy?	NC	No	No
Do you support Berkeley's existing target reserve fund of 8%?	No	No	No
Berkeley's bond rating could be improved if it had a formal policy to address our unfunded pension obligations. This rating affects the City's cost to finance new bonds (and hence the cost to taxpayers). If elected, will you promise to	Yes	Yes	NC

address this issue within 90 days of entering office?			
Do you think that there are adequate mitigation fees for developers?	No	Yes	Yes
There is no mention of the City Pier in the \$100 million bond measure. Do you believe the City Pier will be fixed if the bond measure passes?	No	No	NC
Should residents expect the roads be in “good” shape within several years after the \$100 million bond measure is passed?	No	Yes	No
Do you support higher property taxes and fees for Berkeley homeowners?	No	No	Yes



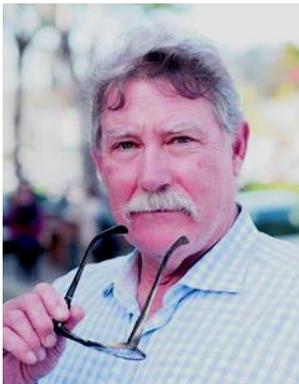
There are two people vying for the District 5 council seat. They are Sophie Hahn, member of the Zoning Adjustment Board; and Stephen Murphy, chair of the Berkeley Planning Commission.

### Questions for District 5 candidates: Sophie Hahn and Stephen Murphy

<b>Question</b>	<b>What will be your top priority if elected?</b>
Hahn	My top priority for Berkeley is to preserve and build affordable housing and housing for the homeless. The displacement of longtime residents and of Berkeley’s working families threatens our treasured diversity and creativity. Within District 5, top priorities are public safety, revitalizing Solano Avenue, and improving alternative transit – biking, walking and hopefully a long-awaited shopper’s shuttle. The City needs funds to achieve all goals. Increasing revenues and fiscal responsibility are thus always a top priority.
Murphy	Public Safety, specifically pedestrian safety and natural disaster safety. I am so honored to be endorsed by the Berkeley Police Association and the Berkeley Fire Fighters Association. Police and Fire see in me a leader who gets it and a leader who appreciates the problems we face. I am willing to work with Police and Fire to reach practical solutions which are effective and fundable.
<b>Question</b>	<b>Do you support the \$100 million Infrastructure and Facilities bond measure (Measure T1) and why?</b>
Hahn	Yes. Berkeley has almost a half billion dollars in infrastructure needs, and this will start the process of addressing them. I would have liked the bond to specify what monies will be used for, and in what order of priority, with equitable distribution as a key driver. However, absent a better option, I support this allocation. I support the formation of an oversight committee, which I will advocate for on the Council.
Murphy	Yes. It is not a perfect solution, however, interest rates are at historic lows and we have to do something to contribute to our infrastructure woes.
<b>Question</b>	<b>What disaster plan will you work on to put in place to provide emergency medical and other services and shelters for residents?</b>
Hahn	I am proud to be endorsed by the California Nurses Association, and will work closely with them to save Alta Bates. With an aging population, emergency calls in North Berkeley are up. Wait times for ambulances can already be several hours. We lack facilities for disasters and for “everyday” emergencies. Berkeley’s shelters must be retrofitted or others identified, and power lines need to be undergrounded. We need comprehensive, effective plans for likely scenarios.
Murphy	I will work towards better shelter locations. We have few, if any, shelter sites in the hills. I will work towards identifying variable designated evacuation routes. I will work toward incentivize the

undergrounding of our utilities. I will work towards permanently funding a fourth ambulance. I will continue to support the already great work done towards creating comprehensive mutual aid agreements, and I will work towards the expansion of CERT training to all neighborhoods.

Question	Yes/No/No Comment (NC)	
	Hahn	Murphy
Do you support the Public Campaign Financing measure?	Yes	No
Do you think the City is addressing its unfunded obligations in a fiscally meaningful way?	No	No
Are you proud of downtown Berkeley?	No	Yes
Do you support more high-density development in Berkeley?	NC	Yes
Do you think an adequate system is in place for public input into City decision making?	No	No
The City is paying over \$20 million a year on health insurance for its employees. City workers and their families do not pay either premiums or co-pays for their health care if they receive Kaiser Insurance. If elected, would you maintain this policy?	NC	Yes
Do you support Berkeley's existing target reserve fund of 8%?	No	Yes
Berkeley's bond rating could be improved if it had a formal policy to address our unfunded pension obligations. This rating affects the City's cost to finance new bonds (and hence the cost to taxpayers). If elected, will you promise to address this issue within 90 days of entering office?	Yes	Yes
Do you think that there are adequate mitigation fees for developers?	No	Yes
There is no mention of the City Pier in the \$100 million bond measure. Do you believe the City Pier will be fixed if the bond measure passes?	No	No
Should residents expect the roads be in "good" shape within several years after the \$100 million bond measure is passed?	No	Yes
Do you support higher property taxes and fees for Berkeley homeowners?	No	No



Three people are vying for the District 6 council seat. They are the two-term incumbent, Susan Wengraf; Fred Dodsworth, a poet, former journalist and publisher; and Isabelle Gaston, president of NEBA and an oncology medical writer. Note: Isabelle Gaston's answers to the questionnaire were provided to Ms. Wengraf 24 hours before Ms. Wengraf submitted hers due to concerns about fairness expressed by

the Wengraf campaign.

**Questions for District 6 candidates, pictured above (from left to right): Fred Dodsworth, Isabelle Gaston, and Susan Wengraf.**

Question	What will be your top priority if elected?
Dodsworth	<ul style="list-style-type: none"> <li>• Save Alta Bates—7 of its 14 sites are slated for development as a result of Orwellian “No on R—Save our Green Downtown” duplicity.</li> <li>• Correct systemic budget problems...make developers/landowner's share their windfall profits after council's “No on R” turbo-charged area development.</li> <li>• Increase retail sales tax revenues using zoning/compliance incentives.</li> <li>• Create low-carbon, low-energy, limited-equity residential cooperatives; pressure UC to provide</li> </ul>

	<p>housing for faculty, staff and students.</p> <ul style="list-style-type: none"> <li>• Pursue other non-taxpayer revenue sources.</li> </ul>
Gaston	<p>If elected, my top priority will be the City's financial health, and ensuring fiscal accountability and transparency. Over the last two decades, Council has neglected our financial well-being. Each year, a growing percentage of the City's revenue is diverted to offset a structural deficit, and less money is left for basic city services. Despite promises from Council, we lack a plan to reduce the estimated \$500,000,000 of unfunded infrastructure needs and \$500,000,000 of pension obligations.</p>
Wengraf	<p>The safety of my constituents is my top priority. I support: expanding police patrols; funding an additional ambulance; more aggressive vegetation management; increasing neighborhood emergency preparedness; fighting to keep an acute care hospital with emergency room in Berkeley. To ensure resources for these services, I will advocate for a long term plan to address the city's fiscal challenges that will critically review current spending priorities to put Berkeley's finances on a solid, sustainable path.</p>
<b>Question</b>	<b>Do you support the \$100 million Infrastructure and Facilities bond measure (Measure T1) and why?</b>
Dodsworth	<p>NO! This is a poorly written give-me without metrics or specifics. Council wants us to write a blank check. There's no way to ensure that most of the money is going for infrastructure repairs. The city needs to make these projects crystal clear and extremely targeted. Berkeley citizens are happy to pay for value, not so much so for hand waving and vague promises.</p>
Gaston	<p>The City needs a responsible and comprehensive plan to address our neglected infrastructure but I oppose this measure. This is a large amount of money and Council turned down requests for a public oversight committee; therefore, there will be no accountability or transparency. It does not specify how the money is spent - what projects or what percentage for each project. We have backlogs of \$70,000,000 in street repairs and \$150,000,000 in park repairs, alone.</p>
Wengraf	<p>Yes, I strongly support investing in our city's infrastructure, especially since interest rates are very favorable now. Measure M funds are improving streets, but more needs to be done. Repairing our parks, senior centers, playgrounds, and other important city buildings is critical to making Berkeley better for future generations. The exemplary community process that was used to implement Measure M will be followed for Measure 4, ensuring meaningful citizen input and commission oversight.</p>
<b>Question</b>	<b>What disaster plan will you work on to put in place to provide emergency medical and other services and shelters for residents?</b>
Dodsworth	<ul style="list-style-type: none"> <li>• Proactively engage neighborhood associations to prepare for disasters.</li> <li>• For more than a decade emergency vehicle access has been impacted by on-street parking. Improve permitting process for off-street parking, increase public transit to our neighborhoods.</li> <li>• Educate residents regarding fire safety standards, enforce vegetation management, including set-backs.</li> <li>• Educate residents regarding food and water shortages resulting from earthquake damages. Only 3 days' worth currently available.</li> <li>• Pandemics without Alta Bates/Herrick will leave us catastrophically vulnerable to diseases known and unknown.</li> </ul>
Gaston	<p>If elected, I will work to develop a formal policy with BUSD to have seismically sound Cragmont Elementary designated an emergency shelter - not as a last line of defense as it is now. In the event of a disaster, District 6 residents need shelters nearby and right now there are none. This is unacceptable. (The current plan is to evacuate District 6 residents to Contra Costa County, Tilden Golf Course, or the Brazil Room.)</p>
Wengraf	<p>My disaster plan includes: undergrounding utility lines – crucial to safe evacuation; funding classes and organizing neighborhood groups to build community and educate – essential to preparedness and resilience; supporting Mutual Aid agreements with neighboring agencies; funding additional</p>

ambulances; ensuring EBMUD provides adequate water supply; keeping an acute care hospital in Berkeley; partnering with The American Red Cross to establish multiple temporary emergency shelter sites, depending on the nature and location of the disaster.

Question	Yes/No/No Comment		
	Dodsworth	Gaston	Wengraf
Do you support the Public Campaign Financing measure?	No	Yes	No
Do you think the City is addressing its unfunded obligations in a fiscally meaningful way?	No	No	Yes
Are you proud of downtown Berkeley?	Yes	No	Yes
Do you support more high-density development in Berkeley?	No	No	Yes
Do you think an adequate system is in place for public input into City decision making?	No	No	Yes
The City is paying over \$20 million a year on health insurance for its employees. City workers and their families do not pay either premiums or co-pays for their health care if they receive Kaiser Insurance. If elected, would you maintain this policy?	No	No	No
Do you support Berkeley's existing target reserve fund of 8%?	No	No	No
Berkeley's bond rating could be improved if it had a formal policy to address our unfunded pension obligations. This rating affects the City's cost to finance new bonds (and hence the cost to taxpayers). If elected, will you promise to address this issue within 90 days of entering office?	Yes	Yes	Yes
Do you think that there are adequate mitigation fees for developers?	No	No	No
There is no mention of the City Pier in the \$100 million bond measure. Do you believe the City Pier will be fixed if the bond measure passes?	No	No	No
Should residents expect the roads be in "good" shape within several years after the \$100 million bond measure is passed?	No	No	Yes
Do you support higher property taxes and fees for Berkeley homeowners?	No	No	No

## VOTER GUIDE TO BERKELEY BALLOT MEASURES

By Barbara Gilbert

Voters will be wading through a multitude of state and local ballot measures in November. Fortitude required! Berkeley has eleven (in addition to the BUSD bond and election), and all except CC and DD were placed on the ballot by the City Council.

**Measure T-1, \$100M Infrastructure and Facilities Bond.** There is no doubt that our City's infrastructure needs to be fixed and that \$100M will help. Right now is a good time to borrow money as interest rates are so low. However, since capital funding is drawn over time it is not predictable that interest costs will be favorable later on in the funding cycle. Also, the City's interest rate could be even lower if it improved its bond rating by addressing its unfunded pension liabilities. There will be oversight of bond spending by the Public Works and Parks/Waterfront Commissions, which have been doing a reasonable job of overseeing needs assessment and funding on streets and facilities. The average annual cost for a home assessed at \$600K will be \$128, the impact of which, per City officials, may be lessened since already-existing bonds are maturing and are gradually being removed from the tax rolls.

The downsides of this measure: there is no specificity as to how the proceeds will be spent and there will be years of politicking and wrangling over who gets what; by continuing to approve new bond and tax measures, Berkeley voters enable and encourage our wasteful City government to continue draining General Fund money away from basic City infrastructure needs and into extravagant employee benefits and questionable social programs. Our

officials continually place us in a terrible bind—give them more money and they waste it elsewhere or give them less money and our City falls apart.

**Competing Measures U-1 (City-Sponsored) Tax on Rental Units and DD (Citizens Initiative) Tax on Rental Units** The City taxes the gross receipts of various local business at rates ranging from 0.60% (grocer) to 10% (professional sports events). Currently, most owners of rental property pay a gross receipts tax of 1.081% on rental income. U-1 would raise the gross receipts tax on older traditional rental properties (“Traditional Units”) and exclude from the increase new units (“New Units”), nonprofits, and various types of subsidized housing. Under the City's U-1, Traditional Units only would face a 166% tax increase, to a 2.88% gross receipts tax; under the initiative DD, all units would get a 39% gross receipts tax increase to 1.5%. Both measures assert the intention to direct the proceeds to affordable housing and homelessness; however, since both are general taxes requiring only 51% voter approval, the proceeds will go into the General Fund and no City Council will be legally bound in the way it spends the money. This model, general tax with specific but unenforceable “directives” is the new ethically-challenged and basically illegal way our Council has invented to sidestep the required 2/3 voter approval for new dedicated taxes, and to just about guarantee passage of any proposed new tax.

The theory behind the City measure is that landlords have disproportionately benefited from housing scarcity and so should pay a substantially higher tax. The citizens measure (spearheaded by the Berkeley Property Owners Association) is an attempt by Traditional Unit landlords to counter the high increase proposed by the City and the unfairness of the City's proposed tax exemption for New Unit and other specialized owners. The measure with the highest number of votes will prevail assuming the 51% threshold is reached.

The City measure U-1 is now embroiled in a legal challenge over a number of its features, most especially the City's large overstatement of the annual revenue its measure would garner and City's failure to inform the public about the proposed tax exemption for New Unit and other owners. The City and U-1 proponents had claimed \$3.9M annual new dollars when the confirmed actual amount is \$2.3M (DD, the initiative measure would garner \$1.4M annually). The City has apparently agreed that it erred but did not and would not change U-1 in a timely fashion so as to properly inform voters.

At the time of this article it is unclear exactly how the matter will be resolved, but **the NEBA board strongly urges you to vote against both measures** for the following reasons:

--the entire matter has been sullied by the City's repeated and gross misrepresentation of the dollar proceeds. With a vast \$4M Rent Board staff plus hundreds of other City employees the City should have gotten the numbers right from the get-go. When presented with the correct numbers the City could have but did not timely make changes.

--the exclusion of New Unit owners who benefit from higher rents and turnover just as much or more than Traditional Unit owners makes no sense and is patently unfair. If all owners are subject to the basic 1.081% tax, and if these owners benefit from higher rents, then all owners should logically be subject to any additional tax.

--based on our observations, we believe that City officials deliberately obfuscated the facts about anticipated dollar proceeds, and we believe that city officials deliberately obfuscated the facts about tax exclusion of New Units.

--the administrative costs for a “split roll” tax per City measure U-1 will be high (\$350K annually) and wasteful

**Measure V-1—Gann Appropriation Limit** Every four years, authorizes the City to continue to spend the proceeds of already-approved taxes even where the total expenditures have substantially increased. Voters should note that many Berkeley special taxes have exorbitant built-in annual inflators allowing substantial increases over time without new voter approval. Thus, even when local inflation as measured by the CPI is low City officials often use the California Personal Income Growth or PIG (!) index so as to set the highest possible new tax rates, such as they did this year with the 5.37% increases for the library and fire taxes.

**Measure W-1—Citizens Redistricting Committee** Transfers responsibility for ten year census-related redistricting from City Council to an independent commission. This is a good government measure that would hopefully avoid the chaos and infighting of prior redistrictings, and the prior habit of incumbent-protecting boundary lines.

**Measure X-1—Public Campaign Financing** An optional program for Mayor and Council candidates that would allocate about \$500K annually (with an annual CPI inflator) directly from our General Fund to create an election fund of \$2M to financially assist mayoral and council candidates who abide by its rules. Council candidates could receive up to \$40K and mayoral candidates up to \$120K, as adjusted for inflation. This is framed as a good government measure and is based on the idea that Berkeley's current campaign finance rules discourage new candidates, fuel corruption, favor incumbents and discourage challengers, and unduly burden campaigns with fundraising.

While this all sounds good-government-ish, I personally am opposed to this measure for the following reasons:

--Berkeley campaign laws have long limited contributions to local candidates to \$250 and to individuals only (no contributions by corporations etc.);

--while I have many gripes with our electeds, I do not believe they could be bought for \$250 or are corrupt in the manner implied in the measure (“corrupt” in other ways is a different matter);

--I do not want to subsidize every Berkeley person or fringe figure who decides to give candidacy a whirl (witness this year’s mayoral election);

--the \$500K annual cost is a lot of money that will not be going to vital services, and with inflation plus administrative costs even this amount could rise pretty quickly;

--the real money and “pay to play” in elections comes from Political Action Committees which this measure does absolutely nothing to address;

--I do not believe that Berkeley incumbents usually win because of dollars spent; there are other stronger factors at play.

**Measure Y-1—Youth Voting for School Board.** Also supported by BUSD directors. Would allow otherwise eligible persons aged 16 and 17 to vote for BUSD directors provided no City funds involved and other technical conditions met. The thinking is that this would generally increase voter turnout and youth involvement.

The NEBA board is opposed to this measure: our youth are already overly-politicized and have enough to handle with fundamental educational achievement, social stress, and family life; this measure represents a slippery slope and is part of an undesirable movement to generally lower the voting age and empower yet more ignorance in the voting booth.

**Measure Z-1—Authorizing Up to 500 Additional Low-Income Housing Units** Needed to comply with California Constitution requirement of City voter approval before a public entity can develop, construct or acquire certain types of low-rent housing projects. Berkeley voters have previously approved 200 such units in 1977, 300 in 1981, and 500 in 2000; since 2000, 421 such units have been added, and many additional units are in the pipeline. It is unclear what are the ramifications should this measure not pass.

This measure, while seemingly innocuous, raises an issue that homeowner/taxpayers of Districts 5 and 6, and throughout the City should seriously consider: all the talk and action about creating more affordable rental housing means that, demographically, the homeowner/taxpayer continues to lose voting power in the City and will be subject to increasingly burdensome taxation and regulation. This is especially important when it comes to

property-based taxes and fees, as almost all renters will vote YES regardless. Developers of new rental units don't care about homeowners, since they usually live elsewhere and are usually given favorable tax treatment. More rental housing will permanently and deeply impact Berkeley politics and policies in a manner unfavorable to our homeowner taxpayers.

**Measure AA—Tightening Owner Move-In Rules Under City Rent Board Ordinance** Would: prohibit owner move-in evictions of families with children during the academic year; increase required relocation assistance by 333% from \$4500 to \$15K, and expand coverage from low-income to all tenants, with an additional \$5K for certain tenants (low-income, elderly, disabled, families with minor children, and tenancies beginning prior to 1999).

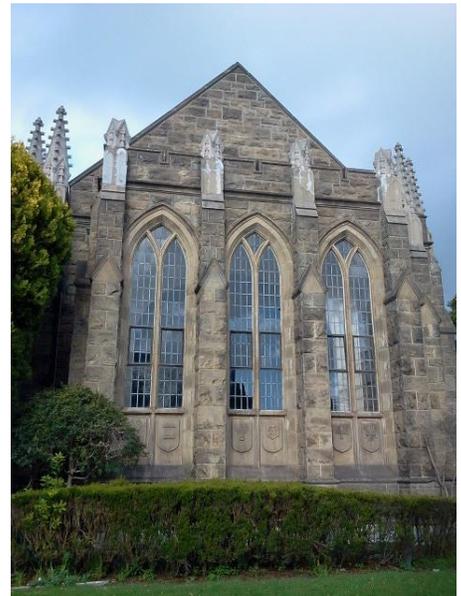
**Competing Minimum Wage Measures BB and CC** On August 26 the City Council unanimously passed a compromise minimum wage ordinance thereby obviating the need for either ballot measure. Supposedly, all the major parties-in-interest are on board with the compromise. As we write, the City and interested parties are attempting to secure a court order allowing a withdrawal and substitution of ballot arguments in BB and CC so as to encourage the voters to reject both measures. It is unclear what will happen should either ballot measure pass!

NEBA encourages you to vote NO on both measures. As for the substance of the minimum wage issue, we'll save that for another issue.

## **The Future of Holy Hill in North Berkeley** **Isabelle Gaston**

On August 24<sup>th</sup>, several local news outlets reported on a proposal to build a senior center on the Pacific School of Religion “holy hill” campus. The development would include 265 apartments with 282 underground parking spaces. Most of the buildings would be five or six stories in height.

As reported in the East Bay Times, “The school's Seeley B. Mudd Building, Chapel of the Great Commission, d'Autremont Hall, Benton Hall and Anderson Hall would be demolished, as would two apartment buildings on Le Conte Avenue and a row of residential buildings on Virginia Street that would be replaced with new buildings of similar height. Of the existing structures, only Holbrook Hall (photo on right), the Arch Street staircase, and a Bernard Maybeck-designed house on Le Conte Avenue would remain, as would 129 of 174 trees on site.”



An attendee at the meeting (and website editor for the Berkeley Architectural Heritage Association), Daniella Thompson, was quoted by Berkeleyside as saying, “This is a scorched-earth campaign, they want to demolish everything and start from scratch. It’s a nice idea to provide senior housing, but this is demolishing wholesale a whole neighborhood. It’s horrible. It’s terrible.”

But not everyone at the meeting was so negative; eight attendees were eager to sign up for a unit, reported Berkeleyside. To learn more about the proposed development, please read the articles below that appeared in the East Bay Times, Berkeley Daily Planet, and Berkeleyside:

[http://www.eastbaytimes.com/breaking-news/ci\\_30285536/berkeley-developers-outline-proposed-senior-facility-north-uc](http://www.eastbaytimes.com/breaking-news/ci_30285536/berkeley-developers-outline-proposed-senior-facility-north-uc)

<http://www.berkeleydailyplanet.com/issue/2016-08-19/article/44796?headline=Stairway-to-Heaven-br-Pacific-School-of-Religion-might-partner-with-Rhoades-client-for-market-rate-development-on-Holy-Hill-Reportage-Op-ed---Fred-Dodsworth-candidate-for-City-Council-District-6->

<http://www.berkeleyside.com/2016/08/24/pacific-school-of-religion-to-build-265-unit-senior-center/>

Pacific Lutheran Theological Seminary has announced that their property at 2770 Marin (above Grizzly Peak Blvd) will be for sale sometime after January of 2017, <http://www.plts.edu/news/12571/>

## **Pension Spiking Decision by the Court Of Appeal of the State Of California, Ruling Filed August 17, 2016**

Excerpts from the decision, which can be read at <http://www.courts.ca.gov/opinions/documents/A139610.DOC>:

The practice known as “pension spiking,” by which public employees use various stratagems and ploys to inflate their income and retirement benefits, has long drawn public ire and legislative chagrin. Effective January 1, 2013, the Legislature amended Government Code section 31461, a provision of the County Employees Retirement Law, with the aim of curtailing pension spiking by excluding specified items from the calculation of retirement income. A number of individuals currently employed by various governmental entities in the County of Marin, together with a number of organizations representing current county employees, brought suit to halt implementation of the revised formula. The trial court concluded application of the new formula to current employees did not amount to an unconstitutional impairment of the employees’ contracts, and sustained the pension authority’s general demurrer without leave to amend.

After an extensive independent review, we reach the same conclusion and affirm, holding that the Legislature did not act impermissibly by amending section 31461 to exclude specified items and categories of compensation from the calculation of pensions for current employees. As will be shown, while a public employee does have a “vested right” to a pension, that right is only to a “reasonable” pension—not an immutable entitlement to the most optimal formula of calculating the pension. And the Legislature may, prior to the employee’s retirement, alter the formula, thereby reducing the anticipated pension. So long as the Legislature’s modifications do not deprive the employee of a “reasonable” pension, there is no constitutional violation. Here, the Legislature did not forbid the employer from providing the specified items to an employee as compensation, only the purely prospective inclusion of those items in the computation of the employee’s pension. Neither the statutory change, nor the implementation of that change by the county pension agency, amounts to an impairment of the employee’s receipt of a “reasonable” pension upon retirement.

... As so often occurs, California was in first place: “The state with the biggest absolute level of underfunding is California, with underfunding of approximately \$475 billion.”

... In 2011, the Little Hoover Commission advised the Governor and the Legislature: “California’s pension plans are dangerously underfunded, the result of overly generous benefit promises, wishful thinking and an unwillingness to plan prudently. Unless aggressive reforms are implemented now, the problem will get far worse, forcing counties and cities to severely reduce services and layoff employees to meet pension obligations.” ... “The money coming in is nowhere near enough to keep up with the money that will need to go out.”

... One feature of the system that drew the commission’s critical attention was “pension spiking,” which the commission defined as follows: “The practice of increasing [an employee’s] retirement allowance by increasing final compensation or including various non-salary items (such as unused vacation pay) in the final compensation figure used in the [employee’s] retirement benefit calculations, and which has not been considered in prefunding of the benefits.” ... “The spiking games must end. Pensions must be based only on actual base salary . . . not padded with other pay for clothing, equipment or vehicle use, or enhanced by adding service credit for unused sick time vacation time or other leave time.”

... But there are acceptable changes aplenty that fall short of “destroying” an employee’s anticipated pension. “Reasonable” modifications can encompass reductions in promised benefits.

... “pension systems must be kept flexible to permit adjustments in accord with changing conditions and at the same time maintain the integrity of the system.”

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***If you have not yet renewed or joined NEBA, now is the time!*** If you prefer the *NEBA News* by email, let us know at [info@northeastberkeleyassociation.org](mailto:info@northeastberkeleyassociation.org).



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