

September 13, 2020 – PART 11: Here and There

After Part I: Here and There in August, we left you with the promise of more to come soon, so here we go and it's all about the upcoming election, November 3, 2020 - that's less than two months away!



BNC is hosting a Zoom Forum for all four Berkeley Mayoral Candidates who have qualified to be on the November ballot. So far, incumbent Mayor Jesse Arreguin, Aidan Hill, and Wayne Hsiung have confirmed. We have yet to hear from Naomi Pete, but we are hopeful she too will be present.

You are cordially invited to participate not only by attending the Forum, but also by adding questions submitted by you on any subject that concerns you. Because of the limited time of the Forum and the Zoom format, we are asking that questions be submitted beforehand. We will consolidate the questions and place them in an order indicated by the amount of interest expressed by all the respondents. We anticipate there will be time for around seven questions.

**BNC Mayoral Candidate Zoom Forum**  
**Saturday, October 10, 2020, 10:00 am to 12 noon**  
**Submit Questions by September 25 to [bnc50@berkeleyneighborhoodscouncil.com](mailto:bnc50@berkeleyneighborhoodscouncil.com)**

We are looking forward to seeing you on the 10<sup>th</sup> of October! We will send out the Zoom link in early October. Please feel free to pass on this information to your neighbors.



### **Here's what the Berkeley November 3 election is all about**

BNC is a 501(c)(3) organization, so we do not and cannot endorse candidates or ballot measures. Accordingly, we are not going to say a word about the national or state ballot, but we thought that since the election is drawing close, it would be a good idea for people to know who and what is on the local ballot. The date for qualifying for the ballot has come and gone for both candidates and measures, so we've listed below only those names and titles of the people who have qualified by the deadline. You can still write in other names if you prefer to do so.

**The Candidates:** Candidates are listed in the order they will appear on the ballot, and with the title they have each chosen to appear following their name.

#### **For Council**

Mayor:

Jesse Arreguin, Mayor, City of Berkeley;  
Wayne Hsiung, Environmental Attorney;  
Aidan Hill, Vice-Chair Homeless Commission;  
Naomi D. Pete.

Council District 2:

Cheryl Davila, Incumbent;  
Terry Taplin, Transportation Commission Vice-Chair;  
Alex Sharenko, Solar Energy Scientist;  
Timothy W. Carter, Business Owner/Commissioner.

Council District 3:

Ben Bartlett, Berkeley City Councilmember;  
Deborah Mathews, Real Estate Broker;  
Orlando Martinez, Construction Manager.

Council District 5:

Sophie Hahn, Berkeley City Councilmember  
Todd Andrew, Real Estate Salesperson;  
Paul Darwin Picklesimer, Community Center Manager.

Council District 6:

Susan Wengraf, Incumbent.  
Richard Illgen, Social Justice Attorney;

**For Rent Stabilization Board Commissioner)** -- 5 seats, elected at large

Bahman Ahmadi, Retired Engineer;  
Bianca Zahrai, Attorney;  
Soulmaz Panahi, Real Estate Agent;  
Leah Simon-Weisberg, Rent Stabilization Board Commissioner;  
Wendy Saenz Hood Neufeld, Retired Media Coordinator;  
Carole Marasovic, Homeless Commissioner/Attorney;  
Mari Mendonca, Appointed Incumbent;  
Pawel Moldenhawer, Green Building Contractor;  
Dan McDunn, Home Builder;  
Andy Kelley, Alameda County Planning Commissioner;  
Dominique Walker, Community Field Organizer;  
Xavier Johnson, Tenants' Rights Advocate.

**For School Board Director** – 2 seats, elected at large

Laura Babitt, Parent/Financial Auditor;  
Jose Luis Bedolla, Non-Profit CEO;  
Norma J F Harrison, Community Volunteer;  
Esfandiar Imani, Risk Management Consultant;

Mike Chang, Education Law Attorney;  
Ana Vasudeo, Schools Transportation Planner.

**The Measures:**

**Measure FF: Fire, Emergency Services and Wildfire Prevention Tax** (2/3s vote required)

Places a tax at a rate of \$0.1047 per square foot of improvements on each parcel. Exemptions are state and federal properties and very low-income individuals the level of which may be established by Council resolution. The Council could increase the tax rate annually on the local cost of living or per capita personal income growth in the state, whichever is greater. The Council could also reduce or eliminate the tax and modify exemptions without going back to the voters if it does not raise the rate. Estimated to generate \$8.5 million annually for firefighting, emergency medical response, 9-1-1 communications services, hazard mitigation, and wildfire prevention and preparedness. The tax is effective January 1, 2021 until repealed by the voters.

**Measure GG: Tax on Transportation Network Company Trips** (majority required)

Places a tax on prearranged trips provided by “ridesharing companies” which originate in Berkeley. Tax would be 50 cents/ trip for private trips, 24 cents/ trip for pooled trips regardless of the number of passengers. Council could annually increase tax on local cost of living or per capita personal income growth in the state, whichever is greater. Estimated to raise \$910,000 annually until January 1, 2041. Drivers do not pay business license fees while tax is in place. Exempt are trips reimbursed by Medicare and wheelchair exempt vehicles. Council could make further exemptions such as for low-income individuals or youth coming or going to school. Money goes into the General Fund.

**Measure HH: Utility Users Tax** (majority required)

Increases the Utility Users Tax on electricity and gas from 7.5% to 10%, and further implements a 2.5% additional tax on gas when P.G & E is able to bill electricity and gas at different rates. Exempts low income individuals enrolled in certain programs. Estimated to generate \$2.4 million annually. The money goes into a newly created Climate Equity Action Fund. Changes the name of the Energy Commission to the Climate Action and Energy Commission that will provide Council with non-binding recommendations to address environmental justice, climate equity and the impact of climate change on the City’s low income and most vulnerable people. Council has the discretion to fund such recommendations or use it for other municipal purposes. The tax remains in effect until repealed by the voters.

**Measure II: Police Accountability Charter Amendment** (majority required)

Creates an independent Berkeley Police Accountability Board and a Director of Police Accountability position to provide oversight of Berkeley Police Department policies, practices, and procedures. The proposed Police Accountability Board would replace the existing Police Review Commission. The Board would consist of nine (9) members selected by the Council and the office of Director of Police Accountability would be appointed by the Council to serve as the Board secretary and be responsible for investigating complaints against sworn members of the Police Department. The Council could vote to remove any Board member or the Director. Among their powers and duties, the Board would: • Make recommendations regarding the operation of the Police Department; • Review complaints against sworn members of the Police

Department and recommend disciplinary actions; • Access records, compel testimony and issue subpoenas as needed to carry out its functions, subject to applicable state confidentiality laws; • Review agreements between the Police Department and other law enforcement, military or private security organizations; and • Participate in the hiring of the Chief of Police. The measure would establish two separate processes by which a member of the public could submit a police misconduct complaint: 1. filing a complaint with the Director which would be investigated by the Director and decided on by the Board following a confidential hearing in which the Board would determine whether misconduct had occurred based upon a “preponderance of the evidence.” The Board would then recommend whether disciplinary action is appropriate, and in certain cases, the level of discipline. In most cases, the Chief of Police would decide the nature and extent of discipline imposed following a finding that misconduct has occurred. 2. Filing a complaint with the Police Department after which the Chief of Police would make a decision as to the need for disciplinary action. A complainant could contest the Chief of Police’s decision by requesting review by the Director and Board. Under both procedures, a final determination would be required within 240 days of the complaint. In the event of disagreement between the Board and the Chief of Police, the City Manager would make a final determination.

**Measure JJ: Charter Amendment: Mayor and Council Compensation** (majority required)

Provides that compensation for the Mayor be set at the same rate as the median income for a three-person household in Alameda Council and that of Council Member at 63% of the Mayor’s compensation. Currently, the Mayor is paid at a rate set in December 1998, which adjusted over the years has resulted in a salary of \$61,394/year, and \$38,695/year for Council, the amount being reduced by the amount for any regular meeting that was not excused to attend to official business, or for up to two regular meetings due to illness. If approved, the Mayor’s annual income would be approximately \$107,300 with Council Members being paid approximately \$67,599. These amounts could be increased annually based on changes in Area Median Income. If employee compensation is changed to reduce costs, the City Personnel Board will be required to review and amend the Mayor’s and Council Member salaries to achieve comparable cost savings. Salaries would be reduced as done now except missing two regular meetings due to illness would be expanded to include the death of a close family member.

**Measure KK: Charter Amendment: Administrative Provisions and City Attorney** (majority required)

Changes that will 1) Eliminate the requirement that City firefighters live within a radius of 40 air miles of the City; 2) Change the name of the “Citizens Redistricting Commission” to the “Independent Redistricting Commission,” and eliminate the requirements that members be Berkeley registered voters who have voted in the last two General Municipal Elections, and instead require that members be Berkeley residents who are 18 years of age or older, thereby allowing noncitizen residents to serve on the new Independent Redistricting Commission conforming the Charter to state law allowing noncitizens to serve on appointed commissions; 3) Replaces all gender-specific references in the Charter with gender-neutral pronouns; and 4) provides that the City Attorney be appointed for an indefinite term, and may be removed, by a vote of the Council. The City Attorney’s authority to prosecute violations of the Charter and City ordinances would not apply to City boards whose members are elected, such as the Rent Stabilization Board and Board of Education. It would require the City Attorney to draft ordinances, advise the Council, City boards and officers, and prosecute and defend the City in all

judicial and quasi-judicial proceedings, subject to the general direction of the Council and the Council’s approval to commence, settle, or dismiss any action. The Amendment also provides for the City Attorney to propose a budget and for the Council to provide sufficient funds to carry out the duties of the office.

**Measure LL: GANN Limit and Spending Authority** (majority required)

Authorizes the City to continue to spend the proceeds of already-approved taxes for FY 2021 through 2024. In 2016, Berkeley voters approved a measure allowing the City to spend all revenues from existing taxes which under the California Constitution can only raise the spending limit for up to four years. **The 2016**, this spending increase will expire after fiscal year 2020. If a city exceeds the spending limit without authorization from its voters, the city must return all revenues in excess of the spending limit in the form of reduced taxes or fees over the subsequent two years. This measure would extend the voter-approved spending authorization by an additional four years, thereby allowing the City to continue to appropriate all funds generated by City taxes for fiscal years 2021 through 2024. It would not increase taxes or create new taxes. It would authorize the City to continue to spend the proceeds from existing taxes as well as any income from the investment of the revenues generated by those taxes.

**Measure MM: Rent Stabilization Ordinance** (majority required)

Amends the Rent Stabilization and Eviction for Good Cause Ordinance in three ways: 1. Prohibits the eviction of a residential tenant for nonpayment of rent when a state or local emergency has been declared and emergency legislation has been enacted to authorize the tenant to withhold rent. 2. Authorizes the Rent Stabilization Board to set and charge a registration fee for rented single-family homes, condominiums, and newly constructed rental units. The new registration requirements and fee would not apply where a property owner rents out their own home on a temporary basis, provided that the owner does not own any other rental units in the City, the owner’s absence from the unit does not exceed 24 months, and the length of the owner’s absence is specified in the lease; and 3. Limits the City’s Accessory Dwelling Unit (ADU) exemption to owner-occupied properties that contain only a single family home and no more than one ADU. The measure would not constrain the right of a property owner to construct additional ADUs as permitted by law.



**A Ranked Choice Voting Primer**

The purpose of ranked choice voting is to avoid run-offs. However, even though Berkeley voters have been using ranked choice voting since November 2010, people still have questions about it, so BNC has decided to include a some comments on this subject.

Ranked choice voting is only used for Mayor, Council and Auditor seats in Berkeley. In Oakland it’s used for Mayor, Council, City Attorney, Auditor and School Directors, and in San Leandro. for Mayor and Council. ~~It~~ **It** does not affect federal, state or county elections, or ballot measures even in those cities that have ranked choice voting for some local offices.

In Berkeley, in the election races for Mayor, Council and Auditor, voters may indicate their first, second and third choices in the three columns that appear on the ballot. Voters are not required to vote in any or all of these columns. Your ballot will display a side-by-side three column format with each column listing the names of all of the candidates which will allow you to make a choice in each.

The candidate that receives a majority (at least 50% + 1) of the votes in the first count wins outright and ranked choice voting does not proceed. If no candidate gets a majority of the votes in the first round, it triggers a new counting process.

1. The candidate who received the fewest number of votes is eliminated.
2. That candidate's votes are redistributed to the second-choice selections.
3. This process continues until there is a candidate that receives a majority of the votes.

This process should be taken very seriously as it has resulted in candidates that received less than a majority of votes in the first round, being elected. It is important that people carefully consider their choices and participate by indicating their choices.

The question that many voters raise is whether ranking their first choice across all the columns helps their particular candidate. The Alameda County Registrar of Voters website gives the following information:

“Ranking a candidate more than once does not benefit the candidate. If a voter ranks one candidate as the voter's first, second and third choice, it is the same as if the voter leaves the second or third choice blank. In other words, if the candidate is eliminated that candidate is no longer eligible to receive second or third choice votes.”

For answers to further questions about ranked-choice voting, please call the Alameda County Registrar of Voters Office at (510) 272-6933.



There will be a Part III to Here and There as there are many important neighborhood issues percolating along. Among these that BNC will be commenting on are: The North and South BART Stations' development – what will end up being proposed; a residential hotel on San Pablo Avenue – should this kind of large scale communal living even be considered in the midst of a pandemic; illegal fireworks being set off on Grizzly Peak Boulevard – jurisdictional squabbles as we enter the time of year when the potential for wildfires are at the highest; the continued operation of the existing asphalt plant in West Berkeley – what is its contribution to our unhealthy air and can that be lessened; and the new building that borders Aquatic Park with a parking lot for 1,000 cars! Much to learn about, much to talk about, so BNC will be with you soon!