



07

COUNTY OF ALAMEDA

Sample Ballot

& Voter Information Pamphlet

General Election
Tuesday, November 4, 1986

THE LOCATION OF YOUR
POLLING PLACE
IS SHOWN ON BACK COVER

POLLS OPEN AT 7 A.M. AND CLOSE AT 8 P.M.

NOTICE: Absent Voter Ballot Application Enclosed

Muestra de Balota

y Panfleto de Información para el Elector
Elección General
Martes, 4 de Noviembre de 1986

EL LUGAR DONDE DEBE
USTED VOTAR
APARECE EN LA CUBIERTA POSTERIOR

LAS ELECCIONES EMPIEZAN A LAS 7 A.M. Y TERMINAN A LAS 8 P.M.

AVISO: Aplicacion de Balota Ausente Incluido

CITY OF BERKELEY

For Mayor

Vote for One

LONI HANCOCK
Foundation Executive Director

117 ➡

LENNI BRENNER
Author

118 ➡

CARLOS A. FERNANDEZ
Attorney at Law

119 ➡

MICHAEL DELACOUR
Construction Worker, Boilermaker

120 ➡

NAOMI D. PETE
Assistant Administrator

121 ➡

PHILLIP LEE POLAKOFF
Environmental Health Physician

122 ➡

For Member of City Council
District No. 1

Vote for One

MARTHA NICOLOFF
Craftsperson

126 ➡

SAM JULTY
Publisher/Editor

127 ➡

TITUS J. JOHNSON, JR.
Retired

128 ➡

NANCY SKINNER
City Councilmember, Educator

129 ➡

PAMELA Y. SANFORD
Educator Child Development

130 ➡

DAVID A. SANDERS
Biochemist

131 ➡

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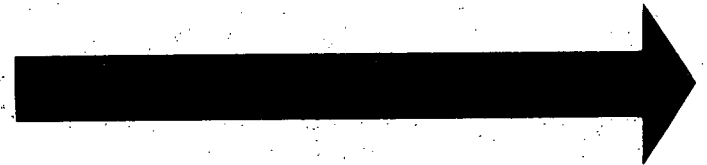


CITY OF BERKELEY

For Auditor	Vote for One
MERRILIE MITCHELL Independent Community Advocate	136 ➡
ANNA RABKIN City Auditor	137 ➡

For Rent Stabilization Board Commissioner	Vote for no more than Five
WESLEY E. HESTER, SR. Nursery School Provider	140 ➡
DAVID BRYDEN Incumbent	141 ➡
MARK MIN Student/Education Director	142 ➡
WALT MILLIKEN Administrator/Computer Consultant	143 ➡
ELLEN LIEBMAN Programmer/Statistician	144 ➡
INEZ WATTS Public School Secretary	145 ➡
KATHLEEN BURGESS DeVRIES Incumbent	146 ➡
CAROL SMITH Rent Commissioner/Lawyer	147 ➡
MARTIN SCHIFFENBAUER Lecturer/Editor	148 ➡
LESLIE AGUAYO Editorial Assistant	149 ➡

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BERKELEY UNIFIED SCHOOL DISTRICT

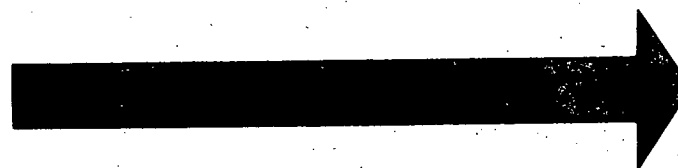
For School Director	Vote for no more than Three
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ANTHONY I. HANDY Director, Educational Agency	155 ➡
MYRON MOSKOVITZ Educator/Law Professor	156 ➡
DOROTHY MIAO (SMITH) Cost Analysis Assistant	157 ➡
BRADLEY KEITH WARREN Teacher and Mediator	158 ➡
RONALD KEMPER Health Care Administrator	159 ➡
NOEL KRENKEL Professor/Administrator	160 ➡
DAVID JUNJI KAKISHIBA Youth Center Director	161 ➡
MARSHA FEINLAND Teacher, Mother	162 ➡
HOWARD TRAYLOR Parent, Discrimination Investigator	163 ➡
ELIZABETH SHAUGHNESSY Chess Director/Homemaker	164 ➡

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

Director, At Large	Vote for One
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ROY NAKADEGAWA Director At Large, Alameda-Contra Costa Transit District	167 ➡
CLARENCE RANDOLPH FISCHER Contract Computer Programmer	168 ➡
HERBERT T. FASSLER Captain-of-Police	169 ➡
HECTOR REYNA Financial Consultant	170 ➡

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OFFICIAL BALLOT
COUNTY OF ALAMEDA

TUESDAY, NOVEMBER 4, 1986

This ballot stub shall be torn off by precinct board member and handed to the voter.

BERKELEY UNIFIED SCHOOL DISTRICT TAX MEASURE		
H	MEASURE H: Shall a measure entitled "Berkeley Public Schools Enrichment Act of 1986" be adopted?	YES +
		NO +
CITY OF BERKELEY MEASURES		
I	MEASURE I: Shall a Charter amendment be adopted which: repeals the Charter Amendment (Measure "C") adopted in June, 1986; restores at-large elections and four-year terms for City Councilmembers beginning November 1988; and provides that, beginning immediately, candidates for each local office receiving the highest number of votes in the November General Elections are elected, and no run-off elections shall be held? Financial Implication: Potential savings of \$10,000 to \$125,000 after the first year.	YES +
		NO +
J	MEASURE J: Shall an ordinance be adopted requiring procedures for extensive citizen participation and public hearings on proposals to increase building height and density or expand permitted uses and which repeals both Berkeley's second unit ordinance and the ordinance which allows residential uses in the Special Industrial District? Financial Implication: Additional administrative costs.	YES +
		NO +
K	MEASURE K: Shall an Ordinance declaring Berkeley a Nuclear Free Zone be adopted? Financial Implication: Increased staff costs may be partially off-set by fees.	YES +
		NO +
L	MEASURE L: Shall an ordinance be adopted to require voter approval of non-recreational uses of parks or open space and require acquisition of open space controlled or leased by the City if acquisition is the only means of preserving the open space? Financial Implication: Increase in landscape assessment fees; acquisition costs unknown.	YES +
		NO +
M	MEASURE M: Shall an ordinance be adopted requiring voter approval for non-educational and/or non-recreational uses of Berkeley Unified School District property? Financial Implication: Unknown.	YES +
		NO +
N	MEASURE N: Shall an ordinance be adopted to retain the Guardian Sculpture at the foot of the Berkeley Pier? Financial Implication: Minimal.	YES +
		NO +

102101

VOTE BOTH SIDES

I HAVE VOTED-HAVE YOU?

O	MEASURE O: Shall an ordinance be adopted which amends the Rent Stabilization and Eviction for Good Cause Ordinance by expanding available eviction defenses, particularly owner occupancy eviction defenses; expanding tenant enforcement powers; clarifying the process by which base rent ceilings may be certified; and making other changes? Financial Implication: Increase in administrative costs. Increase in revenue. Amounts unknown.	YES +
		NO +
P	MEASURE P: Shall an ordinance be adopted limiting development on the waterfront to the area known as the north basin strip (North of Virginia St.) and designating as open space the beach, brickyard and meadow; and shall the City's Master Plan, Zoning Ordinance and Waterfront Specific Plan be amended to conform? Financial Implication: Administrative costs; amount unknown.	YES +
		NO +
Q	MEASURE Q: Shall an ordinance be adopted which requires zoning to limit development on the entire waterfront and which protects its ecology and open-space in accordance with the Community Planning Process of 1984-86? Financial Implication: Administrative costs; amount unknown.	YES +
		NO +
R	MEASURE R: Shall an amendment to Ordinance 4412-N.S. be adopted which would allow an exception to the Dog Leash requirement for "dog parks"? ADVISORY VOTE ONLY	YES +
		NO +
S	MEASURE S: Shall a measure be adopted which advises the Berkeley City Council to establish maximum peak traffic levels as a standard for determining the level of commercial development and to provide funding for transportation management, traffic studies and transportation alternatives, from the commercial business sector and other employers? Financial Implication: Additional administrative costs to revise the City's plans in an amount unknown at this time.	YES +
		NO +

102102

VOTE BOTH SIDES

**Candidate's Statement
SHERIFF**

CHARLES C. PLUMMER

Occupation: CHIEF OF POLICE

My education and qualifications are: I was fortunate to receive almost 49% of the votes cast for Sheriff in the June Primary Election. I am grateful for the strong support voters gave to me and to my pledge to make our sheriff's department California's finest. Following the primary election, Dennis Jeffery, the runner-up candidate with 26% of the vote, announced his withdrawal from the campaign and has publicly endorsed me. (While Mr. Jeffery has formally withdrawn, state election law requires his name to appear on the ballot.) I now enjoy the unanimous support of countywide law enforcement leaders, including retiring Sheriff Glenn Dyer, the Alameda County Chiefs of Police and Sheriffs Association and the Alameda County Deputy Sheriff's Association, who represent the County's frontline officers. I would like to ask for your help as well. Your vote will affirm the importance you as a county resident and taxpayer place on experienced, effective administration of our sheriff's department and county jails. I am grateful for the opportunity to serve you as Sheriff. I would value your vote on November 4. Thank you.

s/Charles C. Plummer

CANDIDATE FOR MAYOR

I, LONI HANCOCK, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Loni Hancock.
2. The office for which I am a candidate is Mayor.
3. That my residence is 2225 Ward Street.
4. The place of my birth is Chicago, Illinois.
5. My present occupation is Foundation Executive Director.
6. I have held the following public offices: Berkeley City Councilmember - 8 years; Regional Director, ACTION (Peace Corps, VISTA, Senior Volunteer Programs) Federal Region 9 - California, Arizona, Nevada, Hawaii; Vice-President, Berkeley Office of Economic Opportunity; Berkeley Waterfront Commissioner.
7. Record of Community Service: LeConte Neighborhood Association - founding member; Advisory Board, Working Assets (socially responsible investment fund); National Women's Political Caucus - founding member Alameda County Chapter; Sierra Club.
8. I am a taxpayer in the City of Berkeley.
9. I have lived in Berkeley for 24 years, raised my family here, and participated in every aspect of life in this most innovative City. As a former two-term Councilmember and Federal regional administrator, my management/leadership style is inclusive and has successfully produced consensus solutions to complex problems. I remain deeply committed to an open process that builds on our community's commitment to social justice and environmental balance. Even with declining revenue, working together we can set priorities, implement excellent and efficient programs, and

play a national leadership role in the search for solutions to larger problems that profoundly affect our local quality of life. My immediate goals include: implementing the excellent waterfront plan developed with Sierra Club leadership; actively involving a broad range of citizens in Charter and Master Plan reviews that will shape Berkeley's physical and social environment for the next decade; and achieving a strong, balanced economy throughout the City which will maintain human-scale in developed commercial areas while encouraging new enterprise where jobs and ownership opportunity are needed. Endorsers include Congressman Ron Dellums, Assemblymember Tom Bates, Supervisor John George, Mayor Gus Newport, Transit Director Roy Nakadagawa, Rent Commissioner Florence McDonald, Councilmember John Denton.

10. I refer to the following residents of the City of Berkeley:

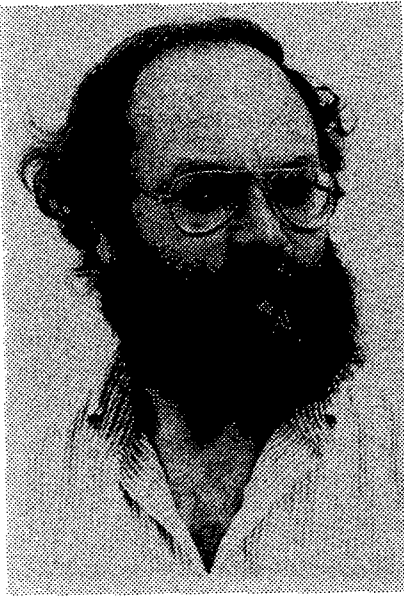
Lee Marsh, 100 Cordnices Road
Margot Dashiell, 1341 Ada Street
Andy Ross, 797 San Diego
Linda Veneziano, 1801 Delaware Street
Michael Berry, Pres UC Student Assn, 2035 Delaware
Patricia Cody, 3021 Fulton Street
Ernest Callenbach, 1963 Eldorado Ave.
Judith Wofsy, M.D., 1636 Bonita Ave.

Luis Reyna, Vice-Chair Waterfront Comm., 2026 Sixth
Judith Heumann, 3025 Regent Street
Susan Griffin, 1400 Hawthorne Terrace
Professor Troy Duster, 3031 Benvenue Ave.
Ying Lee Kelley, 862 Euclid Ave.
Tom Brougham, 2139 Grant Street
Joan H. Cole Ph.D., 1377 Campus Drive
Eugenia Hickman, 1153 The Alameda
Suzann Greer, 1616 Belvedere
Charles "Ozzie" Osborne, 1716 Rose Street
Lillian Rabinowitz, 1014 Keith Ave.
Malcolm Margolin, 2206 Stuart Street

s/Loni Hancock

CANDIDATE FOR MAYOR

I, **LENNI BRENNER**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Lenni Brenner.
2. The office for which I am a candidate is Mayor.
3. That my residence is 1638 Grant.
4. The place of my birth is Brooklyn, New York.
5. My present occupation is Author.
6. I have held the following public offices: None.
7. Record of Community Service: Socialist. Five arrests, 60s Black civil rights struggles. Imprisoned during FSM. Presently anti-Zionist author, and anti-war activist.
8. I am a taxpayer in the City of Berkeley.
9. Berkeley's major problems are America's problems and can only be solved at the state and national levels. Federal and state shares of Berkeley's income have been slashed from 41% to 17%. Additionally, under Proposition 13, property tax revenue fell from 41% to 13% of the city's current income. The ruling class wages wars against Nicaragua and Libya - and pays for them by destroying social services at home. Liberalism is stone dead. The BCA goes on blindly voting for one capitalist politician after the other as the lesser evil. Having no national answers, the BCA mouths idealistic phrases - while raising every local tax it can, and selling public property. The BCA boasts it got us rent control. But now it says if we toughen the law, the legislature will gut our ordinance. But the squeaking wheel gets the grease. The political hacks will leave us alone - and restore the lost revenue - when - and only when - they fear the risen people. If elected, I'll call a national

anti-war convention in Berkeley. And then a state conference to raise corporate taxes while lowering taxes on owner-occupied family homes. Socialist action speaks louder than liberal words.

10. I refer to the following residents of the City of Berkeley:

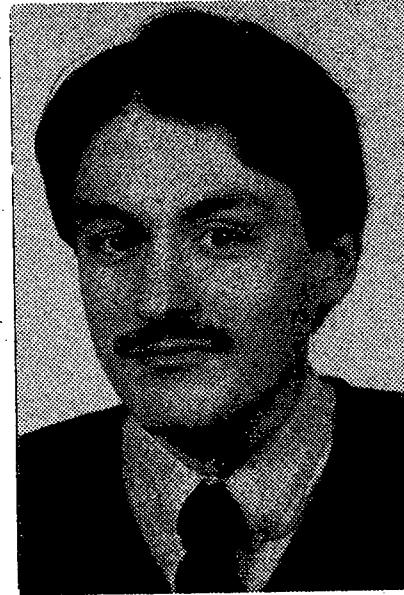
Julia Vinograd, 2057 University Ave.
Wayne M. Collins, 1629 Josephine St.
Aaron R. Aarons, 1900 Woolsey
Herbert B. Cleaveland, 2609 Ellsworth St.

George Eudy Jr., 3037 Wheeler
Tom Condit, 1638 Grant St.
Stephen L. Kessler, 1629A Harmon St.

s/Lenni Brenner

CANDIDATE FOR MAYOR

I, **CARLOS ALEJANDRO FERNANDEZ**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Carlos Alejandro Fernandez.
2. The office for which I am a candidate is Mayor.
3. That my residence is 1017 Virginia Street, Berkeley.
4. The place of my birth is Pueblo, Colorado.
5. My present occupation is Attorney-at-Law.
6. I have held the following public offices: Appointee, Alameda County Community Health Services Advisory Committee.
7. Record of Community Service: Director & Secretary, I-Pride Inc., non-profit public service organization; East Bay Regional Representative, Statewide MECHA student organization. Appointee, Bilingual Bicultural Task Force BUSD.
8. I am a taxpayer in the City of Berkeley.
9. I am running for the office of Mayor. I am 31 years of age, married, and the father of two children. I have resided in Berkeley for over 29 years. I am a graduate of the Berkeley Schools. I am a practicing attorney. I am an appointed member of the Alameda County Community Health Services Advisory Committee. I am a director and Secretary of Interracial/Intercultural Pride (I-Pride) Inc. As a student at Berkeley High, I was appointed by the Superintendent of Schools to the Bilingual Bicultural Task Force. In college, I was president of the MECHA chapter and was a regional representative to the Statewide MECHA organization. I am running for Mayor with the principal purpose of reforming the candidate selection process in Berkeley. The current system of de facto partisan politics without pri-

maries produces candidate slates answerable mainly to minority factions. By virtue of their isolation, these factions are ill-equipped to understand and deal effectively with the rapidly mounting problems in this city. Berkeley is essentially a progressive city. We need progressive and democratically informed policies, not cronyism.

10. I refer to the following residents of the City of Berkeley.

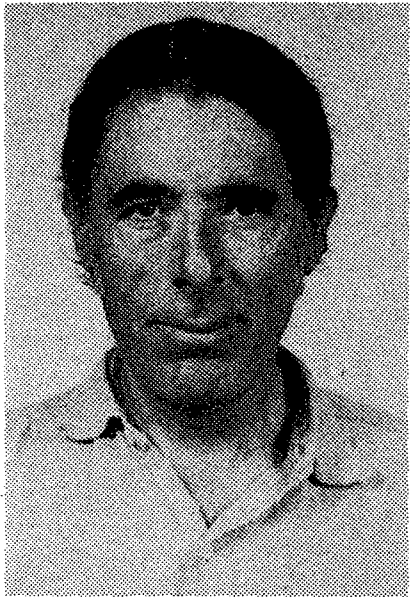
Marilyn Harris, 1721 Francisco Street
Froben Lozada, 2908 Deakin St. Apt. A
Nancy Brenner, 1141 Oxford St.
Michael Tully-Cintrón, 39 Hopkins Court #1

Rolf E. Ringbom, 1430 Josephine Apt. C-2
Thomas R. Brenner, 1141 Oxford St.
Dan Harris, 1721 Francisco St.
Louise Gray, 1823 Highland Place

s/Carlos Fernandez

CANDIDATE FOR MAYOR

I, **MICHAEL DELACOUR**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Michael Delacour.
2. The office for which I am a candidate is Mayor.
3. That my residence is 2035 Parker.
4. The place of my birth is San Diego.
5. My present occupation is Construction worker, Boilermaker.
6. I have held the following public offices:
7. Record of Community Service: Active member of Vietnam Day Committee, People's Park struggle, Berkeley Tenants Union, Rank and File Coalition, Campaign Against Apartheid, Delegate and former Trustee Boilermaker #549.
8. I am a taxpayer in the City of Berkeley.
9. I believe our community is now facing the most serious time it has known. Our standard of living, our quality of life and work, our security, are being eroded by the actions of multinational corporations. We need a new community consciousness in order to effectively confront this corporate domination. High unemployment has been forced on us because our employers have fled overseas in pursuit of cheap, unorganized labor. Our unions internationally creates phony right wing unions and our government support regimes abroad that perpetuate violence against workers. Along with direct action opposing our government, those of us who belong to unions must start going to our union meetings and work to change these and other policies. Locally the new consciousness should embrace the principle that "what affects one affects everyone". We

could start by honoring all picket lines, outlawing scabbing, supporting the new tenants' initiative pushing environmental and peace issues, building affordable homes for everyone, establishing neighborhood preventive health and child-care centers. Finally, the new consciousness must be based on the belief that everyone, regardless of race, sex, age, class, sexual preference, or physical disability—shall have the right to participate in making decisions affecting their lives.

10. I refer to the following residents of the City of Berkeley:

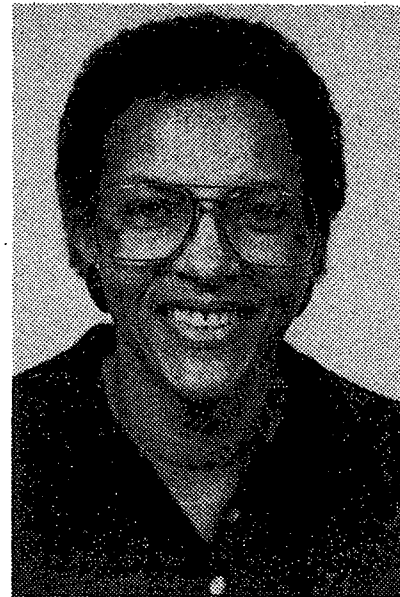
Jeffrey Kirk Miller, 2511 Derby St.
Joseph Blackburn, 782 Wildcat Canyon Rd.
Ingrid Landes, 3005 Fulton St.
Hilda S. Cowan, 2050 Sacramento St.
Stephen Swanson, 832 Gilman
Bob Sparks, 1133 1/2 Delaware St.

Vanessa Delacour, 2109 Byron
Leslie Delacour, 2437 Shattuck Ave.
Andrea Prichett, 1716 Blake St.
Cris Peterson, 2109 Byron St.
Joe Agos, 2419 Haste St.
Marsha Feinland, 2208 McGee

s/Delacour

CANDIDATE FOR MAYOR

I, **NAOMI D. PETE**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Naomi D. Pete.
2. The office for which I am a candidate is Mayor.
3. That my residence is 1822 Ninth Street.
4. The place of my birth is Pittsburg, Texas.
5. My present occupation is Assistant Administrator.
6. I have held the following public offices: None.
7. Record of Community Service: Original Member, North Oakland Missionary Baptist Church; Vice-Chairwoman, Jesse Jackson Campaign Merritt College, Voter Registration; Parent-Advisory Committee, Berkeley High; Republican Presidential Task Force.
8. I am a taxpayer in the City of Berkeley.
9. Berkeley resident, 34 years. Graduate from Berkeley public schools. College throughout Bay Area, majoring in business management. Worked in Bay Area; 25 years. Never held public office position; but, I can handle important issues and concerns for Berkeley. Qualified for Berkeley ballot seeking City Council seat, 1979 and 1984. Year, 1982, I seeked Mayor seat. My experience caring for seniors and handicapped leads me to support and work with Berkeley's fine police department to secure, those I mentioned, safety in their neighborhoods and homes. All Berkeley citizens, youths, businesses, visitors need security and safety, also. My experience on parent-advisory committee—I must say young people must take advantage of all educational opportunities. Present job allows me experience and knowledge in business management; therefore, if elected, I will seek funding for local entrepreneurs. Once an apartment owner, therefore, feel property ownership should be protected. New guidelines for tenants need re-establishing. Experience of not being seriously considered a candidate leads me to say Measure C should have a chance. Mayor for Berkeley must have character, personality, be creative, have communication likeness to negotiate with the public, local, state and federal officials, and ability to get job done. I'm that person. Peace.
10. I refer to the following residents of the City of Berkeley:

Edward L. Barlow, 3000 Acton St.
Dorothy M. Smith, 1115 Oregon St.
Della Pete, 1822 9th St.
Milton Pete, 1822 9th St.
Frank Diaz, 1812 9th St.
Conception Diaz, 1812 9th St.
Julius Spilman, 1376 Delaware St.
Charla Bulich, 823 C Hearst St.
Reba Silket, 1723 5th St., Apt. C
Money Miller Jr, 1241 Rose St.

Ellen White, 1419 Stannage Ave.
Andy Harris, 2222 9th St.
Lerline Harris, 2222 9th St.
Peter Bankhead, 1822 9th St.
Herman Godbolt, 1023 Delaware St.
Ethel Godbolt, 1023 Delaware St.
Alice B. Christian, 1802 9th St.
Andrew A. Christian, 1802 9th St.
Paula A. Goins, 2435 9th St. #1
Gloria Woodard, 1725 5th St. #C

s/Naomi D. Pete

CANDIDATE FOR MAYOR

I, **PHILLIP LEE POLAKOFF**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Phillip Lee Polakoff.
2. The office for which I am a candidate is Mayor of Berkeley.
3. That my residence is 127 Alvarado, Berkeley, CA 94705.
4. The place of my birth is White Plains, New York.
5. My present occupation is environmental health physician.
6. I have held the following public offices: None.
7. Record of Community Service: Member: Physicians for Social Responsibility, Sierra Club, John George's Health Task Force, Board Member, League to Save Lake Tahoe, Founder, Peace and Common Security Institute.
8. I am a taxpayer in the City of Berkeley.
9. Let's get Berkeley back on track. Regionally and nationwide we should be looked to for innovative, effective and humanitarian solutions to common social concerns. Unfortunately, machine-style slate politics have proven to be divisive and exclusive. Contentious council meetings waste energy on matters beyond city control and result in neglect of urgent community concerns. As mayor, I will facilitate cooperation and consensus-building, founded on open dialogue. Community decisions must reflect our city's diversity of opinion. My highest priorities are: Establishment of regional cooperation on development, traffic control and protection of East Bay Shoreline. Improved health and recreational services for children, seniors and minorities. Implementation of area plans involving neighborhood groups. Proactive zoning to protect neighborhoods from exploitative encroachment by development. Modern waste management through increased recycling. Responsive fire and police protection. Clean, properly lighted and repaired streets and sidewalks. Preferential parking in areas hardest hit by traffic congestion. Uphold our rent control ordinance. Support of neighborhood oriented shopping districts. Balanced development and job creation. Support of our diverse cultural and artistic community. Collaboration with the school district in strengthening public education. As Mayor I will unite and represent all of Berkeley's citizens. Vote for Phil Polakoff . . . People before politics!
10. I refer to the following residents of the City of Berkeley:

John P. Devaney, 121 Panoramic Way
Carroll B. Williams, 89 Arden Rd.
Thomas H. Walton, 2306 Roosevelt
Deborah L. Sagues, 1278 Campus Dr.
Nancy Feiner, 2329 Oak
John Gage, 2822 Benvenue St.
Nancy Pfund, 127 Alvarado Rd.
Angela M. Swanson, 1530 Spruce St.
Oscar R. Scherer, 59 Domingo Ave.

Thomas N. Habinek, 2319 California St.
Jack Tucker, 1602 Jaynes St.
Tadashi T. Hirota, 1447 Ada St.
Clare F. Montauk, 2733 Stuart St.
Ernest T. Montauk, 2733 Stuart St.
Finette K. Grundman, 3011 Hillegass Ave.
Hazai Horn, 2536 Grant St.
Clarence E. Kyle, 1370 Virginia St.
Fred Nachtanay, 136 Alvarado Rd.
Brad Smith, 1205 Francisco St.
Doris M. Barrett, 1909 Stuart St.

s/Phillip L. Polakoff

CANDIDATE FOR AUDITOR

I, **MERRILIE MITCHELL**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Merrilie Mitchell.
2. The office for which I am a candidate is Auditor.
3. That my residence is 1612 Delaware St., Berkeley.
4. The place of my birth is New York.
5. My present occupation is Independent Community Advocate.
6. I have held the following public offices: none.
7. Record of Community Service: Co-organizer: Parents United for Health, Committee for Berkeley Schools, Berkeley Independents, November Coalition. Member: Save the Bay, East Bay Greens, Sierra Club, Council Neighborhood Associations.
8. I am a taxpayer in the City of Berkeley.
9. I've resided in Berkeley since 1969, for 7 years as a renter and for 10 years as a homeowner. I have a degree in Zoology and have worked as a teacher. I've lived in North, South, East and West Berkeley and have worked extensively with neighborhood groups. I've come to appreciate the hopes and concerns of the people in our diverse community. A major concern today is that the incumbent Auditor, Mayor, School Board and 7 of the 8 Councilmembers are all from one political "slate." This means that the Auditor should be independent in order to provide an unbiased examination and review of City expenditures. I've been an independent "watch-dog" in Berkeley for years. In 1983, I correctly predicted financial disaster for Berkeley Schools (based on School Board policies). Now I'm predicting increased taxes and decreased benefits for Berkeleyans if the City's trend of expanding bureaucracy continues. This needs careful monitoring. Although Berkeley has a \$100,000,000. budget (much larger than many similar cities) we face a serious deficit. We need cost benefit analysis to show if we're getting what were paying for and to help determine if we want what we've got. We need independent auditing.
10. I refer to the following residents of the City of Berkeley:

Dennis Walton, 1733 Grant St., #F
Edward Broussard, 2379 West St.
Lois Wagner Green, 1833 Francisco St.
Janet M. Maestre, 1222 Josephine St.
Daniel Horodysky, 2213 Acton St.
Gordon R. Cavana, 2440 Stuart St.
Dona Spring, 1733 Grant St.
Willie C. Johnson, 1670 Franklin St.
Robert Sparks, 1133 1/2 "B" Delaware St.
Suzann H. Greer, 1616 Belvedere

Ed Allen, 1609 Delaware
Eugene Bielawski, 2030 Parker St.
Opal Williams, 2040 Ward St.
Karen McArdle, 2400 Eunice St.
John Mainson, 1622 Delaware
Gerald W. Gwathney, 1534 Acton
Dorothy C. Miao, 1624 Belvedere Ave.
Tamara (Toni) P. Horodysky, 2213 Acton St.
Richard Rosenblum, 1621 Delaware St.
Carol Bernau, 1916 Ward St.

s/Merrilie Mitchell

CANDIDATE FOR AUDITOR

I, **ANNA RABKIN**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Anna Rabkin.
2. The office for which I am a candidate is City Auditor.
3. That my residence is 199 Fairlawn Drive, Berkeley, Ca. 94708.
4. The place of my birth is Cracow, Poland.
5. My present occupation is City Auditor.
9. I have held the following public offices: City Auditor, EBMUD Director Helen Burke's appointee to the Citizens Committee on Rate Structure and Finance Policy.
7. Record of Community Service: Daily Californian Boardmember, Berkeley Stage Boardmember, NWPC Alameda North President, Berkeley/Haidian Friendship Association Chair, State Health Toastmasters Treasurer, Conflict Resolution Task Force.
8. I am a taxpayer in the City of Berkeley.
9. Education: Master's Degree, City Planning, Phi Beta Kappa. Accomplishments *** A. Proven Independent Professionalism: Well known for my independent, no-nonsense review of contracts and expenditures. Acceptance of our audits by all outside agencies has produced cost savings of over \$150,000. B. Income Generation: Over \$250,000 collected by the Business Licence Tax Audits I initiated. C. Operational Audits: Program efficiency and effectiveness and improved use of technology has resulted from our audits. D. Youth in Government: Our internship program has attracted over 40 students. College and High School students receive valuable public sector training. Goals *** 1. Scrutinize financial transactions for propriety 2. Evaluate operations for savings 3. Fight bureaucratic waste 4. Demystify city finances 5. Involve youth in government *** The Auditor's office has an excellent affirmative action profile - 3 Asian, 6 Black, 4 Caucasian - 9 women. Our reports have received state and national recognition. Response to complex new federal requirements, though difficult, have been accomplished promptly. I have helped facilitate many long overdue changes in the City's administration. Further changes are underway. I want to participate in making the city work better for all of us. Endorsed by: Assemblyman Tom Bates, Supervisor John George, Congressman Ronald V. Dellums.
10. I refer to the following residents of the City of Berkeley:

Susie Pearl Gaines, 1615 Tyler St.
Lee Marsh, 100 Codornices Rd.
Susan Felix, 1436 Berkeley Way
Prof. Norman Rabkin, 1020 Keith
Anne Hannah-Roy, 1328 Josephine St.
Robert Valdez, D.D.S., 1537 Milvia St.
Gloria A. Belsky, 1327 Carlotta Ave.
Stephen Lee Taller, M.D., 743 Spruce St.
Benjamin Keh, 45 Poppy Lane
Paul Hammond, C.P.A., 1530 Virginia St.

Cecil F. Burgess, 3230 Baker St.
Lillian Rabinowitz, 1094 Keith Ave.
Steve Lustig, Board of Education, 2223 McGee Ave.
Linda Veneziano, 1801 Delaware St.
Ronald S. Barkin, 1541 Juanita Way
Hala Zukas, 2801 Milvia St.
Irv Rautenberg, 1048 Merced
David Fish, 1836 Cedar St.
Nancy Snow, 2217 McGee
Helen King Burke, EBMUD Director, 685 Colusa Ave.

s/Anna Rabkin

CANDIDATE FOR COUNCILMEMBER, DISTRICT 1

I, **MARTHA NICOLOFF**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Martha Nicoloff.
2. The office for which I am a candidate is City Council District #1.
3. That my residence is 1729 Virginia Street.
4. The place of my birth is Chicago, Illinois.
5. My present occupation is Craftsperson.
6. I have held the following public offices: Berkeley Board of Adjustments.
7. Record of Community Service: Neighborhood Preservation Ordinance, Co-Author; School Sites, Parks Open Space Initiatives Committee; District Elections - A New Beginning; Arts Crafts Co-Op; Council of Neighborhoods; and Urban Care.
8. I am a taxpayer in the City of Berkeley.
9. I have worked on problems and improvements in District #1 for the last 25 years. Co-chairing the North Berkeley Neighborhood Council, I helped achieve the down-zoning of the North BART Station area, promoted a community plan for Ohlone Park, and assisted the Ocean View committee against policies of the Redevelopment Agency, to name a few issues. In 1972 I co-authored the Neighborhood Preservation Ordinance, a citizen's initiative that gave each neighborhood power over its own development and stopped housing demolition throughout the city. Serving on the Board of Adjustments, I gained experience and understanding of issues having city-wide impact. District #1 is not only my family's home, it is also my place of business. As a craftsperson with a small home workshop, I produce custom designed prisms. Recently I circulated petitions to save schools, playgrounds, parks and open spaces from developments passed by the City Council. These lands, including the public open spaces of the water front, are our community resource for present and future generations in a built-up city. Because of the passage of Measure C last June, I now have the opportunity to win the Council seat from our District as an independent candidate.
10. I refer to the following residents of the City of Berkeley:

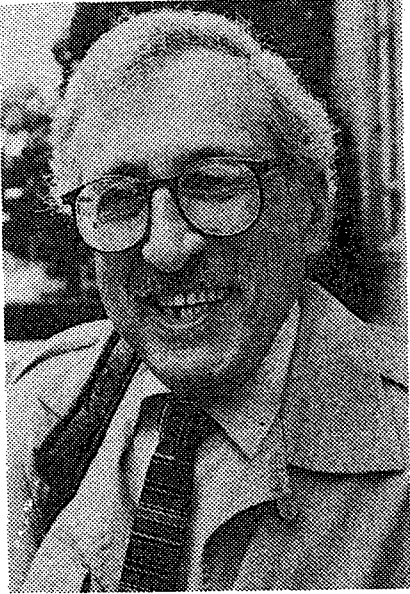
Alex Nicoloff, 1729 Virginia St.
Elaine B. Cole, 1715 Cedar St.
Richard P. Duane, 1701 Virginia St.
Katharine Duane, 1701 Virginia St.
Ann Timmins, 1717 Oxford St.
Maureen H. Baldridge, 1714 Virginia St.
Nancy Steele, 1722 Virginia St.
Dorothy L. Burri, 1726 Virginia St.
Carl N. Cole, 1715 Cedar St.
Michael Winter, 2117 Haste St.

Ruth Denton, 2935 Garber
Dorothy Bryant, 1928 Stuart St.
Richard Katz, 1102 5th St.
Ellen Elisabeth Pillsbury, 1735 10th St.
Alvin W. Burri, 1726 Virginia St.
Barry Wotsy, 1636 Bonita St.
George Leonardos, 1611 Delaware St.
Merrilee Mitchell, 1612 Delaware St.
Toshio Takano, 1721 Virginia St.
John Sutake (Jr.), 1619 Lincoln St.

s/Martha Nicoloff

CANDIDATE FOR COUNCILMEMBER, DISTRICT 1

I, **SAM JULTY**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Sam Julty.
2. The office for which I am a candidate is Member of the City Council - Dist. #1.
3. That my residence is 1407 Holly Street, Berkeley, CA 94703.
4. The place of my birth is Bronx, N.Y.
5. My present occupation is Publisher/Editor.
6. I have held the following public offices: none.
7. Record of Community Service: Medic at the Berkeley Free Clinic—3 years; Producer and host of "In a Man's World." heard on KPFA.
8. I am a taxpayer in the City of Berkeley.
9. As a journalist I must have background information before I begin to write. As an editor I must make sure the words in the text clearly express the writer's thoughts, and are understood by the reader. As a publisher I must learn what my readers want, and what they will not accept. As a Councilmember I will have to study background information before I vote; I will have to make sure each proposal says what it means to say, and is clear enough for everyone to comprehend it; I will have to stay tuned to what people want and what they will reject. I also bring to this job two skills mastered in my profession: the facility to ask questions, and get answers, and the ability to listen—to words, the motivation behind them, and the feelings beneath. These disciplines and skills support my pledge to fulfill the responsibilities of my dual role—as a representative from District #1 and as a member of the Berkeley City Council.

10. I refer to the following residents of the City of Berkeley:

Wanda Nusted, 1407 Holly St.
Mark Bayless, 1406 Holly St.
Len Conly, 1530 Rose St.

Scott Pineo, 1567 Rose St.
Marjorie Pineo, 1567 Rose St.

s/Sam Julty

CANDIDATE FOR COUNCILMEMBER, DISTRICT 1

I, **TITUS J. JOHNSON JR.**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Titus J. Johnson Jr.
2. The office for which I am a candidate is Councilmember District 1.
3. That my residence is 1450 Kains Ave., Berkeley Ca 94702.
4. The place of my birth is El Dorado, Arkansas.
5. My present occupation is Retired.
6. I have held the following public offices: None.
7. Record of Community Service: Past Coach (basketball), Catholic Youth Organization St Ambrose Church. Past Foster Parent, Alameda County. Help organized neighborhood for underground wiring and crime prevention.
8. I am a taxpayer in the City of Berkeley.
9. Some of the duties of a Council Member are: Problem Solving, (not creating them) Being Responsible to and Representing You District One. Having worked as a Technician with and in Management for over 30 Years, some of my responsibilities were to "formulate directive" make and carry-out "policies". If I am chosen by You to represent District One as a Council Member, I will bring to the council membership "mature judgement", "experience", "objectivity", "knowledge", "wisdom" and "responsibility". This is a challenge for District One, to solve our problems, together. To do something positive for our city again. To restore integrity back into our Council. To improve our city image. I am a W.W.II-Korean Air Force Veteran, married wife Bobette L. We have a son Perry K.. Having lived at the above address

for over 25 years, we have never seen a past Council Member in our neighborhood. This will not happen with me. You are invited to a very special event on Nov-4th. I respectfully request your vote. Thank you.

10. I refer to the following residents of the City of Berkeley:

Mildred Banks, 1400 Kains Ave.
Jaime F. Adamos, 1441 Kains Ave.
Pearl Young, 1452 Kains Ave.
Doris Dismuke, 1620 Ward St.
Terrel C. Jones, Jr., 1444 Kains Ave.
Patricia E. Como Johnson, 1427 10th Street
Myrtle L. Hudson, 1119 Jones Street
Robert E. Battle, 1331 Kains Ave.
Gregory Chauvin, 2801 College Ave.
James C. Norman, 1717 Arch Street

Alison M. Richardson, 1405 Santa Fe
John Zubinte, 1426 Stannage Ave.
Gary Rosenzweig, 1134 Page Street
Meg Kidane, 1440 Kains Ave.
Johnnie D. Posey, 1456 Stannage Ave.
Bernette Williams, 1427 Parker Street
James M. Branch, 1519 Tyler Street
Nellie Posey, 1459 Kains Ave.
Jack F. Love, 1445 Kains Ave.
Perry K. Johnson, 1450 Kains Ave

s/Titus J. Johnson Jr.

CANDIDATE FOR COUNCILMEMBER, DISTRICT 1

I, **NANCY SKINNER**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Nancy Skinner.
2. The office for which I am a candidate is Berkely City Council - District 1.
3. That my residence is 1743 A Virginia Street.
4. The place of my birth is San Francisco, California.
5. My present occupation is Teacher, Graduate Student, Mother, City Councilmember.
6. I have held the following public offices: Berkeley City Councilmember, Berkeley Energy Commission, Solid Waste Management Commission, Alameda County Training and Employment Board.
7. Record of Community Service: Congressman Dellums Executive Committee, Co-op Consumer Protection Committee, Coordinator FSM 20th Anniversary, Sierra Club, People for Open Space, Freedom Song Network, National Women's Political Caucus.
8. I am a taxpayer in the City of Berkeley.
9. In the two years I've been on Council, I've seen citizens and the City successfully work together to protect our waterfront, establish first-source hiring for Berkeley residents, fund human services, and bring our police force to full strength. As a Councilmember, I supported establishing the Economic Development Office to assist local businesses and create jobs. For affordable housing, I supported low-income housing construction, second-units, and protections for seniors, disabled, and single parents. On the Public Safety Committee, I've made crime prevention and foot patrol police priorities. As Public Work's Committee Chair, I've

initiated a financed plan for comprehensive repair of our streets, sidewalks and sewers and monthly citywide street cleaning. I advocated declaring Berkeley a Sanctuary City and worked for UC's successful divestment. As a mother and environmentalist, I'm committed to making Berkeley a better place to live, work and raise a family. I want to continue my work in furthering neighborhood protections, giving public transit priority over cars, and reaching Berkeley's 50% recycling goal. I will be an effective representative for District 1 and for the City as a whole. Endorsed by: Congressman Dellums, Mayor Newport, Loni Hancock, Transit Director Nakadegawa, Berkeley Black Caucus, Berkeley Citizens Action.

10. I refer to the following residents of the City of Berkeley:

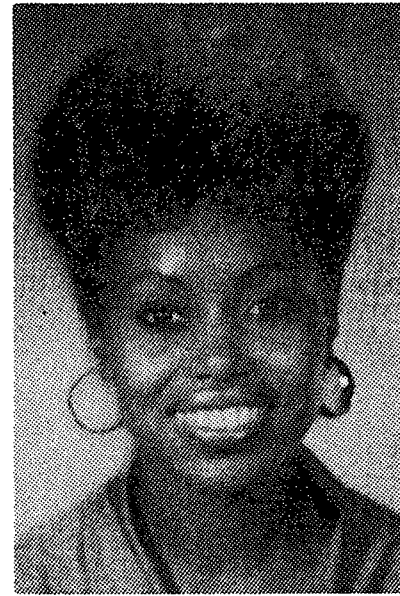
KP: A General Mngr. David Salniker, 3100 Colby
Rafaela Castro, 1461 Curtis St.
William Hicks, Commission on Aging, 1251 Delaware
Dr. Nancy Fenstermacher, 1624 Virginia
Vice Mayor Veronika Fukson, 1219 Peralta
Lyle Butch Wing, 1118 Delaware St.
Margot Dashiell, 1341 Ada St.
Susan Griffin, 1400 Hawthorne Ter.
Matt N. Crawford, 1399 Delaware St.
David R. Brower, 40 Stevenson Ave.

Former Vice-mayor Carole K. Davis, 2955 Calif. St.
Ann Fagan Ginger (Wood), 1715 Francisco St.
Robert Atkins, Attorney, 1613 Jaynes
Bonita M. Regina, 1314 Cedar St.
Betty N. Kano, 1340 Peralta Ave.
Celia Ruiz, 930 Delaware
Michael Dale Rossmann, 1741 Virginia St.
Rev. Sandra Winter Park, 2514 Dana St.
Linda Veneziano, North Berk. Allia., 1801 Delaware
Prof Sara Ishikawa, 1211 Peralta Ave.

s/Nancy Catherine Skinner

CANDIDATE FOR COUNCILMEMBER, DISTRICT 1

I, **PAMELA Y. SANFORD**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Pamela Y. Sanford.
2. The office for which I am a candidate is City Council District 1.
3. That my residence is 1428 Lincoln Street.
4. The place of my birth is Berkeley, California.
5. My present occupation is Educator Child Development.
6. I have held the following public offices: None.
7. Record of Community Service: Member: Northwest Neighborhood Association, NAACP, Trustee: St. Paul African Methodist Episcopal Church, Active in local church-community outreach programs.
8. I am a taxpayer in the City of Berkeley.
9. I love Berkeley. I was born, raised and educated in Berkeley. In turn, I am raising my daughter, Janear, here. As a resident for 37 years, I am involved in the progress of our city and the concerns of all its people. My professional and community experiences in Berkeley are diverse. I went through the Berkeley public school system and graduated from Cal. While attending the University I was a Public Relations Representative for the Black Student Union. I've worked as a joint partner in a consulting firm, negotiating federal contracts. I am a trustee at my church and direct the finance, purchase and sale of church properties. I will be a councilperson who is open, understanding and knowledgeable on all the issues. As an educator and single mother, my priorities include: Implementation of Westbrae area plan to preserve our neighborhood character. Increasing citi-

zen participation in the Crime Watch Program. Repairing our streets and sidewalks, particularly hazardous to children, seniors and the handicapped. Implementation of design review of the Waterfront so that no construction adversely impacts our Bay vista and open space. Preservation of parks, community facilities and school sites. Vote for Pam Sanford - a responsible candidate for responsive government.

10. I refer to the following residents of the City of Berkeley:

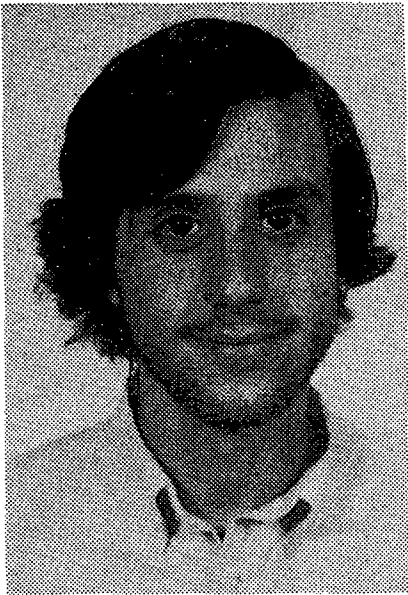
Gwendolyn H. Brinkley, 2221 California St.
Doris Branch Tabor, 1419 Ward St.
Al Bridgewater, 1645 6th St.
Mable M. Copeland, 900 Channing Way
Clarence E. Kyle, 1370 Virginia St.
Rev. Fred P. Silken, 1393 Curtis St.
Louis Joseph, 1402 Curtis St.

Thelma Gilliams, 1440 Curtis St.
Paul R. Forbes, 1680 Short St.
Harry E. Wynn, 1675 Short St.
Willie C. Johnson, 1670 Franklin St.
Linda L. Johnson, 1670 Franklin St.
El Ray Young, 1428 Lincoln St.

s/Pamela Y. Sanford

CANDIDATE FOR COUNCILMEMBER, DISTRICT 1

I, **DAVID A. SANDERS**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is David A. Sanders.
2. The office for which I am a candidate is Council Member, District #1.
3. That my residence is 1908 California, Apt. 7.
4. The place of my birth is Jersey City, New Jersey.
5. My present occupation is Biochemist.
6. I have held the following public offices:
7. Record of Community Service:
8. I am a taxpayer in the City of Berkeley.
9. Education—B.S. (Molecular Biophysics & Biochemistry) 1983 Yale College, New Haven, CT PhD candidate (Biochemistry) University of California, Berkeley District elections provide the voters with an opportunity to be represented by an individual concerned about community problems. I have discovered in talking with District 1 residents that their major concerns are the unresponsiveness of City government, and the City Council's preoccupation with obtaining and exercising political power and patronage rather than enhancing the quality of Berkeley life. The Council opposes district elections, notwithstanding its deceptive arguments, because it feels its power threatened and does not wish to be held accountable to community interests. Rising crime, traffic congestion, deteriorating schools, streets, sidewalks, and parks, the homeless, and housing are not receiving the attention that they deserve from the city government. With the help of community members, I have been evaluating ways to relax landlord-tenant antagonism while assuring fair-

ness to both, programs to improve community-police cooperation, the restoration of city services, and the best use of public property in our District. I urge District 1 voters to elect David A. Sanders as their Councilmember—an individual who will fight for the community's interests.

10. I refer to the following residents of the City of Berkeley:

Dr. Robert M. Weis, 2412 Fulton #4
Scot C. Kuo, 1929 Delaware #3A
Dr. Sherry L. Mowbray, 44 El Camino Real

Rosemary Foster, 2309 Hearst Avenue
Terence R. Whitehead, 1330 Sacramento #17
Dr. Gregory R. Moe, 2807 Shattuck Ave. #5

s/David A. Sanders

CANDIDATE FOR COUNCILMEMBER, DISTRICT 2

I, **CARL JARAMILLO**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Carl Jaramillo.
2. The office for which I am a candidate is City Council, District 2.
3. That my residence is 1414-66th Street.
4. The place of my birth is Ojo Caliente, New Mexico.
5. My present occupation is Labor Relations Representative/Commissioner.
6. I have held the following public offices: Berkeley Waterfront Commissioner, Economic Development Commission and I am presently Chair of the Labor Commission.
7. Record of Community Service: Service Employees International Union; Berkeley Chicano Latino Network; Political Action Coalition for the Environment; Director, ACLU; Bay Area Social Planning Council; Congressman Dellums' Executive Committee.
8. I am a taxpayer in the City of Berkeley.
9. Jobs for Berkeley Citizens and low and moderate income housing are at the top of my priority list. My experience in economic development with provisions that include affirmative action and protective language for the environment will be addressed in all future building and development in Berkeley. My experience with various community organizations has kept me in touch with the problems that confront our neighborhoods. My close working relationship with Member of Congress Ronald Dellums and Alameda County Supervisor John George will be an asset in dealing with the shrinking federal dollars available to our city. When Federal, County and local elected officials work together as a team, we as a city can achieve our goal of making the city of Berkeley a better place to live, work and enjoy. Many of my experiences in negotiations, grievance handling, arbitrations and my mediation skills will be an asset on the city council. I will meet personally with anyone to listen to their problems and ideas and will do everything that is humanly possible to resolve the problems and implement workable ideas.

Endorsed by Congressman Dellums, Supervisor John George, Berkeley Chicano/Latino Network, and Berkeley Black Caucus.

10. I refer to the following residents of the City of Berkeley:

Mayor Eugene "Gus" Newport, 2707 Stuart Street
 Mayoralty Candidate Loni Hancock, 2225 Ward Street
 Council Member Maudelle Shirek, 2705 Walker St.
 Council Member Nancy Skinner, 1743 A Virginia St.
 City Auditor Anna Rabkin, 199 Fairlawn
 School Board Member Joe Gross, 1443 Derby St.
 Waterfront Comm Enrique Zambrano, 1314 Euclid
 Waterfront Comm James Liljenwall, 2120-10th St.
 Police Review Comm Arlene Irlanda, 1709 Carlton

Waterfront Comm Luis Reyna, 2026-6th Street
 Thomas Bond, 2133-5th Street
 Raymond Rios, 1947 Oregon Street
 Venustiano Olguin, Jr., 1042 Oxford Street
 Irma Martinez, 216 Alvarado Street
 Eduardo Martinez, 216 Alvarado Street
 Daniel Ramirez, 1230 Parker Street
 Andres E. Jimenez, 2204 Dwight Way
 Lawrence T. Gurley, 1338 Russell Street
 Marilyn Sardonis, 2612 Parker Street

s/Carl Jaramillo



CANDIDATE FOR COUNCILMEMBER, DISTRICT 2

I, **JACKIE C. WILLIAMS**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Jackie C. Williams.
2. The office for which I am a candidate is City Council, District 2.
3. That my residence is 736 Channing Way, Berkeley, California.
4. The place of my birth is Shawnee, Oklahoma.
5. My present occupation is Hotel General Manager.
6. I have held the following public offices: Golden Gate Bridge Advisory Committee; County Overall Economic Development Strategy Committee; City Manager, Marin City Community Services District.
7. Record of Community Service: Jack Williams is experienced, energetic and effective; he offers; proven leadership with years of community service as shown in the following statement.
8. I am a taxpayer in the City of Berkeley.
9. I have lived in Berkeley for 40 years. I graduated from Berkeley schools; Columbus Elementary, Burbank Jr. High, Berkeley High and from the University of California at Berkeley with a major in Architecture. I love the City of Berkeley and I care enough to give my very best for the Office of City Council, District 2. In addition to having served the Berkeley Y.M.C.A. as the West Berkeley Advisory Committee Representative at the first City of Berkeley Youth Employment Service Symposium, I have worked with the Berkeley Support Organization and the U.C. Students for an Ethical Society, U.C. Berkeley Scholarship Committee, U.C. Alumni Association, U.C. Academic Senate and at U.C.

Berkeley Stadium I was a member of the first Berkeley High School state track champion team. I have worked with and have a fairly good knowledge of the functions and operation of Berkeley community agencies and student organizations. If I may add, I was responsible for evaluating United States regional applications for federal funds. In a similar capacity I was designated as the field reader for the United States Department of Health, Education and Welfare Office. Your vote can make the difference in November make the right choice.

10. I refer to the following residents of the City of Berkeley:

Pheoba C. Shaw, 742 Channing Way
Lester Shaw, 742 Channing Way
Wayland Lewis, 2411 5th St.
Ruby Lewis, 2411 5th St.
Joe Gurule, 801 Channing Way
Ocolonia Syper, 2337 - 5th St.
Sam J. Syper, 2337 5th St.
Gwen Foster, 2341 5th St.
Alfornia Lewis, 736 Channing Way
Willie R. McDonald, 813 Channing Way

Edna M. McDonald, 813 Channing Way
Allen Coleman, 810 Channing Way
Lou V. Coleman, 810 Channing Way
Lucinda Angelo, 2337 6th St.
Noel Angelo, 2337 6th St.
Maxine Crowden, 2412 5th St.
Bobbie Savage, 910 Channing Way
Leroy Johnson, 2344 9th St.
David Stone, 940 Channing Way
Richard Neal, 948 Channing Way

s/Jackie Williams

CANDIDATE FOR COUNCILMEMBER, DISTRICT 2

I, **MARY L. WAINWRIGHT**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Mary L. Wainwright.
2. The office for which I am a candidate is Berkeley City Council-District Two.
3. That my residence is 2436 Bonar Street.
4. The place of my birth is Arkansas.
5. My present occupation is Teacher, Businesswoman.
6. I have held the following public offices: None.
7. Record of Community Service: Chairperson: Housing Advisory Appeals Board, Channing-Bonar Neighborhood Association. Board Member: Friends of CIL, Advisor: Strawberry Creek Park, BYA, Life Member: NAACP, Member: Rainbow Coalition.
8. I am a taxpayer in the City of Berkeley.
9. As a long term resident of district two who has worked in my neighborhood association, in the schools, on the Berkeley Housing Advisory and Appeals Board and with Berkeley Youth Alternatives, I believe our district needs economic development. We need an end to the benign neglect that has turned our streets into drug supermarkets, created unemployment, poverty and crime in this rich city. Benign neglect has sapped our district's vitality. But now we have a chance to be heard. The present proposals to develop the 3000 block of Sacramento and the waterfront can rejuvenate our community. The impending economic growth is a window of opportunity for us. We must use this opportunity to ensure: (1) that growth is sound and orderly (2) that our district receives its rightful share of the benefits. I am committed to: development and jobs, increased police services, elimination of drug trafficking, accessibility of all public buildings and streets to the disabled, full employment for youth, increased services to senior citizens and making our district safe and secure. I live here, I care, I will make a difference.
10. I refer to the following residents of the City of Berkeley:

Frances M. Albrier, 1621 Oregon St.
James H. Stewart, 1532 Sacramento St.
Frances I. Carr, 1480 Dwight Way
Hollis Taylor Carr, 1480 Dwight Way
Allen Giles Carr, 1480 Dwight Way
Herbert W. Smith, 1115 Oregon St.
Dorothy M. Smith, 1115 Oregon St.
Lula Johnson, 2436 Edward St.
Lovie Moore, 1947 Dwight Way
Velma Johnson, 1318 Channing Way

Margaret R. Baptiste, 1311 Channing Way
Vernell Davis, 2615 Mathews St.
Evelyn Christian, 2436 7th St.
R. D. Bonds, 3258 Adeline St.
Bradley C. Walters, 2332 McGee Ave.
Frank Davis, Jr., 1632 Tyler St.
Jewel Brown, 3218 Adeline St.
Susie P. Gaines, 1615 Tyler St.
Clinton A. White, 1547 Parker St.
Gerald Baptiste, 1311 Channing Way

s/Mary L. Wainwright

CANDIDATE FOR COUNCILMEMBER, DISTRICT 2

I, **LINDA SCOTT-DAVIS**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Linda Scott-Davis.
2. The office for which I am a candidate is City Council District 2.
3. That my residence is 2116 Curtis Street, Berkeley, Ca 94702.
4. The place of my birth is Shreveport, Louisiana.
5. My present occupation is Crime Prevention Specialist.
6. I have held the following public offices: Rent Board, Police Review Commission.
7. Record of Community Service: President, Berkeley Safe Neighborhood; Civic Director, Progressive Baptist Church; Berkeley Employee Recognition Committee; California Crime Prevention Officer Association; National Black Educator Association; NAACP; CAB Neighborhood.
8. I am a taxpayer in the City of Berkeley.
9. I have resided in District 2 for 20 years. I am committed to restoring the respect, dignity and integrity of our City. I have devoted many hours trying to bring the City together through Neighborhood Watch and through many youth programs, one being the Halloween Program which served over 500 youths. I will work to restore our industrial area as well as our waterfront and to restore the beauty and pride to our District, realizing the human and economic resources. I will try to provide the service and leadership to move us forward towards a more cooperative spirit, working hard to achieve a reasonable and practical approach dealing with issues based on merits. I will involve this District's members in the Government policy-making process for I realize that Berkeley's most important asset is its people and their diverse ideas and lifestyles. I will work to develop the cohesiveness needed to fully utilize this resource for the benefit of all. I have a breadth and depth of experience which will enable me to contribute to the resolution of Berkeley problems; and I will remain responsive, responsible, accessible, sensitive and fair. My major concern is the best for Berkeley.
10. I refer to the following residents of the City of Berkeley:

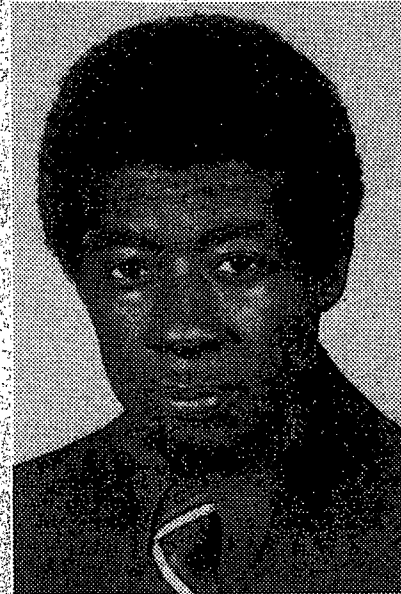
Evelyn Scott, 2116 Curtis
Elizabeth Morgan, 1214 Blake St.
Mel Jackson, 1481 Blake St.
Leonidas Jackson, 1481 Blake St.
Gerard Tarrant, 2327 Edwards St.
Mary Tarrant, 2327 Edwards St.
Willie L. Harold, 2231 - 7th St.
Lonnie L. Kelly, 2223 - 7th St.
Mildred Spearman, 1308 Carleton St.
Clara L. Jeffries, 1113 Cowper St.

Nancy B. Spears, 1115 Cowper St.
Lillie P. Mitchell, 1351 Dwight Way
Esther Gabriel, 2818 - 10th St.
Cecil F. Burgess, 3230 Baker St.
Eddie Jones, 1210 Allston Way
Mary A. Henry, 1225 Allston Way
Emma L. Coleman, 1342 Russell St.
Nathaniel Coleman, 1342 Russell St.
William H. Christmas, 1315 Blake St.
Katherine Christmas, 1315 Blake St.

s/Linda Scott-Davis

CANDIDATE FOR COUNCILMEMBER, DISTRICT 3

I, **LEO GRAY**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Leo Gray.
2. The office for which I am a candidate is Berkeley City Council.
3. That my residence is 3240 Ellis Street, Berkeley, California.
4. The place of my birth is Louisiana.
5. My present occupation is Broadcasting Productionist/Minister.
6. I have held the following public offices: (Publicly Elected Housing/Urban Dev. City of Berkeley Board member; City Council Appointed CETA Commissioner.
7. Record of Community Service: Bay Area Associated Ministers Church Community Scholarships for qualified underprivileged youth; coordinator; south Berkeley, Ephesian Church Community Children's Center Organizer; Berkeley Albany—Children's Advocate Boardmember.
8. I am a taxpayer in the City of Berkeley.
9. It happens that I've been priviledged to work on a board with the BCA sponsored candidate in this race and met the ABC sponsored. Both are nice ladies. During the 1970's I was elected to the Model Cities board, then became the only member to be appointed by council as a CETA commissioner. We funded lots of jobs and community services programs. That first commission's council reps were Kelley, Hone and mayor Widener, Mayor Newport and I have been long associated. He directed the youth program funded by CETA. Unfortunately, two of the above (BCA connected) voted to "overthrow" Measure C. The move looks bad. I say, give it a chance to work or fail. They support the will of the electorate in Nicaragua but are against it in Berkeley? Too, there is no "race" issue in "C". People serve people according to the Lord Jesus Christ's highly practiced teachings. I'm fed up with fear tactics in elections. To quote Hampton University's president from a few years back: "Before we can expect anybody to respect us, we must resolve ills; not just complain about them..." We need a change. Vote for Peace and Harmony on Issues. Vote Leo Gray.
10. I refer to the following residents of the City of Berkeley:

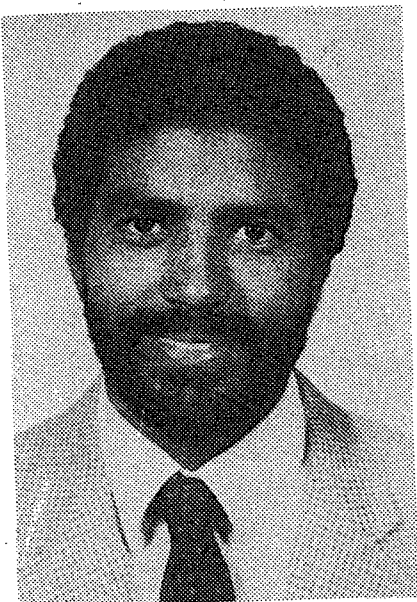
Mark D. Golden, 3240 Ellis St., #F
 Jeffery Smith, 1715 Carleton St.
 Maryetta Henderson, 2112 6th St.
 Eugene Fortune, 917 Page St.
 Rev. Timothy Monigan, 3240 Ellis St.
 Thomas Gray, 3240 Ellis St.
 Doris M. Smith, 1715 Carleton St.

Sharon Smith, 1715 Carleton St.
 Jan Rogers, 1246 Hopkins St.
 Rosa Lee Phill, 2429 #B San Pablo Ave.
 Rebecca Johnson, 1607 Fairview St., Apt B
 James Pierre, 1639 1/2 63rd St.
 Charley Jones, 1639 63rd St.
 Joe Leonard Stephens, 3230 Ellis St.

s/Leo Gray

CANDIDATE FOR COUNCILMEMBER, DISTRICT 3

I, **DUANE EDOUARD deJOIE**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Duane Edouard deJoie.
2. The office for which I am a candidate is Councilmember.
3. That my residence is 2800 Martin Luther King Jr. Way, Berkeley.
4. The place of my birth is New Orleans, Louisiana.
5. My present occupation is Law Clerk.
6. I have held the following public offices: Appointee to Transportation Commission of the City of Berkeley.
7. Record of Community Service: I have been active in the Savo Island Neighborhood Association, Black American Law Students Association, and currently serve as co-chairperson of the November Coalition.
8. I am a taxpayer in the City of Berkeley.
9. I am a City Council candidate because I believe Berkeley has a unique and valuable role to play in setting a new progressive course in municipal governance. Born in New Orleans, my family's roots in Berkeley began in the 1920s. A graduate of UC's School of Law (Boalt Hall), I served on Berkeley's Transportation Commission from 1981-1984. I was active in the drive to rename Grove Street to Martin Luther King, Jr. Way. Recently, my concern about city government increased after witnessing the procedure employed by current officials to determine site locations for sorely needed public housing. Reservations expressed about their plan were met with arrogance and wrongly labeled as opposition to all public housing. Such intolerance of divergent perspectives has no place in Berkeley city

government. We in District 3 are privileged to live in one of the most ethnically and economically diverse areas of the city. We're close to campus, shops, public transportation. However, we also have serious needs and concerns: unemployment, crime, drugs, the lack of development of our own commercial centers and improvement of services to Seniors. I offer a new, better reasoned, more accessible and independent approach toward helping our district achieve its full potential.

10. I refer to the following residents of the City of Berkeley:

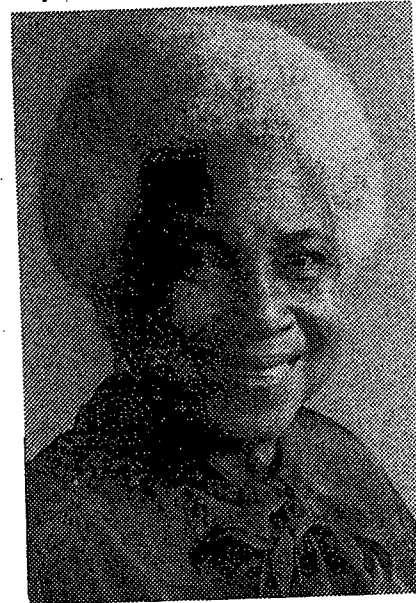
Elsie R. Rumford, 1998 Ward St.
 Frances M. Albrier, 1621 Oregon St.
 Clinton A. White, 1547 Parker St.
 Delmar G. Williams, 2807 M.L. King Jr. Way
 Barbara A. Lashley, 3110 Ellis St.
 Arocles Aguilar, 2235 Oregon St.
 William H. Webster, 2178 Oregon St.
 Melvin A. Eisenberg, 1197 Keeler Ave.
 Frank Davis Jr., 1632 Tyler St.
 Sanford H. Kadish, 774 Hilldale St.

Martha Bielawski, 2030 Parker St.
 Cornelia Branch Logan, 2829 California St.
 Robert K. Bryant, 1928 Stuart St.
 Dorothy M. Bryant, 1928 Stuart St.
 Inez Watts, 2601 Sacramento St.
 Doris M. Barrett, 1909 Stuart St.
 John Banks Jr., 1870 Stuart St.
 Dana Dee Little, 2820 Fulton St.
 Alfred C. Simmons, 2936 Linden Ave.
 Louise L. Cotton, 2801 M.L. King Jr. Way

s/Duane E. deJoie

CANDIDATE FOR COUNCILMEMBER, DISTRICT 3

I, **MAUDELLE MILLER SHIREK**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Maudelle Miller Shirek.
2. The office for which I am a candidate is City Councilmember: District 3.
3. That my residence is 2705 Walker St.
4. The place of my birth is Jefferson, Arkansas.
5. My present occupation is City Councilmember.
6. I have held the following public offices: Berkeley City Councilmember, Berkeley Waterfront Commissioner, Commission on Aging.
7. Record of Community Service: Coop Credit Union Board; Coop Board; South Berkeley Model Cities; West Berkeley Senior Center, Director; Black Repertory Theater, Board; SEIU 535 Board.
8. I am a taxpayer in the City of Berkeley.
9. A 43-year resident of Berkeley, I have worked with all parts of the community to improve services, housing and employment in Berkeley. As councilmember I have: 1) sought to build cooperative and low/moderate income housing; 2) worked with neighborhood groups to preserve their quality of life and protect them from inappropriate outside development; 3) fought to protect our precious waterfront from overdevelopment; 4) addressed working people's needs through establishing a City labor commission, extending healthcare benefits to City workers' partners, initiating binding arbitration and promoting workers' rights; 5) helped author City budgets which maintain human services, recreation and libraries; 6) initiated programs to increase employment and bring environmentally responsible economic development to appropriate areas, especially South and West Berkeley; 7) opened my offices and

filled City Commissions with seniors, students, women, minorities, disabled, and other underrepresented people. These are but a few of the concrete accomplishments of my first two years in office. If you re-elect me, I pledge to continue to be a hardworking, effective voice for you! I work with and am endorsed by Congressman Ron Dellums, BCA, Berkeley Black Caucus, Supervisor John George, Pedro Noguera, Mayor Gus Newport, and Loni Hancock.

10. I refer to the following residents of the City of Berkeley:

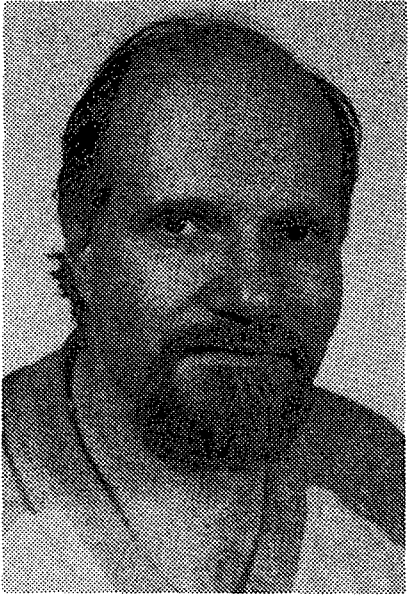
Carole K. Davis, fm. vice mayor, 2955 California St.
 Patricia H. Cody, 3021 Fulton St.
 Councilmember Wesley E. Hester, Sr., 2609 Milvia St.
 Ying Lee Kelley, 862 Euclid St.
 Mildred Dill' Ard, 3045 1/2 Tremont St.
 Obie F. Cooper, 3222 Baker St.
 Lucile M. Lane, 1610 Ashby Ave.
 Pete deLappe, 2126 Emerson St.
 Jerome G. Wiggins, AC Transit, 1886 Harmon St.
 Mark Allen, 2126 Emerson St.

Florence McDonald, rent board, 2810 1/2 Adeline St.
 R. D. Bonds, 3258 Adeline St.
 Willie Gholar, 2709 Grant St.
 Kathi J. Pugh, rent board, 2133 Russell St.
 Lula Hammond, 2840 California St.
 Ronald H. Stevenson III, 3117 B Ellis St.
 Samuel W. Williams, 800 Channing Way
 John Brauer, rent board, 2211 Blake St.
 Matt N. Crawford, 1399 Delaware St.
 Frances M. Albrier, 1621 Oregon St.

s/Maudelle Miller Shirek

CANDIDATE FOR COUNCILMEMBER, DISTRICT 3

I, **AARON R. AARONS**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Aaron R. Aarons.
2. The office for which I am a candidate is City Council, District 3.
3. That my residence is 1900 Woolsey, Berkeley California.
4. The place of my birth is New York City.
5. My present occupation is Revolutionary Activist.
6. I have held the following public offices: none.
7. Record of Community Service: Member, Campaign Against Apartheid. Arrested and injured defending UC Berkeley shantytowns. Thirty years in struggles of tenants, workers, and oppressed groups and against US Imperialism.
8. I am a taxpayer in the City of Berkeley.
9. Capitalism is deadly. While the rich get greedier, the poor get hungrier, and nuclear and environmental destruction threaten us all. Capitalism cannot be fundamentally reformed. It must be overthrown by the revolutionary action of workers and oppressed people around the world. But this doesn't eliminate the need to fight for reforms. The limited, temporary victories that we achieve can help us survive. Moreover, these struggles over immediate, everyday issues are the best school of revolution. I will use my campaign and, if elected, my council membership, to advance these struggles. De-gentrify Berkeley. Build a strong, militant Tenants' Union to conduct rent strikes and resist evictions. Defend the homeless! Support Squatters! Demand well-maintained shelters, showers, and 24-hour public toilets.

Mobilize workers, students, mothers, the unemployed and disabled to fight for improved child care and to build militias for defense. Abolish the police! Drug laws just add a crime problem to the drug problem. Repeal all drug laws. Support Campaign Against Apartheid and all left activists at UC Berkeley. Demand open admissions. End ROTC! Close Livermore Weapons Labs. Abolish the Regents. Actively oppose US Imperialism, support workers' struggles worldwide. Sanctuary for refugees from capitalist oppression. Defend the Palestinian people!

10. I refer to the following residents of the City of Berkeley:

Michael Delacour, 2035 Parker
Teresa Condit, 1638 Grant
Jo. Blackburn, 3126 Shattuck Ave.
Maj. Jha Feinland, 2208 McGee #6
Ingrid Landes, 3005 Fulton St.

Lenni Brenner, 1638 Grant
George Eudy, Jr., 3037 Wheeler St.
Donald Tolbert, 2012 Essex
Lawrence J. Phillips, 3306 Sacramento St.
Edward Stres, 1621 Blake

s/Aaron R. Aarons

CANDIDATE FOR COUNCILMEMBER, DISTRICT 4
I, KATHY BECK, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Kathy Beck.
2. The office for which I am a candidate is Councilmember, District 4.
3. That my residence is 1806 Berkeley Way #7.
4. The place of my birth is Berkeley, California.
5. My present occupation is Administrative Assistant/Counselor.
6. I have held the following public offices: None.
7. Record of Community Service: Organizer: Watsonville Strikers Food Drive; Co-founder, new political Party; Peace Environmental Convention; Coalition; Crisis Counselor; Bereavement Support; Suicide Prevention; Coordinator: Community for Human Development.
8. I am a taxpayer in the City of Berkeley.
9. My background includes over 12 years as an Accountant and Budget Analyst in state government. In 1983, I left state service in order to become more involved with social/human relation issues. As a social/political activist, I've marched, demonstrated, and rallied against Apartheid, nuclear arms, and aid to the Contras. I've developed ballot initiatives, and collected and distributed food to the hungry. Currently, I work at a homeless shelter. As a deeply concerned citizen, I am dedicated to political and social change. My basic position is a commitment to non-discrimination, non-violence, option as a concrete expression of freedom, protection of human rights and the environment. My concern is more for the local merchant than the outside developer. I support responsible development as long

as ecological and neighborhood interests are protected. The school system needs special attention to upgrade services. Berkeley, as a progressive, intelligent city, serves as a model for the nation. We can solve our problems working as a community, not an elite group, using direct communication, respect for each other, and reaching consensus.

10. I refer to the following residents of the City of Berkeley:

Michelle Nelson, 1810 Berkeley Way, #6
Fred E. Foldvary, 1920 Cedar St.
Orin D. Gensler, 1815 Berkeley Way
George K. Tinker, 1970 Curtis, #18
Divorah Jan Horn-Greenby, 1833 Addison St.
Juliana B. Nunez, 1917 Center St. #7

Richard G. Oliva, 1913 #B Berkeley Way
Robert Long, 1020 Keith Ave.
Catherine Crowe, 1669 Oxford St. #4
Lawrence R. Manuel, 2050 Sacramento St.
Stephen Swanson, 832 Gilman
Richard Teran, 1806 Berkeley Way #7

s/Kathy Beck



CANDIDATE FOR COUNCILMEMBER, DISTRICT 4

I, MICHAEL WINTER, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Michael Winter.
2. The office for which I am a candidate is Berkeley City Council, District 4.
3. That my residence is 2117 Haste Street, #106, Berkeley, CA 94704.
4. The place of my birth is Chicago, Ill.
5. My present occupation is Executive Director, Center for Independent Living (CIL).
6. I have held the following public offices: None.
7. Record of Community Service: Board member, Berkeley Red Cross; Vice-President, Disabled Caucus of Northern California; Member, Berkeley Grey Panthers, BCA, BDC, Rainbow Coalition; Advisory Board to Planned Parenthood.
8. I am a taxpayer in the City of Berkeley.
9. Berkeley needs competent city councilmembers; responsive to community concerns; willing to listen and able to make sound judgments, who will work towards consensus on urgent issues confronting our city. Living and working in Berkeley, I'm intensely aware of its needs. I'm absolutely committed to enhancing Berkeley's quality of life, maintaining its diversity and improving its transportation and community services. My priorities include: North Berkeley preferential parking; The particular needs of renters, homeowners, seniors and students; Accessible, open space for our waterfront; Maintaining rent control and affordable housing; Generating employment opportunities through controlled economic growth; Prevention of highrise encroachment

upon our neighborhoods; we should encourage businesses that enhance our city, not detract from it; Safer neighborhoods and improved police response time. I'm a disabled person, a member of a minority group that includes members of all other minority groups. Thus, I'm deeply committed to public participation in decision making, open meetings and progressive social change. In my present service to my city, I demonstrate the administrative expertise, responsibility and sensitivity to the needs of Berkeley and all its people to serve in public office. Break from the past! Vote for Michael Winter — a vote for progressive representation on city council.

10. I refer to the following residents of the City of Berkeley:

Thomas N. Habinek, 2319 California St.
Gerald Baptiste Sr., 1311 Channing Way
Thomas Walton, 2306 Roosevelt #3
Martha Nicoloff, 1729 Virginia St.
Dona Spring, 1733 Grant St.
Ellen P. Shiver, 90 The Uplands
Judith E. Heumann, 3025 Regent St.
Irene R. Hegarty, 17 Oakvale Ave.
James L. LeBrecht, 2018 Blake St.
Dennis Walton, 1733 Grant St.

Pamela J. Ferguson, 1331 Bonita St. #3
Stephanie K. Miyashiro, 1135 Delaware St.
Joseph F. Pratt, 1714 Berkeley Way
Linda K. Pratt, 1714 Berkeley Way
Olin R. Fortney, 2337 Parker St. #8
Helene London, 1023 Shattuck Ave.
Phil Draper, 1315 Cornell St.
T. Robert Yamada, 1433 Grant
Wiley L. Umstead, 2419 McGee
David Gallagher, 2918 Deakin #2

s/Michael Winter



CANDIDATE FOR COUNCILMEMBER, DISTRICT 4

I, ANN CHANDLER, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Ann Chandler.
2. The office for which I am a candidate is City Council, District 4.
3. That my residence is 1836 Cedar Street.
4. The place of my birth is Bath, Maine.
5. My present occupation is Councilmember, Health Administrator.
6. I have held the following public offices: Berkeley City Council, 1984; Alameda County Democratic Central Committee, 1982, 1984; Governing Body, Alameda Contra Costa Health Systems Agency; Berkeley Board of Adjustments; Commission on Aging; Citizens Budget Review Committee.
7. Record of Community Service: California Health Action Coalition; Berkeley Community YWCA Board; Coalition Medical Rights of Women; Coalition Labor Union Women; National Women's Political Caucus; President Northern California Public Health Microbiologists.
8. I am a taxpayer in the City of Berkeley.
9. Since my election to City Council in 1984 I have worked hard to carry out my campaign promises: Required developers to negotiate regarding negative impacts; developed a Waterfront Plan maximizing open space; approved permit parking for impacted neighborhoods; participated in Conflict Resolution Program development; organized task force to establish Adult Day Health Care Program; allocated funding for acquiring Ohlone Park; sponsored domestic partners health

benefits; supported 24 hour disabled emergency services. These next years are critical. We need to: Provide training and employment opportunities for Berkeley residents; develop a transportation management program; seek funding for improved park maintenance; complete the planning for downtown and impacted commercial areas; strengthen neighborhood crime prevention programs; implement programs regulating toxics; guarantee access to health care for low-income residents and monitor City's regulations prohibiting "patient dumping". I have lived in Berkeley for 16 years. My two children graduated Berkeley schools. I am Director of the Alameda County Public Health Laboratory and hold a masters degree in Public Administration. Endorsers: Congressman Ron Dellums, Supervisor John George, Mayor Gus Newport, Auditor Anna Rabkin, Rev. Marilyn Chilcote, A.C. Transit Director Roy Nakadegawa, Rent Board Commissioner Florence McDonald, School Board Director Steve Lustig and Berkeley Citizens Action.

10. I refer to the following residents of the City of Berkeley:

Loni Hancock, 2225 Ward Street
Linda Veneziano, 1801 Delaware Street
Lee Marsh, 180 Codornices Road
Professor Sara Ishikawa, 1211 Peralta Ave.
Rent Board Comm. John Brauer, 2211 Blake Street
Rory Darrah, 2321 Roosevelt Street
Pearl-Alice Marsh, 2703 Stuart Street #5
Susan Griffin, 1400 Hawthorne Terrace
Patricia Bonzo Gregory, 1737 Bancroft Way
Tom Hunt, 1831 Berkeley Way

Arlene Irlando, 1709 Carleton Street
Thomas Brougham, 2139 Grant Street #6
Patricia H. Cody, 3021 Fulton Street
Gail Barry Bourque, 1727 Channing Way
Michael Pachovas, 2419 Haste Street #4
Pamela J. Belchamber, 1633 Grant Street
Ellen L. Miller, 2153 Virginia Street
David Fish, 1836 Cedar Street
Professor Carolyn Merchant, 2208 Rose Street
Carole K. Davis, 2955 California Street

s/Ann Chandler

CANDIDATE FOR COUNCILMEMBER, DISTRICT 5

I, **SHIRLEY DEAN**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Shirley Dean.
2. The office for which I am a candidate is Berkeley City Councilmember, District 5.
3. That my residence is 934 Santa Barbara Road, Berkeley, Ca 94707.
4. The place of my birth is Eaton, Colorado.
5. My present occupation is Manager, Small Business.
6. I have held the following public offices: 1971-75: President and Member, Berkeley Planning Commission; President and Member, Berkeley Board of (Zoning) Adjustments; Member, Berkeley Waterfront Advisory Board; 1975-82: Member, Berkeley City Council; Member, Berkeley-Albany Mental Health Advisory Board; Member, Joint City-School District "2 x 2" Committee; 1976: Elected Member, District Caucus; 8th Congressional District, Democratic National Convention; 1978-82: Member and President, Alameda County Solid Waste Management Authority; 1980-82: Member, California League of Cities; Statewide Policy Committee on Public Awareness; 1981-82: Vice Mayor, City of Berkeley.
7. Record of Community Service: Founding Member, Berkeley Architectural Heritage Committee; Bonita-Berryman Neighborhood Association; Currently, Board Member, Herrick Health Care Foundation; Amistad House Senior Housing; North East Berkeley Association.
8. I am a taxpayer in the City of Berkeley.
9. I have proven myself as prepared, hard-working and accessible. District 5 has been my home for 26 years.

I am a UC-Berkeley graduate and my children graduated from Berkeley public schools. My husband has worked for the Berkeley School District for 22 years. Long, active involvement in neighborhood associations in this District has qualified me to deal with neighborhood concerns. As manager of a small Berkeley business, I have first hand knowledge of the daily problems encountered by small companies. I worked hard for District Elections, and am now actively working against their repeal. I will be a strong District representative, and with my experience in municipal government, I will be effective citywide as well. My platform is straightforward: - focus on Berkeley's problems of providing basic city services - revitalize library and planning services - preserve and protect our parks and open space, including school playgrounds - eliminate political cronyism - formulate environmental quality guidelines for decision making - promote strong recycling programs - establish a firm tax base within the context of controlled growth - support equitable rent control administration - build a courteous, positive democratic dialog on the Council and across the City - pledge open government not controlled by political or special interest groups.

10. I refer to the following residents of the City of Berkeley:

Gilda H. Feller, 728 Santa Barbara Road
NEBA President, Jack Washburn, 20 Ajax Place
Gloria A. Belsky, 1327 Carlotta Avenue
Paul E. Harberts, 1932 Marin Avenue
May K. Arbogast, 1330 Spruce Street
Prof Samuel S. Markowitz, 1674 Capistrano Ave
Gabrielle S. Morris, 847 Indian Rock Avenue
John E. Sparks, 111 Southampton
Edward Markmann, 1428 Milvia Street
Phyllis G. Levy, 825 Peralta Avenue

Wilma F. Jordan, 646 Colusa Avenue
Janet M. Maestre, 1222 Josephine Street
Thomas G. Burns, 59 Menlo Place
Soo Shew Woo, 408 Michigan
Hon. Wm. T. "Zack" Brown, 1734 Sonoma Avenue
Melvin Mann, 1145 Walnut Street
Sarah E. Davis, 484 Spruce Street
Elaine Hall, 1210 Milvia Street
Professor Milton Chernin, 1835 San Ramon
Patricia D. Hawthorne, 1962 Yosemite Road

s/Shirley Dean



CANDIDATE FOR COUNCILMEMBER, DISTRICT 5

I, **ROSALIND R. SINGER**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Rosalind R. Singer.
2. The office for which I am a candidate is City Council, District 5.
3. That my residence is 731 Santa Barbara Road, Berkeley CA 94707.
4. The place of my birth is New York City.
5. My present occupation is Public Health Educator.
6. I have held the following public offices: Berkeley Commission on Aging; Mayor's Task Force for Adult Day Health Care.
7. Record of Community Service: Past President, Berkeley Women's Health Collective; Board, Public Health Alumni Association; Designated Councilor, Cal Alumni Council; Board, Tenderloin Senior Outreach Project.
8. I am a taxpayer in the City of Berkeley.
9. My focus, as a Public Health Educator, is on the physical, social, and environmental health of Berkeley. I am committed to an open process in decision-making with maximum citizen participation. I bring to the City Council my professional training and experience in problem solving through negotiation and mediation. My broad goals are for environmental protection and social equity. To achieve these I will work for preservation of open space as in the Sierra Club waterfront plan, for charter review to improve the effectiveness and responsiveness of city government to citizens' needs, and for commercial development, on a civilized scale, to ensure economic viability and opportunity in the City.

Berkeley's AA general obligation Bond rating indicates excellent financial management (I am a Berkeley bond holder), and I will support these fiscal management practices. I chose Berkeley as my home 23 years ago because of its beauty, the diversity of its people, and the vitality of its civic life. As an elected official (and a former American History teacher) I will work to represent my district in the best tradition of the independent, thoughtful "Public Servant."

10. I refer to the following residents of the City of Berkeley:

Gay Austin, 1283 Monterey
Henrik Blum, M.D., 1148 Grizzly Peak
Helen Burke, EBMUD Director, 685 Colusa
Lawrence Capitelli, 1767 Sonoma
Prof. Victor Garlin, 1813 Monterey
Eugenia Hickman, 1153 The Alameda
Jack Kostsky, 1219 Walnut
Alvin Leonard, M.D., 526 Santa Barbara
Prof. Hugh McLean, 827 Indian Rock

Jane Bond Moore, attorney, 1880 San Pedro
Roy Nakadegawa, AC Tran Dir, 751 The Alameda
Robert Posner, 838 San Luis
Anna Rabkin, City Auditor, 199 Fairlawn
Prof. Arthur Rosenfeld, 160 Southampton
Jules Seitz, 1218 Oxford
Robert Sicular, 842 Mendocino
Elizabeth Sklut, 1827 San Pedro
Betty Reid Soskin, 2001 Vine
Barbara Wittstock, 908 Shattuck

s/Rosalind R. Singer

CANDIDATE FOR COUNCILMEMBER, DISTRICT 6

I, **ALAN GOLDFARB**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Alan Goldfarb
2. The office for which I am a candidate is Councilmember—District 6
3. That my residence is 1184 Keith Avenue, Berkeley 94708
4. The place of my birth is Chicago, Illinois
5. My present occupation is Planning Commissioner—Environmentalist
6. I have held the following public offices: Member of the Planning Commission; Chair of the Waterfront Liaison Committee; Member of the Downtown Planning Committee of the Planning Commission; former member of the Waterfront Commission
7. Record of Community Service: Member of the following: Save San Francisco Bay Association; People for Open Space; Citizens for a Better Environment; Los Amigos de Codornices; Sierra Club; CALPIRG
8. I am a taxpayer in the City of Berkeley
9. My wife Arlene and I came to Berkeley in 1971 when I received a government fellowship to study at the U.C. Berkeley School of City and Regional Planning. We've lived in our district over 15 years, and have been active in community affairs. As a member of the Planning Commission, and chair of its Waterfront Committee, I'm committed to the creation of an East Bay waterfront park. I also serve as vice-chair of the Downtown Planning Committee, which is developing sensible growth policies to make our downtown more vital and attractive. I've served on the Waterfront Commission, and was an executive for the United Way 1985-86 campaign. I'm deeply concerned about the quality of our neighborhoods, and the need to preserve our schools and parks. I was a founding member of Los Amigos de Codornices. I believe my background in public administration and finance, and 25 years of experience in community planning at the federal and local level, will enable me to effectively represent our district. I support district elections and, as an independent, I will work with all the people of our district on the real issues that confront our community.
10. I refer to the following residents of the City of Berkeley:

Robert E. Allen, Jr., 1486 Greenwood Terrace
 Eleanor Jane Bade, 2699 Shasta Rd.
 Robert W. Birge, 1 Greenwood Common
 Dr. Alan S. Bradley, 1176 Keith Ave.
 Katherine F. Caldwell, 3 Vine Lane
 Jenny S. Fleming, 2750 Shasta Road
 Margaret C. Hayes, 117 Tamalpais Rd.
 Prof. Albert Lepawsky, 2570 Cedar St.
 Georgia V. Becker, 2528 Hawthorne Terrace
 Sylvia C. McLaughlin, 1450 Hawthorne Terrace

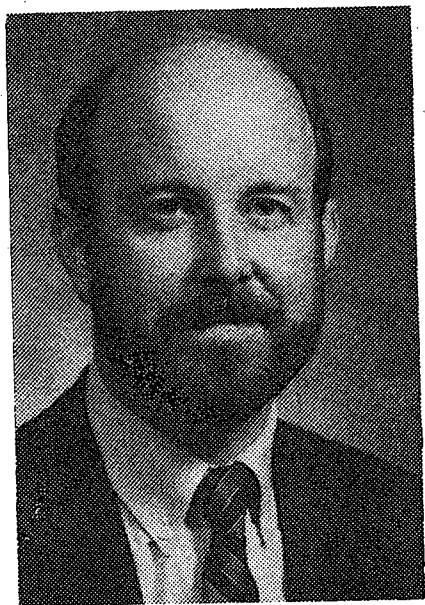
Ruth A. Moskovitz, 2371 Eunice St.
 Dorothy Mozen, 1380 Summit Rd.
 Ariel Parkinson, 1001 Cragmont
 Alfred H. Peet, 1196 Keith Ave.
 Prof. Gene S. Poschman, 2753 Shasta Rd.
 Allan Temko, 1015 Fresno Ave.
 Becky Temko, 1015 Fresno Ave.
 Prof. Joseph Tussman, 74 Florida Ave.
 Carolyn K. Woodbridge, 1401 LeRoy Ave.
 Bertha S. Underhill, 35 Tamalpais Rd.

s/Alan Goldfarb



CANDIDATE FOR COUNCILMEMBER, DISTRICT 6

I, **JAMES R. FORCIER**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is James R. Forcier.
2. The office for which I am a candidate is City Council-District 6.
3. That my residence is 2530 Buena Vista Way, Berkeley, California.
4. The place of my birth is Pasadena, California.
5. My present occupation is Public Affairs Consultant.
6. I have held the following public offices:
7. Record of Community Service: Member, Neighborhoods for Berkeley/Aide-Senator Cranston/Assistant-Assemblyman Kapiloff/Arbitrator-Bar Association/Advisor-Handgun Initiative/Crisis Intervention Counselor/American Society Public Administration/Commonwealth Club.
8. I am a taxpayer in the City of Berkeley.
9. District elections offer Berkeley residents an opportunity to be truly represented for the first time. However, district representation will only be effective if we elect candidates who have the skills and experience to resolve the major issues facing our community. Police and fire protection, street and sewer maintenance, housing, public services, environmental quality—all have deteriorated under the current Council that has shown no concern about local problems. Berkeley needs Council members who are familiar with the political process and with the practice of public administration. Our city's situation is so serious that we cannot afford the luxury of "on-the-job" training for newly elected officials. I will bring to the Council 13 years of public

affairs experience with the United States Senate, the California Assembly, and the state Energy Commission. I have worked with community college and school board officials and served as an arbitrator for the San Francisco Bar Association. I am a founding member of Neighborhoods for Berkeley. Just as importantly, I am the only candidate professionally trained in public administration—the study and practice of government management. As your council member, I will use my experience to address neighborhood concerns and represent your interests.

10. I refer to the following residents of the City of Berkeley:

Susanne Becker, 1550 LeRoy Avenue
Tertius Chandler, 2500 Buena Vista Way
Pam Drew, 1508 LeRoy Avenue
John Hall, 1526 LeRoy Avenue
Mary Hall, 1526 LeRoy Avenue
Justine Hume, 1520 LeRoy Avenue
Michael Madigan, Ph.D., 1544 LeRoy Avenue
Susan Madigan, 1544 LeRoy Avenue

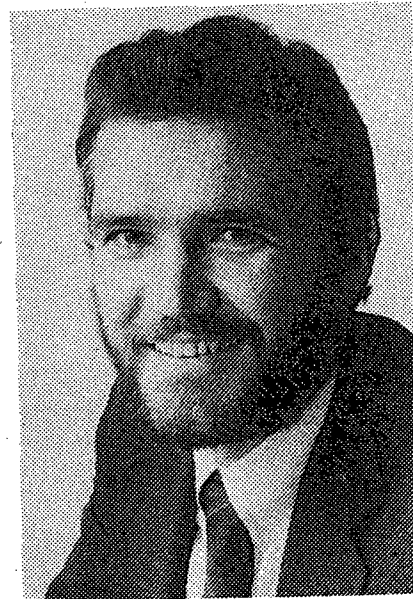
Ruth Newsom, 1546 LeRoy Avenue
Bill Roberts, 1516 LeRoy Avenue
Vall Roberts, 1516 LeRoy Avenue
Judith Shaw, 1542 LeRoy Avenue
Robert Shaw, 1542 LeRoy Avenue
Harry Weinstein, 2525 Buena Vista Way
Herta Weinstein, M.D., 2525 Buena Vista Way

s/James R. Forcier



CANDIDATE FOR COUNCILMEMBER, DISTRICT 6

I, **JERRY R. FILLINGIM**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Jerry R. Fillingim.
2. The office for which I am a candidate is Berkeley City Council—District 6.
3. That my residence is 753 Keeler Avenue, Berkeley, California.
4. The place of my birth is Wheeler, Texas.
5. My present occupation is Labor Negotiator/Mediator.
6. I have held the following public offices: None.
7. Record of Community Service: State, County Labor Councils; California SEIU Staff PAC; Academy of Certified Social Workers; NEBA; Berkeley High Parent, Teacher, Student Association; Bienvenidos Los Ninos; Berkeley Coop.
8. I am a taxpayer in the City of Berkeley.
9. As a professional mediator and negotiator, I am committed to forging a broad consensus in the City. My Masters of Social Work and 20 years of professional and community involvement give me the skills to develop your constructive ideas into effective programs. I will be an effective voice for my neighborhood,—and Berkeley as a whole. As an environmentalist, I know that sound development must create employment and services while protecting neighborhood quality of life, and our small business community. Police and fire services must emphasize real response and prevention. Every area of the City deserves quality city services. As a Berkeley homeowner and parent, I appreciate the need for affordable housing and jobs through sensible development and for the preservation of our irreplaceable waterfront. I will be available to you, answer your telephone calls, and give dedicated personal attention to your problems, our neighborhood's problems, and the problems of our City as a whole. For an effective government that we deserve, I support Loni Hancock for Mayor, Anna Rabkin for Auditor, and I ask your support for Council. Endorsements: Congressman Ron Dellums, Supervisor John George, Former Councilmember Loni Hancock, and Auditor Anna Rabkin.
10. I refer to the following residents of the City of Berkeley:

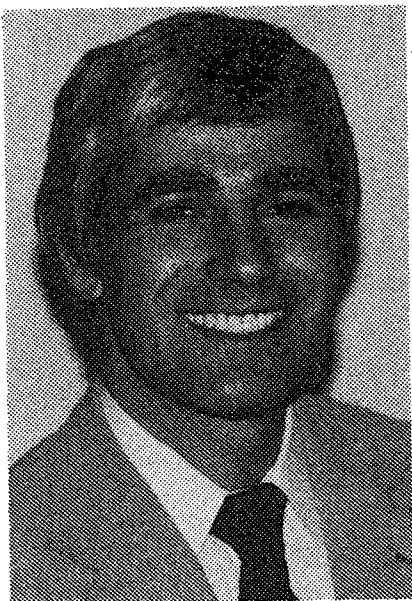
Mayor Eugene "Gus" Newport, 2707 Stuart St.
Auditor Anna Rabkin, 199 Fairlawn
Former Councilmember Ying Lee Kelly, 862 Euclid
Coop Board member Margo Robison, 1030 Miller
ASUC Senator Jenny Gittitz, 2600 Ridge Road
Franklin Bauer, Ph.D., 131 Poplar
John Keilch, 1533 Spruce
Rent Commissioner Carol Smith, 2575 LeConte #9
Dir., Comp Worth Proj Lee Finney, 1538 Parker
Peter Kasin, 1810 Euclid #9

Prof. Charles Schwartz, 734 Wildcat Canyon Road
Joan Cole, Lic Clin Soc. Wker., 1377 Campus Dr.
Leona Shapiro, 941 Hillside Avenue
Attorney Malcom Burnstein, 1024 Creston Road
Claire Geensfelder, 1400 A Hawthorne Terrace
Robert Wendlinger, 1377 Campus Drive
Susan Griffin, 1400 Hawthorne Terrace
Max Bogner, 1085 Creston Road
Stephen Taller, M.D., 743 Spruce Street
Dolores Taller, 743 Spruce Street

s/Jerry R. Fillingim

CANDIDATE FOR COUNCILMEMBER, DISTRICT 6

I, RICHARD JAMES DISHNICA, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Richard James Dishnica.
2. The office for which I am a candidate is City Council - District 6.
3. That my residence is 780 Grizzly Peak Boulevard.
4. The place of my birth is Canton Ohio.
5. My present occupation is Finance and Investments.
6. I have held the following public offices: None.
7. Record of Community Service: Northeast Berkeley Association, Director, Neighborhoods for Berkeley, District Election Campaign.
8. I am a taxpayer in the City of Berkeley.
9. We need effective leadership and skillful administration together with business and financial know-how to rebuild deteriorated confidence in our city government and restore an atmosphere of tolerance and compassion as we solve the basic problems of our city and our neighborhoods. Slate politics, present Council ideology, and lack of due process have taken their toll. Now District Elections bring new citizen participation to candidate selection and Berkeley citizens can return respect and "response-ability" to their City Council. Many of you seek restoration of traditional and unifying values to our civic process. Together, we can develop a spirit of determined cooperation, that can provide fair and effective representation while maintaining creative and tough minded focus on key issues: Maintain District Elections; Effective Public Input; Restore Fiscally Responsible City Government; Enhanced Police, Fire and Social Services; Improve Parking, Streets, and Sewers; Revitalized Downtown and the Waterfront; Conserve Open Space; Preserve School Playgrounds; Save Shasta Fire Station; and Improve University, Business and Community Relations. My educational, administrative, financial, and business experience have prepared me to effectively represent you in fulfilling our vision of Berkeley and District 6 in which we can safely raise our families and be proud to call our home.

10. I refer to the following residents of the City of Berkeley:

Jess N. Rosenberg, 784 Grizzly Peak Blvd.
Jack Washburn, 20 Ajax Place
Gordon H. Chong, 2790 Buena Vista Way
Al M. Arriola, 1349 Arch St.
Dr. Haywood Norton, One Park Gate
Minor J. Schmid, 11 Hill Rd.
Betty Olds, 131 Bret Harte Rd.
Kathleen Burgess DeVries, 1779 LeRoy Ave.
Thomas B. Shaw, 417 Spruce St.
William S. McCullough, 90 Fairlawn Dr.

Anita P. Pinch, 1410 Scenic Ave.
Ruth Brunn, 647 Woodmont
Claude Welch, 123 Fairlawn Dr.
Lessel E. Mansour, 14 Maybeck Twin Dr.
Margaret Gee, 2519 Hawthorne Terrace
Thomas H. Luten, 1305 Campus Dr.
Ruth H. Rentz, 2262 Summer St.
William K. Rentz, 2262 Summer St.
Willie F. Hansel, 1534 Summit Rd.
Michael Issel, 1464 LeRoy Ave.

s/Richard James Dishnica

CANDIDATE FOR COUNCILMEMBER, DISTRICT 6

I, JO ANN B. PRICE, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Jo Ann B. Price.
2. The office for which I am a candidate is Councilmember District 6.
3. That my residence is 1056 Overlook Road.
4. The place of my birth is Manchester, New Hampshire.
5. My present occupation is Legal/Organizational Consultant.
6. I have held the following public offices: Berkeley Landmarks Preservation Commission; East Bay Shoreline Advisory Committee; Planning Commission Subcommittees: Downtown Plan, West Berkeley Plan, South Berkeley Plan.
7. Record of Community Service: President, Parkhills Homeowners Association; President, Council Neighborhood Associations; Chair, LWW Local Planning Study; Co-founder, Berkeley Architectural Heritage Association; Sierra Club EBTF; VP, Berkeley Symphony; NWPC.
8. I am a taxpayer in the City of Berkeley.
9. The serious needs of our 6th District have been ignored by City Hall too long! It is time to put an end to the frustrations felt by residents due to the arrogance, ignorance and cronyism practiced by the current Council majority. Berkeley deserves a responsive and responsible city government with elected officials who know the value of comprehensive planning, as well as how to direct and work with staff to carry out the citizens' wishes in a timely, cost-effective and inspired manner. As a longtime community activist I have established a leadership record working for: Comprehensive city planning with effective citizen participation for: Downtown, Waterfront, West Berkeley, South Berkeley; Safe, livable neighborhoods; Efficient city services; Environmentally-sound solid waste management; Upgraded street repair; Historic preservation; Humane, workable transportation management; and Stable funding of City budget. As your 6th District Councilmember, I pledge to: Work hard, stay informed, be accessible; Focus Council work on the immediate priority planning issues: Waterfront, Downtown, Master Plan Revision; Attend to the serious needs of our District; Make Berkeley work for all its citizens. Background: J.D., Golden Gate University School of Law, 1979; Berkeley resident since 1969; Married: four children raised in Berkeley.

10. I refer to the following residents of the City of Berkeley:

Patricia Blyth, 70 Halkin Lane
Jeffrey S. Leiter, 1216 Grizzly Peak Boulevard
Maya Trilling, 170 Wildcat Canyon Road
Gail Fogerty, 605 Woodmont Avenue
Gifford C. Dickel, 1060 Overlook Road
Francis Violich, 90 Tamalpais Road
Jacomena Maybeck, 2751 Buena Vista Way
John H. Reynolds, 761 Spruce Street
Linda Eckmann, 777 Hilldale Avenue
Sylvia Reay, 1088 Keith Avenue

Wulf B. Kunkel, 1115 Hillview Road
Erika Kunkel, 1115 Hillview Road
Joyce Bohline, 762 Grizzly Peak Boulevard
Thomas C. Tellefsen, 730 Keeler Avenue
Joan L. Seear, 2708 Virginia Street
Tully Bowman, 1020 Cragmont Avenue
Nenelle Bunnin, 1035 Park Hills Road
David L. Judd, 1055 Creston Road
Judith A. Bingham, 800 Cragmont Avenue
Lewis L. Neubacker, 762 Grizzly Peak Boulevard

s/Jo Ann B. Price

CANDIDATE FOR COUNCILMEMBER, DISTRICT 7

I, **DON JELINEK**, hereby declare that I am a candidate for an elective office in the City of Berkeley and make the following statement, to-wit:



1. That my name is Don Jelinek.
2. The office for which I am a candidate is City Council, 7th District.
3. That my residence is 2300 Carleton Street.
4. The place of my birth is New York City.
5. My present occupation is Attorney.
6. I have held the following public offices: Berkeley City Councilmember, 1984-1986.
7. Record of Community Service: Daily Californian, Board of Directors (former); California School of Professional Psychology, Adjunct Faculty; Nicaragua Tools for Peace, East Bay Coordinator; Berkeley Friends of Recycling, Attorney.
8. I am a taxpayer in the City of Berkeley.
9. I have over 25 years of public service—from representing Martin Luther King, Jr. to preventing BART from evicting the Berkeley Flea Market Vendors; to successfully pursuing legal action supporting Berkeley Recycling; I am running for re-election: (1) to make the Sierra Club-inspired Waterfront Shoreline Park Plan a reality; (2) to preserve neighborhood-serving businesses along Telegraph and College Avenues; (3) to continue this Council's funded \$23 million program to rebuild long-neglected streets and sewers; (4) to provide affordable housing by supporting rent control, second units and limited-equity co-ops, while using the City's clout to pressure University construction of student housing; (5) to complete balanced parking programs in this district, minimizing congestion on residential streets while providing for student parking; (6) to put more police on the streets fighting crime; and (7) to continue my commitment as Chair of the Government Operations Subcommittee to make the bureaucracy more accessible and the citizenry more powerful. Vote Loni Hancock, Anna Rabkin, Don Jelinek. Endorsers: Congressman Ron Dellums, Supervisor George, Mayor Newport, former ASUC President Pedro Noguera.
10. I refer to the following residents of the City of Berkeley:

Councilmember Nancy Skinner, 1743A Virginia Street
Charles "Ozzie" Osborne, 1716 Rose Street
Chair, Comm on Dis Michael Pachovas, 2419 Haste Street
USCA Mem Ed Dir Mark Min, 2545 Hillegass Ave
Resp In Comm Marty Schiftenbauer, 2218 Durant #5
V.P., AFSCME Libby Sayre, 2801 Ellsworth St
Patricia H. Cody, 3021 Fulton Street
Naturalist Regl Park Dist Tim Gordon, 2926 Fulton
Solid Waste Comm Bruce Dickinson, 2915 Hillegass Ave
Allen Steinbach, M.D., 2602 Webster Street

KPFA Manager David Salniker, 3100 Colby Street
CoChr. Grad Asmbly, Michael Berry, 2035 Delaware
Thomas K. Stern, M.D., 2909 Piedmont Avenue
Dean Nancy Scheper-Hughes, 2927 Derby
UC Lecturer Doug Cooper, 628 Vincente Avenue
Exec Bd. AGSE Lee Badgett, 24 Hillcrest Rd
Rickey Vincent, 2424 Haste Street #E-31
Former Crimbr. Carole Davis, 2955 California St
Rent Comm Florence McDonald, 2810 1/2 Adeline
ASUC Sen. James H. Goldstein, 2415 Dwight Way

s/Don Jelinek

CANDIDATE FOR COUNCILMEMBER, DISTRICT 7

I, **DAVID ALLAN KATZ**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:

1. That my name is David Allan Katz.
2. The office for which I am a candidate is Berkeley City Councilmember Dist. 7.
3. That my residence is 2331 Blake St. #308, Berkeley, Ca. 94704.
4. The place of my birth is Palo Alto, Ca.
5. My present occupation is Student.
6. I have held the following public offices: Berkeley Transportation Commissioner; Representative, Telegraph Area Planning Committee; member: Southside Project Steering Committee.
7. Record of Community Service: ASUC Senator; Chair ASUC Constitutional and Procedural Review Committee; member: ASUC Communications Committee; Since 1983, "Big Brother" to underprivileged boy. Worked on southside clean up.
8. I am a taxpayer in the City of Berkeley.
9. We students deserve to be represented on the City Council. Full time residents have a right to a councilperson who will respond to their needs. The politicians in Berkeley have been paying lip service to student interests for too long. As the problems of housing, parking and crime in the campus area become more critical we students have a vested interest in uniting to get a student elected to truly represent us. Berkeley's streets are crumbling, Telegraph Avenue erupts into near riots on weekend nights, city libraries are closed more often than not, and our school system is in peril all because there are those in City Government who

seem more concerned with serving an ideology than the needs of the people. I am beholden to no group or ideology. I do not view issues as liberal or conservative, rather I am only concerned whether or not an issue is proven right or wrong for the City, community, residents and students of Berkeley. I have no political agenda. I do not seek a mandate to govern, merely an opportunity to represent and serve the students and residents of District Seven. Vote for Dave Katz, the responsible and responsive student candidate.

10. I refer to the following residents of the City of Berkeley:

Steven Gomez, 2414 Parker St., #3
 Jeffrey Teich, 611 Manville, 2745 Bancroft
 Gordon R. Cavana, 2440 Stuart St.
 Kate F. Simpson, 3038 Benvenue
 Margie DeGraca, 409 Manville, 2745 Bancroft
 Robert Lang, 2601 Warring
 Robert C. Holtzapple Jr., 220 Tunnel Rd.
 Tony Avila, 102 Spens-Black 2400 Durant
 Kerl Kubokawa, 706 Spens-Black 2400 Durant
 Jonathon Mow, 102 Cheney, 2650 Durant

Scott Orchard, 2316 Bowditch St.
 Joan H. Collignon, 2925 Russell St.
 John E. Coons, 58 Domingo Ave.
 Loree A. Devery, 102 Putnam, 2650 Durant
 Gary Gradinger, 1590 Oregon #19
 Tim Feeley, 2422 Ridge Rd. #39
 Nadr Essabhoy, 714 Priestly, 2400 Durant
 Andrew Leranthy, 515 Spens-Black 2400 Durant
 Herb Green, 315 Deutsch, 2650 Durant
 Joseph Harold Thomas, 2228 Dwight Way

s/David A. Katz

CANDIDATE FOR COUNCILMEMBER, DISTRICT 8

I, **FREDERIC D. WEEKES**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Frederic D. Weekes.
2. The office for which I am a candidate is Berkeley City Council - District 8.
3. That my residence is 29 Plaza Drive, Berkeley 94705.
4. The place of my birth is Pasadena, CA.
5. My present occupation is Businessman, Engineer, Environmentalist.
6. I have held the following public offices: Alameda County Parks Commission.
7. Record of Community Service: Berkeley Waterfront Committee, Urban Care, Master Plan Committee for East Bay Regional Parks, Claremont Canyon Park Committee, Blind School Site Coalition, St. Clement's Church Vestry.
8. I am a taxpayer in the City of Berkeley.
9. I will contribute to the efficient management of the city's government and ensure that public services are provided at reasonable cost. I support a merit system for selecting professional employees. I care about land use planning, crime control, libraries, job creation and stimulation of appropriate industry. The University is central to city life. I will be responsive to the needs of students, faculty and staff and will maintain good working relations with the University. I am sensitive to Berkeley's environmental issues. Our population density is high; traffic congestion occurs frequently; the streets are littered. The quality of life in neighborhoods will decline if population increases. I oppose high-rise apartments, large office buildings and large-scale waterfront development. I favor beautification of the city through undergrounding utilities, park maintenance and resurfacing streets. My family and I have lived in the district twenty-four years. As well as having a business in Berkeley, I have been involved in civic affairs for many years. If elected I will seek solutions for the just concerns of each citizen and pursue policies in the best interest of the city.

10. I refer to the following residents of the City of Berkeley:

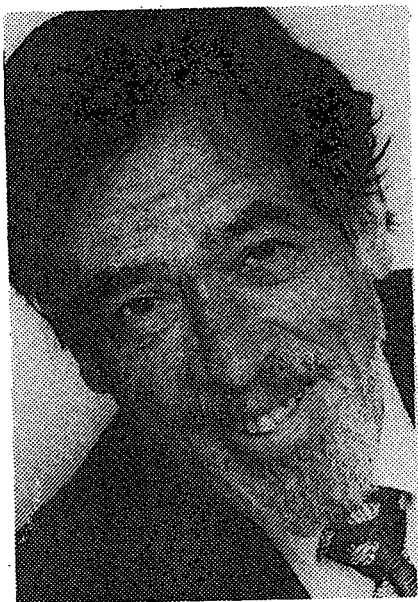
Edward E. Kallgren, 28 Hillcrest Road
Sue Hone, 3 Tanglewood Rd.
Prof. Sandy Muir, 59 Parkside Dr.
Frederick C. Collignon, 2925 Russell St.
Louise Stoll, 73 Plaza
Jessica M. Moskovitz, 2960 Claremont Blvd.
Polly C. Armstrong, 6 Alvarado Rd.
Ellen P. Shiver, 90 The Uplands
Dr. Norman Moscow, 33 Oakvale
Prof. John E. Coons, 58 Domingo

Doris Maslach, 265 Panoramic Way
Robert C. Holtzapfel, Jr., 220 Tunnel Rd.
Mary Friedman, 2841 Russell St.
Jean F. Ishimaru, 66 Domingo Ave.
George Gurrola, 2943 Elmwood Ct.
James W. Guthrie, 52 Oak Vale
Carolyn J. Weinberger, 2844 Garber St.
Michael Traynor, 3131 Eton Ave.
Timothy G. Laddish, 26 Claremont Crescent
Narsai M. David, 2825 Webster St.

s/Frederic D. Weekes

CANDIDATE FOR COUNCILMEMBER, DISTRICT 8

I, **JOHN DENTON**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is John Denton.
2. The office for which I am a candidate is Councilmember, District 8.
3. That my residence is 2935 Garber Street.
4. The place of my birth is New York.
5. My present occupation is Berkeley City Councilmember, Attorney, and Environmentalist.
6. I have held the following public offices: Berkeley City Councilmember (1975-Present); Chair, Council Waterfront Committee; Liaison, Berkeley Parks and Recreation Committee; Chair, Master Plan Revision Committee; Alternate, Association of Bay Area Governments.
7. Record of Community Service: Memberships: ACLU, Berkeley Gray Panthers, Sierra Club, People for Open Space; Chair, Mexican Earthquake Relief; Co-author, Neighborhood Preservation Ordinance; Attorney, Sanctuary Immigration Cases.
8. I am a taxpayer in the City of Berkeley.
9. When first elected to the Council in 1975, I pledged to protect Berkeley's quality of life and the right of citizens to freely participate in government. I have fulfilled that pledge throughout my three terms in office. I initiated the "open mike" at Council meetings and have fought for adequate hearings on significant legislation. To safeguard neighborhoods, I co-authored the Neighborhood Preservation Ordinance and initiated action for permit-parking in neighborhoods heavily impacted by commuters. I initiated the resolution to reduce

Claremont-Derby-Warring traffic and will continue efforts to reduce traffic congestion there and on Tunnel Road. I have strongly supported preservation of our Elmwood shopping district. I support protection of open space; saving our public schools from unwarranted closure; sound planning for Downtown; and prioritized spending for health and safety and repair of our streets, sidewalks, and sewers. As Chair of the Council's Waterfront Committee I am vigorously working to protect our waterfront from large-scale development. My office is open and responsive, working to protect and improve our quality of life. I am endorsed by Congressman Ron Dellums. As a twenty-five year resident of the Claremont-Elmwood area, I look forward to representing our district on the Council.

10. I refer to the following residents of the City of Berkeley:

EBMUD Director Helen Burke, 685 Colusa
 Form. School Dir. Carroll Williams, 89 Arden Rd.
 Edward Bennett, 2719 Marin Avenue
 Professor Anne Middleton, 2918 Derby Street
 Helen Moncharsh, 22 Roble Road
 Professor Myron Moskovitz, 2371 Eunice Street
 Comm. Lesley Emmington Jones, 195 The Uplands
 Dr. Kenneth N. Matsumura, 2904 Garber Street
 Gordon J. Wozniak, 141 Parkside Drive
 Form. Councilmember Loni Hancock, 2225 Ward St.

Irene R. Hegarty, 17 Oakvale Avenue
 Attorney James Brosnahan, 2808 Oak Knoll
 Dorothy Bryant, 1928 Stuart Street
 Professor Robert Brentano, 35 Roble Court
 Burlington Willes, 2829 Russell Street
 Dr. John Jones, 2908 Derby Street
 Frank J. Cronin, 139 Tunnel Road
 Allan Temko, 1015 Fresno Avenue
 Lillian Rabinowitz, 1094 Keith Avenue
 Charles "Ozzie" Osborne, 1716 Rose Street

s/John Denton

CANDIDATE FOR COUNCILMEMBER, DISTRICT 8

I, **ESTHER "LJUBA" DAVIS**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Esther "Ljuba" Davis.
2. The office for which I am a candidate is City Council.
3. That my residence is 2746 College Avenue.
4. The place of my birth is Beckley, West Virginia.
5. My present occupation is Registered Nurse and Housewife.
6. I have held the following public offices: none.
7. Record of Community Service: Founder and past board member of Berkeley-Richmond Jewish Community Center; Original Member Bay Area Women Against Rape; Volunteer at REAP.
8. I am a taxpayer in the City of Berkeley.
9. I have lived in Berkeley's District 8 for sixteen years. I'm the mother of seven children so I can speak in City Council for the family and neighborhood concerns. I love Berkeley for its cultural diversity and its architectural beauty. I will support programs that will make the most of Berkeley's strengths. We must begin a policy of preventive, Not Deferred, maintenance; pave the streets, update the sewers, landscape weed infested schoolyards, hire enough police and firefighters so that all our citizens feel safe in their homes and on the streets. I'll work with the school board so that vacant school grounds and buildings supplement parks and community centers, cooperate with the University, a rich resource of employment and recreation in resolving housing and traffic problems; work for regional solutions to housing, employment, and transportation needs; set clear priorities: our humane concerns must be supported by sound economics, not sacrificed to politics. All of us in Berkeley need a welcoming environment; Clean safe streets and parks and an atmosphere of cooperation. Let's build a Berkeley we can all be proud of. Elect Esther "Ljuba" Davis Councilwoman from District Eight. Thank you.
10. I refer to the following residents of the City of Berkeley.

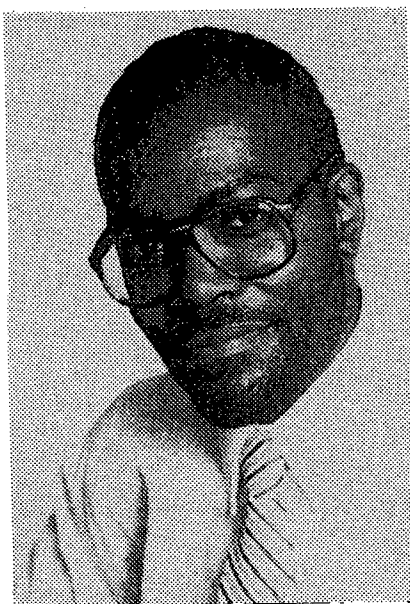
Haleh Asgari, 2540 Regent Street
 Mildred Rosner, 3039 College Ave.
 Ruth Wittman, 1315 Josephine
 Rabbi Arnold Levine, 551 Woodmont
 Howard S. Gruber, 550 Vistamont Ave.
 Margot Zernach, 2423 Oregon St.
 Sophie Trupin, 2923 Florence
 Justin Sweet, 912 Spruce
 Friedmer Wittman, Ph.D., 1315 Josephine

Susie J. Hing, 2914 Piedmont
 Marian Fredman, 22 Tunnel Road
 Dorothy Marsh, 100 Cordornices Road
 Basim Mogamman, 2704 Derby Street #20
 Peggy A. Argueta, 2747 College Ave.
 Prof. Samuel S. Markowitz, 1674 Capistrano
 Peggy Casey, 2632 1/2 Benvenue
 Sean C. McCullough, 2640 College Ave.

s/Esther L. Davis

CANDIDATE FOR SCHOOL DIRECTOR

I, ANTHONY I. HANDY, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Anthony Irvin Handy.
2. The office for which I am a candidate is School Director.
3. That my residence is 2028 Prince Street, Berkeley, California 94703.
4. The place of my birth is Los Angeles, California.
5. My present occupation is Director, Educational Agency.
6. I have held the following public offices: None.
7. Record of Community Service: Served on Advisory Committee Berkeley Magnet School; School Resource Volunteers/Tutor, T.E.A.C.H. in Communities - Program Coordinator, U.C. Berkeley Field Studies 197. Member-National Forensic League.
8. I am a taxpayer in the City of Berkeley.
9. My goals as School Director will be to upgrade and improve the quality and opportunities for every student to achieve success, knowledge, and pride in learning within Berkeley Public Schools. I have decided to run for this office because I want to help restore our reputation as a city of excellence in public schools and closely monitor the monies we have to accomplish this goal. For the past nine years my career has been focused upon upgrading basic skills of students within the Berkeley School District. In 1979, I was employed by the District's Federal Title I Language Arts Motivation Program. In 1980, I served on the Berkeley Magnet School Advisory Committee. I am presently, Director of the TEACH Program, a basic skills educational agency

with sites in Berkeley and Oakland. I am an educational author and consultant having written "Roots of Motivation" to prepare high school students for proficiency exams. I am a graduate of the University of California at Los Angeles. I stand for a closer monitoring of the budget (weekly if necessary), intensive district-wide tutorial efforts, and establishing a Community Relations representative as a liaison to the School Board.

10. I refer to the following residents of the City of Berkeley:

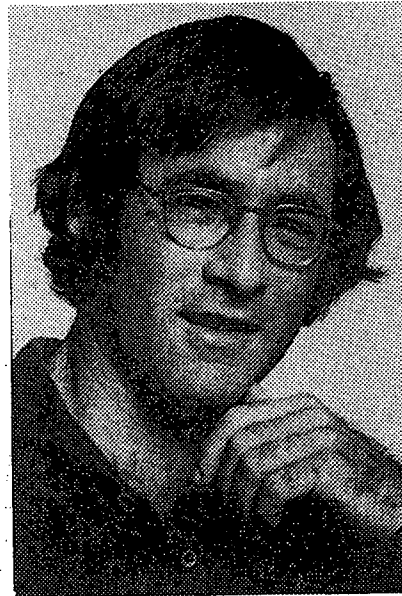
Daniel Boggan, Jr., 2804 Benvenue
Andora Freeman, 1863 San Pedro
Elinor Armer, 821 Creston Rd.
Gerald Baptiste, 1711 Channing Way
Anna Foss, 761 Hilldale Ave.
Nathan Glasper Phd., 1606 Julia Street

Mel Rose Glasper, 1606 Julia Street
Robert Jones, 2214 Woolsey
Delores Plumb, 814 Miramar St.
Ora Lee Small, 2132 Essex St.
Yolanda Small, 2132 Essex St.
Lauren Work, 1749 Oxford St. #5

s/Anthony I. Handy

CANDIDATE FOR SCHOOL DIRECTOR

I, MYRON MOSKOVITZ, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Myron Moskowitz.
2. The office for which I am a candidate is School Board Director.
3. That my residence is 2371 Eunice St.
4. The place of my birth is San Francisco, California.
5. My present occupation is Educator / Law Professor.
6. I have held the following public offices: Chair, City of Berkeley Fair Campaign Practices Commission; Chair, State of California Commission of Housing & Community Development.
7. Record of Community Service: Pro bono legal services to many low-income people. Director, California Housing Coalition. Director, California Coalition for Rural Housing.
8. I am a taxpayer in the City of Berkeley.
9. I am an educator, a resident of Berkeley for almost thirty years, and a parent of two children in Berkeley public schools. Berkeley once had one of the best school districts in the state. Recently, however, our School Board has brought us multimillion dollar deficits, sales of the district's assets, and overcrowded classrooms. Over one-third of Berkeley's families - including many minority families - avoid our public schools. We lose \$2,800 in state reimbursement for each child in private school. If elected, I will try to: (a) decrease class size, so that teachers can give individual attention to each child; (b) improve school discipline, to create a better learning environment; (c) stabilize school zones - children should not be moved to different schools each year; (d) reopen neighborhood schools, so the community stays involved with the education of our children; (e) preserve the district's assets - no more selling off schools, as Berkeley children of the future will need them; (f) end the deficits and balance the budget, by attracting families away from private schools and back into our public schools.
10. I refer to the following residents of the City of Berkeley:

Daniel Boggan, Jr., 2804 Benvenue St.
Councilmember John H. Denton, 2935 Garber St.
Irene R. Hegarty, 17 Oakdale Ave.
Carroll B. Williams, 89 Arden Road
Elmer R. Grossman, M.D., 751 San Diego Road
Gerda Miller, 1405 Spruce St.
George Turman, 1095 Keeler Ave.
Kate Nichol, 1430 Hopkins St.
Peter Ross Tannenbaum, 2500 Hillegass St., #6
Mary Louise Zernicke, 3036 College Ave.

Richard Duane, 1701 Virginia St.
Joseph Tussman, 74 Florida St.
Eugene Seltzer, 1951 Napa Ave.
Ronald Kemper, 2937 Piedmont Ave.
Carla Kay Woodworth, 2500 Hillegass, #6
Peter Honigsberg, 3036 College Ave.
Arlene Goldfarb, 1184 Keith Ave.
Philip M. Evans, 1401 Greenwood Terrace
Becky Temko, 1015 Fresno Ave.
Clifford Fred, 1334 Peralta Ave.

s/Myron Moskowitz

CANDIDATE FOR SCHOOL DIRECTOR

I, **DOROTHY MIAO**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Dorothy Miao.
2. The office for which I am a candidate is School Board Director.
3. That my residence is 1624 Belvedere Avenue.
4. The place of my birth is Los Angeles, California.
5. My present occupation is Cost Analysis Assistant.
6. I have held the following public offices: none.
7. Record of Community Service: Tutor and Classroom Aide (Kindergarten, 1st grade and 5th grade), Berkeley Unified School District; Founding Member, Franklin Community Organization; Member, Parents for Public Schools.
8. I am a taxpayer in the City of Berkeley.
9. Berkeley has been my home for 39 years. I graduated from Berkeley High and UC Berkeley. As a single working mother of three sons who have attended Jefferson, Franklin, King, West Campus and Berkeley High, I have a commitment to our schools and an understanding of the need for after-school activities and child care programs. I have tutored in the schools and have worked in the community to preserve school properties for educational purposes. The School Board faces some serious immediate problems: a massive financial deficit, enrollment and revenue losses to the private schools, and the quality of our children's education threatened by increased class sizes. My work experience in the area of cost analysis combined with my sensitivity as a minority parent to the educational needs of Berkeley's diverse population will help as we tackle our district's troubles. Berkeley is a great city—rich in human, cultural and financial resources. Our schools should reflect this greatness. With your support, Myron Moskowitz, Ron Kemper and I will work with other parents, teachers, and staff to bring a better education for all children in Berkeley.
10. I refer to the following residents of the City of Berkeley:

Councilmember John Denton, 2935 Garber Street
 Form. School Dir. Carroll Williams, 89 Arden Rd.
 Suzann H. Greer, 1616 Belvedere
 Ronald Kemper, 2937 Piedmont Avenue
 Dolores Cortez, 1655 Belvedere
 Elaine Tafesse, 1612 Belvedere
 John Cecil, 2923 Ashby Avenue
 Frances Cooper, 1616 Belvedere
 Pat Devaney, 121 Panoramic Way
 Agnes Eads Farris, 1621 La Loma

Irene Hegarty, 17 Oakvale Avenue
 Professor Myron Moskowitz, 2371 Eunice
 Gwen Dandridge, 2330 7th Street
 Willie Johnson, 1670 Franklin Street
 Alvin Warwas, 2967 Pine Street
 Florence Hall, 2870 Adeline Street #608
 James Hoy, 1004 Grizzly Peak Blvd.
 Marianne Splenda, 813 San Diego Road
 Peter Tannenbaum, 2500 Hillegass #6
 Edward Broussard, 2379 West Street

s/Dorothy Miao

CANDIDATE FOR SCHOOL DIRECTOR

I, **BRADLEY KEITH WARREN**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Bradley Keith Warren.
2. The office for which I am a candidate is Director, Berkeley School Board.
3. That my residence is 828 Spruce Street, Berkeley, Ca. 94707.
4. The place of my birth is Brooklyn, New York.
5. My present occupation is Teacher, consultant.
6. I have held the following public offices: None.
7. Record of Community Service: Director, Dream for Berkeley; Chair, Martin Luther King Memorial Task Force; Northern California Council for Mediation; Past Board, In-Dulci Jubilo; Volunteer, Daily Bread Project.
8. I am a taxpayer in the City of Berkeley.
9. My background: Bachelor of Science, Massachusetts Institute of Technology; Masters in Education, University of California, Berkeley. Seven years experience teaching in the Berkeley Public Schools. Member of many local, state, national, and international organizations concerned with education, world peace, the environment, and ending hunger. I am committed to returning the Berkeley Schools to excellence. As an independent candidate I will work for new alliances in the community between groups who currently perceive each other as the enemy. With our school system struggling for its very existence, we can no longer afford this "Us Against Them" mentality. As a skilled mediator and facilitator, I have the proven ability to create an environment in which innovative win-win solutions can be found. If elected I will use my skills to keep the

Board focussed on its mission - providing the children of Berkeley with quality education. I am someone who looks for the opportunities, rather than getting stuck in old mistakes, complaints and name-calling. I believe that when it comes to education, the kids come first. Your vote for me will show you share this vision.

10. I refer to the following residents of the City of Berkeley:

Lela Moore, 3116 Harper St.
 Murdis B. Corley, 1529 Bancroft Way
 Jean Weininger, 1949 Hopkins St.
 Judith Isaksen, 60 Sunset Lane
 Joy Imboden Overstreet, 828 Spruce St.
 Satinder Boona Cheema, 1208 Peralta
 Lucy W. Sells, 1181 Euclid Ave.
 Theodore J. Rosenkranz, 3034 Fulton St.
 Allan Isaksen, 60 Sunset Lane
 Marsha M. Robben, 1735 Spruce

Gil Friend, 2118 7th St.
 Bertha Silbowitz, 1528 Henry St.
 Solomon Silbowitz, 1528 Henry St.
 Cindy Cohen, 1208 Channing Way
 Dan Cohen, 1208 Channing Way
 William T. Trampleasure, 1423 Acroft Ct.
 Martin V. Overstreet, 828 Spruce St.
 Barbara Ann Lashley, 3110 Ellis St.
 Carol Murayama, 1242 Evelyn Ave.
 Marilyn McPherson, 2100 Los Angeles Ave.

s/Bradley Keith Warren

CANDIDATE FOR SCHOOL DIRECTOR

I, RONALD KEMPER, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Ronald Kemper.
2. The office for which I am a candidate is School Board Director.
3. That my residence is 2937 Piedmont Avenue, Berkeley.
4. The place of my birth is New York, New York.
5. My present occupation is Health Care Administrator.
6. I have held the following public offices: none.
7. Record of Community Service: PTA member, John Muir School; member, Friends of Malcolm X School Committee; member, Parents for Public Schools; board of directors, Urban Mental Health, S.F.
8. I am a taxpayer in the City of Berkeley.
9. Berkeley's once proud public schools have been mismanaged into chaos and near financial collapse. Responsibility rests with School Board members who have been inattentive to the educational needs of our children. We need qualified Board members capable of restoring stability, accountability and quality to our schools. I am a parent and businessperson responsible for administering a large departmental budget. I hold a masters degree in English Literature, a community college instructor's credential and have been involved in school issues for years. As a School Board member I would develop a comprehensive, academically oriented plan to restore quality education. We need to redress the district's almost \$3 million deficit by establishing a responsible budget process. We could re-open schools by attracting some of the 35% to 40% of

Berkeley's elementary students who are in private schools, back into public schools. Public schools lose \$7 million per year because of these "missing" children. We must improve teachers' pay and working conditions. Our students' educational performance will improve if class size is reduced. Please vote for me, Myron Moskovitz and Dorothy Miao for School Board. Three competent, independent Board members will make a difference.

10. I refer to the following residents of the City of Berkeley:

Irene Hegarty, 17 Oakvale Avenue
Adele Ahanotu, 1266 Francisco Street
Lillian Rabinowitz, 1094 Keith Avenue
Dr. Ann Parker, 1700 La Vereda Rd.
Christopher Adams, 2701 Virginia St.
Dan Boggan, 2804 Benvenue
Jose Alvarez, 1178 Colusa Avenue
Pat Devaney, 121 Panoramic Way
Alvin Warwas, 2967 Pine Avenue
Atty. Myron Moskovitz, 2371 Eunice Street

Carroll Williams, 89 Arden Road
Councilmember John Denton, 2935 Garber Street
Dorothy Miao, 1624 Belvedere Avenue
Dr. Richard Lee, 172 Alvarado Road
Suzann Greer, 1616 Belvedere Avenue
Peter Tannenbaum, 2500 Hillegass #6
James Hoy, 1004 Grizzly Peak Blvd.
Prof. Howard Bloch, 10 Encina Place
Fred Collignon, 2925 Russell Street
Atty. Celia Palomino, 932 Delaware Street

s/Ronald Kemper

CANDIDATE FOR SCHOOL DIRECTOR

I, NOEL KRENKEL, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Noel Krenkel.
2. The office for which I am a candidate is School Director.
3. That my residence is 1716 Rose Street, Berkeley.
4. The place of my birth is San Francisco, California.
5. My present occupation is Professor, Administrator.
6. I have held the following public offices: none.
7. Record of Community Service: American Association of University Women, Berkeley; High School Committee, American Friends Service Committee; Friends of the Commission on the Status of Women, San Francisco.
8. I am a taxpayer in the City of Berkeley.
9. Native San Franciscan, I came to Berkeley in 1963 as a UC student. Since that time, I've lived mostly in Berkeley. I've worked in education for 18 years, obtained various teaching/administrative credentials, & a doctorate/Educational Psychology. Teaching experiences: Art School/deYoung Museum, San Francisco Schools, San Francisco State University, California Institute Integral Studies; administrative experiences: Curatorial Assistant/deYoung Museum, administrator/University of San Francisco, Associate Head, Field Service Center/UC Berkeley; positions held: Executive Officer-Educational Congress of California, Committee Chair-American Educational Research Association (Washington, DC), American Association University Women (Berkeley); consultant on sex equity and desegregation issues: California State Department of Ed-

ucation, California State Universities, American Friends Service Committee. Presently, teacher/administrator at Antioch University-San Francisco, an Ohio based college noted since its inception in 1852 for integration of theory and practice, and involvement in social justice issues. I've continued work on more limited basis within the San Francisco Schools. Education is a process of critical importance to all voters, as it relates to the quality of life in which all partake. I will work for clear definition of policy/budget issues, critical analysis and sufficient input with all parties working cooperatively toward realistic goals.

10. I refer to the following residents of the City of Berkeley:

Elizabeth A. Westerlund, 1916 Haste #a
Alan Arbus, 1916 Haste #a
Stanley Ofsevit, 1818 Alston Way
Marc Pilisuk, 494 Cragmont
Irv Rautenberg, 1048 Merced
Jane Riggan, 2740 Hillegass
Ann Chandler, 1836 Cedar Street

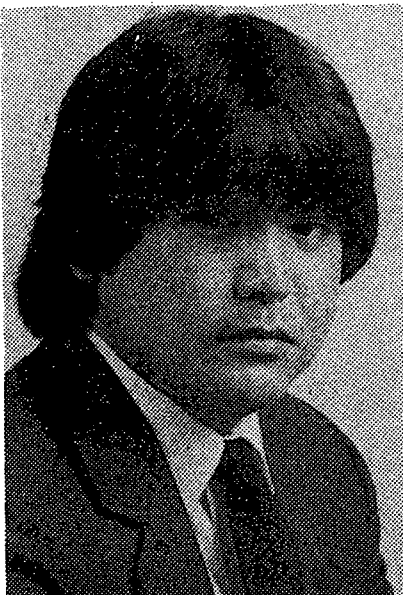
Barbara Wittstock, 908 Shattuck Avenue
Mickey Tenenbaum, 1639 Grant Street
Charles G. Osborne, 1716 Rose Street
Burl Willes, 2829 Russell Street
Robert Neville, 2925 Benvenue
Martin Schifffenbauer, 2218 Durant, #5

s/N. Krenkel



CANDIDATE FOR SCHOOL DIRECTOR

I, **DAVID JUNJI KAKISHIBA**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is David Junji Kakishiba.
2. The office for which I am a candidate is School Board Director.
3. That my residence is 1715 Dwight Way, Berkeley, California 94703.
4. The place of my birth is Sacramento, California.
5. My present occupation is Executive Director, Berkeley Asian Youth Center.
6. I have held the following public offices: Commissioner, Berkeley Police Review Commission.
7. Record of Community Service: Bilingual District Advisory Committee, Drug Abuse Prevention Program Advisory Committee, School Attendance Review Board, Berkeley Asian Task Force, Asian Pacific Democratic Club of Alameda County.
8. I am a taxpayer in the City of Berkeley.
9. Quality public education is a fundamental right that is shared and enjoyed by all students. The critical issue facing our schools today is insuring that right to those students traditionally underserved. Included in the ranks of the underserved are minority students, limited-English speaking students, disabled students, and students from low-income and single-parent families. These students represent the majority of our School District's student body. Standards for quality education begin - not end - with the academic success of these students. Our primary responsibility today is the education of the underserved student. We must soberly evaluate and establish clear plans in the areas of curriculum, pro-

gram, staff, facilities use and finances. We must maximize the use of existing resources available in the School District, in city services, in community-based organizations, in the University, and among parents and students. The active involvement and empowerment of parents, teachers, students and community is absolutely vital in making our vision a reality. In the spirit of mutual respect and equality, we must work together to insure a just and productive future for our new generation. Endorsements: Berkeley Asian Task Force, Berkeley Chicano/Latino Network, Berkeley Black Caucus, U.C. Student Caucus, Berkeley Citizens Action.

10. I refer to the following residents of the City of Berkeley:

Linda K. Asato, 2118 Channing Way #G
 Esther D. Bernal, 2115 6th Street
 Carole L. Chin, 1159 Spruce Street
 Jerry R. Fillingim, 753 Keeler Avenue
 Cissy Freeman, 2227 7th Street
 Sonia Ramirez-Garcia, 1025 Delaware Street
 Judith E. Heuman, 3025 Regent Street
 Tadashi T. Hirota, 1447 Ada Street
 Arlene Irlando, 1709 Carleton Street
 Carl Jaramillo, 1414 66th Street

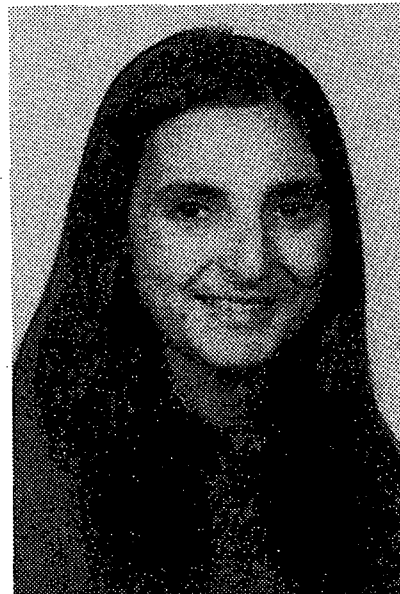
Betty N. Kano, 1340 Peralta Avenue
 Ying Lee Kelley, 862 Euclid Avenue
 Mayor Eugene "Gus" Newport, 2707 Stuart Street
 Abigail M. Ruskey, 2222 Durant Avenue #2
 Councilmember Maudelle Miller Shirek, 2705 Walker
 Councilmember Nancy C. Skinner, 1743 A Virginia
 Balbina Specla, 2204 6th Street
 Phuc K. Vuong, 1433 Dwight Way #E
 Stephen Wong, 1212 Masonic Avenue

s/D. Kakishiba



CANDIDATE FOR SCHOOL DIRECTOR

I, **MARSHA FEINLAND**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Marsha Feinland.
2. The office for which I am a candidate is school director.
3. That my residence is 2208 McGee Ave. #6.
4. The place of my birth is New York, New York.
5. My present occupation is Teacher, Mother.
6. I have held the following public offices: None.
7. Record of Community Service: Preschool, elementary, child care teacher in Philadelphia, Oakland, Hoopa, Alameda. Activist, Children's Center Employees' Union, Oakland. Parent volunteer, advocate, Arts Magnet School. Demonstrator against imperialism.
8. I am a taxpayer in the City of Berkeley.
9. The School Board, in its present role of administrator of cuts and distributor of public property to private interests, is in opposition to working class people in Berkeley. Instead, the School Board should mobilize the community to fight for quality education and related needs of children and families. Presently threatened services such as busing for integration, small class size, and child care must be maintained. Salaries for teachers, aides, and other school workers and the deteriorating schools themselves must be improved. School should be a child's place to learn to think critically, act creatively, and participate freely, not a production line for cogs in the machinery of capitalism. "Experiments" such as the Arts Magnet and Model Schools should be expanded to all schools so that all Berkeley children can participate in the arts and be part of an integrated

community. The School Board should spearhead a citywide campaign for a decent life for children and their families. Housing discrimination must end, and all vacant spaces made available. Parks, recreation, and child care centers should be available to all, with convenient locations and hours. This is a rich country whose resources should be used by people to promote life, not profits.

10. I refer to the following residents of the City of Berkeley:)

Aaron R. Aarons, 1900 Woolsey
 Michael Delacour, 2035 Parker
 Stephen Swanson, 832 Gilman
 Richard Teran, 1806 Berkeley Way #7

Lawrence R. Manuel, 2050 Sacramento St.
 Ingrid Landes, 3005 Fulton St.
 Beverly Slapin, 2702 Mathews St.
 Tom Condit, 1638 Grant St.

s/Marsha Feinland

CANDIDATE FOR SCHOOL DIRECTOR

I, HOWARD TRAYLOR, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Howard Traylor.
2. The office for which I am a candidate is School Director.
3. That my residence is 2317 Woolsey St. Berkeley, Ca.
4. The place of my birth is Detroit, Michigan.
5. My present occupation is Parent, Discrimination Investigator.
6. I have held the following public offices: none.
7. Record of Community Service: Task Force on Student Achievement; Berkeley Black Caucus; Coach, Bushrod Youth Soccer; President, American Federation of Government Employees, Local 3159; Vice President, Blacks in Government.
8. I am a taxpayer in the City of Berkeley.
9. I have four children, all educated in the Berkeley Public Schools. My wife and I have participated in our children's classrooms from Parent-Nursery through Berkeley High School. As a youth soccer coach I've taught boys and girls to be good at sports and more importantly to be good sports. I organized and trained the tutors of the University of California at Santa Barbara Tutoring Program. I am a Federal civil rights investigator and work for equal opportunity and affirmative action. I will, as a School Director, move to implement the recommendations of the Task Force on Student Achievement. We must provide equal education in which race, national origin, language, disability, and economic status are not the deciding factors in who succeeds and who fails in our schools. We must remove the barriers that discourage and frustrate. We must eliminate stigmatizing labels. All of our children are gifted and talented: but they need our concern and hard work for those gifts and talents to flourish. Congress member Ron Dellums, Alameda County Supervisor John George, Berkeley Citizens Action, and the Berkeley Black Caucus support my candidacy.
10. I refer to the following residents of the City of Berkeley:

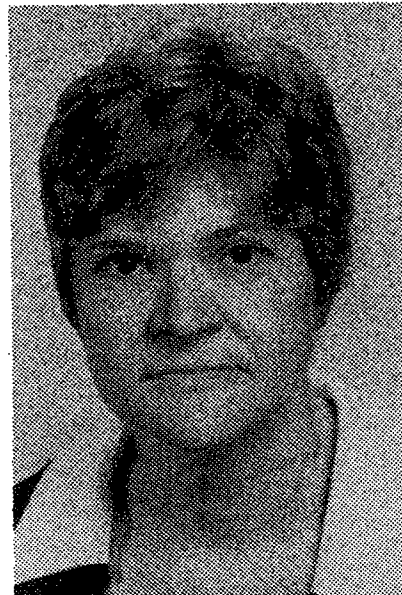
Mayor Eugene "Gus" Newport, 2707 Stuart St.
Carole L. Chin, 1159 Spruce St.
Margy Wilkinson, 3025 Ellis St.
Betty N. Kano, 1340 Peralta
Vice Mayor Veronika S. Fuskon, 1219 Peralta
Barbara Durando Traylor, 2317 Woolsey St.
Albert T. Lucero, 2611 Ashby
Loni Hancock, 2225 Ward St.
Carl Jaramillo, 1414 66th St.
Barbara Wittstock, 908 Shattuck Ave.

Jeanie L. Rucker, 2757 Dohr St.
Council Member Maudelle Miller Shirek, 2705 Walker
Regina Minudri, 2373 Woolsey St.
Betty Reid Soskin, 2001 Vine St.
Mark Min, 2545 Hillegass St.
Jerry R. Fillingim, 753 Keeler Ave.
Katharine "Kitty" McLean, 827 Indian Rock
Council Member Nancy Skinner, 1743 A Virginia St.
Judith E. Heumann, 3025 Regent St.
Matt N. Crawford, 1399 Delaware St.

s/Howard Traylor

CANDIDATE FOR SCHOOL DIRECTOR

I, ELIZABETH SHAUGHNESSY, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Elizabeth Shaughnessy.
2. The office for which I am a candidate is School Director.
3. That my residence is 1215 Walnut St, Berkeley, CA 94709.
4. The place of my birth is Dublin, Ireland.
5. My present occupation is Chess Program Director Berkeley Unified School District, Homemaker.
6. I have held the following public offices: None.
7. Record of Community Service: Magnet School Advisory Committee; ESAA; District-wide parent council; Gifted & Talented; President, Longfellow PTA; Director, Chess for youth/schools/parks; BUSD/UC Tutorial program.
8. I am a taxpayer in the City of Berkeley.
9. Education: Diploma, National Conservatory of Music, Bruxelles, Belgium. Graduate, School of Architecture, University College, Dublin. Background: Architect in Europe, North Africa, and the US. Specialised in schools and hospitals. Irish Chess Champion. Teacher, Vocational Schools. Three children attending Berkeley public schools, elementary and secondary. Goals: Berkeley's schools have reached a financial and leadership crisis. The children, staff and parents are excellent, but we lack leadership with an overview of all the District's problems, and all the District's children. I would hope to provide such leadership, pulling together rather than alienating all the elements which make a good school system work. To become financially solvent in the long term, we must attract into the public system, all of Berkeley's children. (30% to 40% do not now attend public schools) We must address the concerns of the parents within and outside the system whose needs are not being met. Through my daily involvement in District wide activities over 8 years, I have an overall concept of how the district could function. I will be accessible, independent, and open-minded. I will be a full time board member.
10. I refer to the following residents of the City of Berkeley:

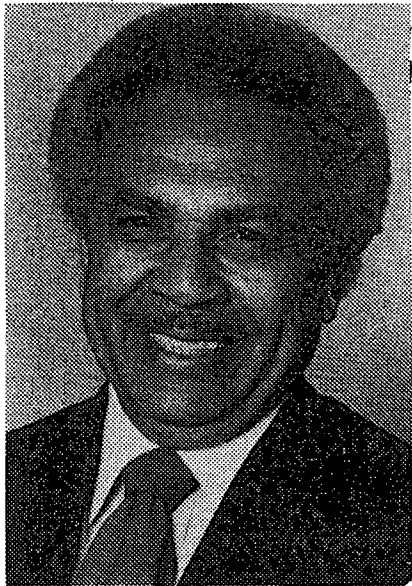
John Denton, Councilmember, 2935 Garber St.
Clarence Kyle, 1370 Virginia St.
Arnold W. Cohn, 2940 Forest Ave.
Martha Nicoloff, 1729 Virginia St.
Gilda Feller, 728 Santa Barbara Road.
Hon. Redmond "Bud" Staats, 851 Colusa Ave.
Elizabeth Temko, 1015 Fresno Ave.
Dr. John Jones, 2908 Derby St.
Martha Hamilton Jones, 2908 Derby St.
Mary Moore, 2330 Vine St.

Richard Herr, 1541 Hawthorne Terr.
Miriam de Uriarte, 1535 Walnut.
Holly Jurs Mines, 2323 Grant St.
Letitia Woodson, 1909 Grant.
Sam Hardin, 1909 Grant.
Ferné Kasarda, 69 Sunset Lane.
Pat Jackson, 2828 Russell.
Suzanne Chun, 1565 Beverly Place.
Gretchen Carlson, 1211 Walnut.
Ted Rosenkranz, 3034 Fulton.

s/Elizabeth Shaughnessy

CANDIDATE FOR RENT BOARD COMMISSIONER

I, WESLEY E. HESTER, SR., hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Wesley Eugene Hester, Sr.
2. The office for which I am a candidate is Rent Board Commissioner.
3. That my residence is 2609 Milvia Street, Berkeley, CA. 94704.
4. The place of my birth is Oakland, California.
5. My present occupation is Nursery School Provider.
6. I have held the following public offices: Council Member, City of Berkeley; Rent Board Commissioner, City of Berkeley; Police Review Commissioner, City of Berkeley; District Administrative Assistant, Assemblyman John J. Miller, 17th District, State of California; Alameda County Grand Juror, County of Alameda; Chairman, Affirmative Action Sub-Committee; Chairman, Revenue & Tax Sub-Committee; Chairman, Rent Board/Council Sub-Committee; Chairman, Berkeley Housing Authority Task Force; Chairman, Ellis Bill Task Force; Member: Housing Sub-Committee, Public Safety Sub-Committee; Community Development Sub-Committee.
7. Record of Community Service: Berkeley Black Caucus; NAACP; Co-op Medical Group Board of Directors; Co-op Credit Union Board of Directors; San Pablo Park Tennis Club; Challenger's Tennis Club; BCA.
8. I am a taxpayer in the City of Berkeley.
9. To the people of the City of Berkeley: If I'm elected as a Rent Board Commissioner it will provide me the opportunity to address some problems that various tenants and landlords have brought to my attention as

Chairman of the Rent/Board-Council 2 x 2 Committee: Increasing the availability of service to the public including evening hours of service to accommodate working people. Increase outreach to the elderly, Latino, Black, Asian, Section 8, landlord and student communities. Provide a non-adversarial atmosphere for landlords to discuss their problems in. Investigate the possibility of establishing a mediation-conciliation type service for resolving differences between landlords and tenants. Listen with an open mind and fairness to the problems of landlords, tenants, and employee's upon request. Finally, I promise the same type of quality leadership that I provided to the people of the city as a Council Member and former Rent Board Commissioner. Endorsers: Congressman Dellums, Supervisor George, Mayor Newport, Auditor Rabkin; Councilmembers Chandler, Jelinek, Shirek, Skinner; Rent Board Commissioners Brauer, McDonald, Pugh. Former Councilmember Ying Lee Kelley. Please vote: Hester, Milliken, Min, Schiftenbauer, Smith for Rent Board.

10. I refer to the following residents of the City of Berkeley:

Former Vice-Mayor Carole Davis, 2955 California St.
Margot Dashiell, 1341 Ada Street
Form. Rent Comm. G. Fran. Callejo, 1771 Highland
Judith E. Heumann, 3025 Regent St.
Nancy Gorrell, 850 Mendocino Avenue
Police Rev. Comm. David Kakishiba, 1715 Dwight
Patrick Kelich, 2229 Jefferson Avenue
Carl Jaramillo, 1414 66th Street
Coop Board President Bruce Miller, 1505 Cedar Street
David J. Sainiker, 3100 Colby St.

Form. City Councilmember Loni Hancock, 2225 Ward Ch., Police Rev. Comm. Arlene Irlando, 1709 Carleton
Form. Rent Bd., Richard Illgen, 1500 California
Margy Wilkinson, 3025 Ellis St.
Ronald H. Stevenson III, 3117 B Ellis St.
Thomas Brougham, 2139 Grant St. #6
UC Student Assn. Pres. Michael Berry, 2035 Delaware
Teresa Piccolo, 2018 Parker St.
Toni Mester, 2431 10th St.
Trans. Comm. Jeffrey S. Leiter, 1216 Grizzly Peak

s/Wesley E. Hester, Sr.

CANDIDATE FOR RENT BOARD COMMISSIONER

I, DAVID BRYDEN, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is David Bryden.
2. The office for which I am a candidate is Rent Stabilization Board.
3. That my residence is 1034 Camelia St.
4. The place of my birth is Glendale, California.
5. My present occupation is Rent Commissioner/Businessperson.
6. I have held the following public offices: Member, Human Relations and Welfare Commission City of Berkeley; Co-chair, Berkeley City Council Task Force on Nursing Home Care; Member, Berkeley Rent Stabilization Board.
7. Record of Community Service: My Wife, Yovelina Lopez, and I involve ourselves in our neighborhood by visiting the elderly, babysitting for neighbors, and attending "Crime Watch" meetings.
8. I am a taxpayer in the City of Berkeley.
9. As a Berkeley native I have a long personal commitment to our community. As a former tenant, I know that Berkeley wants and needs rent control. As a homeowner I have no financial interest at stake. I serve on the Rent Board because I care about our city and its people. I approach tenant/landlord issues competently and evenhandedly. Although a member of the Board's minority, I speak for the majority of citizens who want rent control to protect tenants from excessive, unfair rent increases and unwarranted evictions, while also allowing property owners a just and reasonable return to encourage housing maintenance and to discourage loss of available rental units. As a Board Member I have worked personally to help residents with these complex laws. I make myself available to all. My phone number is 526-9096. I remain committed to the establishment of mediation services as an alternative to expensive adversary hearings; the establishment of a fair return standard; maintaining our housing supply; improving community relations; and to listening to all sides. Vote for Aguayo, Burgess-DeVries, Liebman, Watts, and Bryden
10. I refer to the following residents of the City of Berkeley:

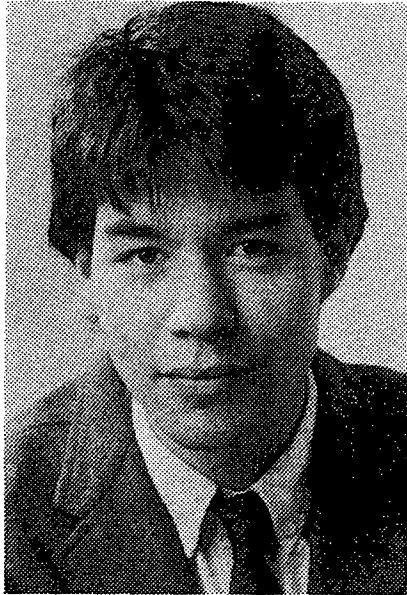
Wells Twombly, 1629 1/2 Francisco
Thomas Klatt, 2387 Cedar St.
Willie C. Johnson, 1670 Franklin St.
Kimberly A. Hafer, 1585-A Arch St.
William R. Williams, 466 Kentucky Ave.
Sig Cohn, 26 Rock Lane
Betty Olds, 131 Bret Harte Rd.
Al Silbowitz, 2590 Cedar St.
Gilda H. Feller, 728 Santa Barbara Rd.
Margaret S. Gordon, 1515 Oxford St.

William D. Porter, 1946 Thousand Oaks
Ruth Brunn, 647 Woodmont Ave.
Elsie R. Rumford, 1998 Ward St.
Wm. T. "Zack" Brown, 1734 Sonoma Ave.
Burton W. Bogardus, 911 Cragmont
Frank O. Brown, 2004 Russell St.
Anita P. Pinch, 1410 Scenic Ave.
Marylyn A. Coons, 58 Domingo Ave.
Jack Washburn, 20 Ajax Place
Doris C. Masiach, 265 Panoramic Way

s/D. Bryden

CANDIDATE FOR RENT BOARD COMMISSIONER

I, **MARK MIN**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Mark An-kun Min.
2. The office for which I am a candidate is Rent Board Commissioner.
3. That my residence is 2545 Hillegass Ave.
4. The place of my birth is Boulder, Colorado.
5. My present occupation is Student/Education Director.
6. I have held the following public offices: None.
7. Record of Community Service: Education Director, University Student's Cooperative Assoc.; Co-Director DE-Cal; Intern, Data Center; United People of Color; Berkeley Citizens Action; Watsonville Strike Support Committee
8. I am a taxpayer in the City of Berkeley.
9. Berkeley needs a comprehensive housing program that can provide affordable housing for all its citizens. Effective rent control and a competent Rent Board form the foundation for such a program. As a campus activist/organizer and member of United People of Color, I have implemented programs which have served the needs of minority and low income people on the UC campus and in the community. As Education Director for the 1400 member University Student's Housing COOP, I have the experience in administration and community outreach necessary for developing a more efficient and effective Rent Board. While the Rent Board must act forcefully to protect tenants from illegal evictions, unwarranted rent increases and housing code violations, it must also be responsive to all Berkeley residents, be they tenants, landlords or homeowners.

I will be accessible to all segments of the Berkeley community. Now more than ever, Berkeley needs a sound Rent Board that can create fair, workable procedures that guarantee effective administration and citizen understanding. Endorsements: Congressman Dellums, Supervisor George, former ASUC president Pedro Noguera, City Auditor Rabkin, Mayor Newport, Rent Commissioners McDonald, Brauer, Pugh. For an effective Rent Board, please vote: Hester, Milliken, Min, Schiffenbauer and Smith.

10. I refer to the following residents of the City of Berkeley:

Charles G. Osborne, 1716 Rose
 Ronald A. Stevenson III, 3117 Ellis St.
 Nancy Gorrell, 850 Mendocino Ave.
 Judith E. Heumann, 3025 Regent St.
 Form. Rent Comm. Richard Ilgen, 1500 California
 David Kakishiba, 1715 Dwight Way
 Patrick Kelich, 2229 Jefferson
 UC Student Assn. Pres. Michael Berry, 2035 Delaware
 Kris Welch, 1609 Grant
 Police Rev. Comm. Arlene Irlando, 1709 Carleton

Professor John G. Hurst, 2427 Spaulding Ave.
 Sara Kelley, 3025 Delaware
 Carl Jaramillo, 1414 66th St.
 Form. City Council Loni Hancock, 2225 Ward
 Form. Rent Comm. Franchesca Callejo, 1771 Highland
 Margy Wilkinson, 3025 Ellis St.
 City Councilmember Maudelle Shirek, 2705 Walker
 COOP Bd. Pres. Bruce Miller, 1505 Cedar St.
 David Sainiker, 3100 Colby
 Professor Margot Dashiell, 1341 Ada St.

s/Mark Min

CANDIDATE FOR RENT BOARD COMMISSIONER

I, **WALT MILLIKEN**, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Walt Milliken.
2. The office for which I am a candidate is Rent Stabilization Board.
3. That my residence is 3139 King St.
4. The place of my birth is Portland Maine.
5. My present occupation is Administrator/Computer Consultant.
6. I have held the following public offices: Member, Berkeley Board of Adjustments and Zoning Appeals, 1984-; Chair, Berkeley Citizens Budget Review Committee; Citizen member, Berkeley Council Sub-committee on Revenue; Member, Berkeley Data Processing Task Force; Member, Berkeley Citizen's Committee on Responsible Investments.
7. Record of Community Service: Co-author, Berkeley Responsible Investment Ordinance; Treasurer, Rent Stabilization Ordinance Campaign; Chair, Berkeley Citizens Action, 1984-1986; State Steering Committee, Campaign for Economic Democracy.
8. I am a taxpayer in the City of Berkeley.
9. Rent control is necessary to preserve a diverse Berkeley. Without rent control thousands could no longer afford to live in Berkeley. My experience in helping draft the current law will guarantee that the law is applied as intended by the voters. As former Chair of the Citizens Budget Review Committee, I know how to run a cost effective program. Two years on the Board of Adjustments has given me the skills to listen to all sides, determine the facts, and make fair decisions. My ten

years as an administrator with the Federal government will enable me to streamline a program of equitable enforcement. The Board must act quickly to stop the tide of illegal evictions, to roll back the few illegally high rents and to enforce safe housing codes. The proceedings of the Board must be expedited to meet the needs of tenants and small landlords. Endorsements: Berkeley Citizens Action, Congressman Ronald Dellums, Supervisor John George, Mayor Gus Newport, Auditor Anna Rabkin, Councilmembers Ann Chandler, Don Jelenik, Maudelle Shirek, Nancy Skinner, and Veronika Fukson, former Councilmembers Loni Hancock and Ying Lee Kelley, and former ASUC President Pedro Noguera. For an effective Rent Board vote: Milliken, Smith, Schiffenbauer, Hester, and Min.

10. I refer to the following residents of the City of Berkeley:

Professor Margot Dashiell, 1341 Ada St.
 Board of Adjustments Chair David Taylor, 2605 Fulton
 Coop President Bruce Miller, 1505 Cedar St.
 Form. Rent Comm. Fran. Callejo, 1771 Highland
 Patrick Kelich, 2229 Jefferson
 Rent Comm. Florence McDonald, 2810 1/2 Adeline
 Ronald H. Stevenson III, 3117 Ellis
 KPFA Manager David J Sainiker, 3100 Colby
 AFSME local pres. Margy Wilkinson, 3025 Ellis
 Police Review Chair Arlene Irlando, 1709 Carleton

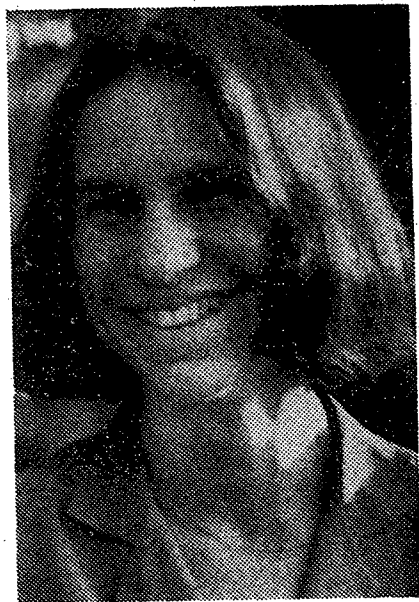
UC Student Assn. Pres. M. Berry, 2035 Delaware
 Rent Comm. John Brauer, 2211 Blake St.
 Cora Sue Harrison, 3139 King St.
 Carl Jaramillo, 1414 66th St.
 Planning Comm. Chair Richard Ilgen, 1500 California
 Charles G. Osborne, 1716 Rose
 Rent Comm. Kathi Pugh, 2133 Russell
 Former Rent Comm. Pearl Marsh, 2703 Stuart
 Judith E. Heuman, 3025 Regent St.
 Thomas Brougham, 2139 Grant St.

s/Walt Milliken



CANDIDATE FOR RENT BOARD COMMISSIONER

I, ELLEN LIEBMAN, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Ellen Liebman.
2. The office for which I am a candidate is Rent Board Commissioner.
3. That my residence is 1419 B Northside Avenue.
4. The place of my birth is New York City.
5. My present occupation is Programmer/Statistician.
6. I have held the following public offices: None.
7. Record of Community Service: Member: ACLU, Amnesty International, California Native Plant Society, Grey Panthers, Planned Parenthood, SF ASPCA.
8. I am a taxpayer in the City of Berkeley.
9. Rent Control is an issue that has evoked exciting rhetoric from both landlords and tenants. Clearly, there are great difficulties in administering the law so as to satisfy all parties. There has been a serious loss of rental units in Berkeley. To stem this tide we must address underlying problems in the implementation of the law. The Board has recently made some significant reforms while still meeting the important goals of shielding tenants from unreasonable rent increases and unjust evictions. We need to extend these and establish criteria to assure that landlords can receive a fair rate of return. For the past 14 years I have been a tenant in Berkeley. Like many tenants I am concerned that my next tenancy will have to be outside of Berkeley. I am running for Rent Board because I believe I can listen to both sides and help the Board act in the balanced, moderate manner that is essential to make rent control work. The Board faces many complex issues and my experience in analyzing data and dealing with technical problems will enable me to make competent decisions. Aguayo, Bryden, Burgess DeVries, and Watts are other candidates with the same goals.

10. I refer to the following residents of the City of Berkeley:

James J. Parsons, 670 Woodmont
Richard M. Hack Jr., 688 Grizzly Peak Road
Burton W. Bogardus, 911 Cragmont
Sig Cohn, 26 Rock Lane
Al Silbowitz, 2590 Cedar Street
Gilda H. Feller, 728 Santa Barbara
Margaret S. Gordon, 1515 Oxford
Betty Olds, 131 Bret Harte Road
William D. Porter, 1946 Thousand Oaks

Ruth Brunn, 647 Woodmont Ave
Elsie R. Rumford, 1998 Ward Street
William T. "Zack" Brown, 1734 Sonoma
Jack Washburn, 20 Ajax Place
Frank O. Brown, 2004 Russell Street
Anita P. Pinch, 1410 Scenic Avenue
Marilyn A. Coons, 58 Domingo Avenue
Doris C. Maslach, 265 Panoramic Way

s/Ellen Liebman

CANDIDATE FOR RENT BOARD COMMISSIONER

I, INEZ WATTS, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Inez Watts.
2. The office for which I am a candidate is Rent Stabilization Board Commissioner.
3. That my residence is 2601 Sacramento Street.
4. The place of my birth is Mansfield, Louisiana.
5. My present occupation is Public School Secretary.
6. I have held the following public offices: None.
7. Record of Community Service: Member - Oakland School Employees Association; Past President & Member - Altar Guild, Bethlehem Lutheran Church, Oakland, CA.; Past Member - Lutheran Women's Missionary League.
8. I am a taxpayer in the City of Berkeley.
9. From my first political experience running for the Rent Stabilization Board last June, I was gratified to learn that a very large number of voters supported the election of someone like myself—a longtime minority rental property owner who has provided low income housing in Berkeley for 28 years. With five seats open in this election, there is room for representation of those most adversely affected by rent control: owners with low rents who go deeper into a financial hole each year. Campaigning door-to-door, I discovered how frightened minority owners are of rent control. They have not been properly informed of all of the details of this complicated law and know of harsh penalties even owners with low and reasonable rents have received. I will represent this important part of Berkeley's diversity—people who help support themselves by providing needed

housing. We must correct the unfairness that exists so that more properties are not removed from our diminishing rental housing stock. I will administer the rent law even-handedly, based on years of experience being directly involved with my own tenants. Vote for the candidates of Citizens for Fair Rent Control: Aguayo, Bryden, Burgess-DeVries, Liebman and Watts.

10. I refer to the following residents of the City of Berkeley:

Doris C. Maslach, 265 Panoramic Way
Delmar G. Williams, 2807 Martin Luther King, Jr. Way
Robert K. Bryant, 1928 Stuart Street
Dorothy M. Bryant, 1928 Stuart Street
Barbara A. Lashley, 3110 Ellis Street
Sig Cohn, 26 Rock Lane
Al Silbowitz, 2590 Cedar Street
Gilda Feller, 728 Santa Barbara Road
Margaret S. Gordon, 1515 Oxford Street
Betty Olds, 131 Bret Harte Road

William D. Porter, 1946 Thousand Oaks
Ruth Brunn, 647 Woodmont Avenue
Elsie R. Rumford, 1998 Ward Street
Wm T. "Zack" Brown, 1734 Sonoma Avenue
Jack Washburn, 20 Ajax Place
Burton W. Bogardus, 911 Cragmont
Frank O. Brown, 2004 Russell Street
Marilyn A. Coons, 58 Domingo Avenue
Anita P. Pinch, 1410 Scenic Avenue
James W. Sweeney, 1455 Grizzly Peak Blvd.

s/Inez Watts

CANDIDATE FOR RENT BOARD COMMISSIONER

I, KATHLEEN BURGESS DeVRIES, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Kathleen Burgess DeVries.
2. The office for which I am a candidate is Rent Board Commissioner.
3. That my residence is 1779 LeRoy Ave., Berkeley.
4. The place of my birth is Anaheim, Calif.
5. My present occupation is cataloger.
6. I have held the following public offices: Board of Adjustments Commissioner.
7. Record of Community Service: Vice-President, Friends of the Berkeley Public Library; Secretary, Council of Neighborhood Associations; Chairman, Northgate Neighborhood Council.
8. I am a taxpayer in the City of Berkeley.
9. Retaining Berkeley's rental housing supply is crucial to our community's well-being. When I ran for Rent Board Commissioner two years ago, my primary concern was the loss of rental housing caused by landlords' conviction that the rent law was being administered in a harsh, punitive way. I committed myself to a fair, even-handed approach to problems raised by the law's administration. A major first step toward this goal was my participation in recruiting an outstanding director for the Rent Board. Through his efforts we have begun to establish order out of the chaos of inaccurate, unorganized information in the Board's files. This was a long-overdue prerequisite for efficient, fair administration of the law which I supported enthusiastically. This is a foundation we can build on to develop fair, reasonable policies which can be supported by the entire

community. Constant controversy and polarization over rent control in Berkeley have become a blight on our community. As a tenant, I want to work to diminish this problem to the maximum extent possible and protect our community from further losses of rental housing. I support Aguayo, Bryden, Liebman and Watts.

10. I refer to the following residents of the City of Berkeley:

Frank J. Cronin, 139 Tunnel Road
 Frances K. Adler, 1628 Berkeley Way
 Christopher Lee Adams, 2701 Virginia
 Sig Cohn, 26 Rock Lane
 Betty Olds, 131 Bret Harte Rd.
 Al Silbowitz, 2590 Cedar St.
 Gilda Feller, 728 Santa Barbara Road.
 Margaret S. Gordon, 1515 Oxford St.
 William D. Porter, 1946 Thousand Oaks
 Ruth Brunn, 647 Woodmont Ave.

Elsie R. Rumford, 1998 Ward St.
 Wm. T. "Zack" Brown, 1734 Sonoma Ave.
 Jack Washburn, 20 Ajax Place
 Burton W. Borgardus, 911 Cragmont
 Frank O. Brown, 2004 Russell St.
 Anita P. Pinch, 1410 Scenic Ave.
 Marylyn A. Coons, 58 Domingo Ave.
 Doris C. Maslach, 265 Panoramic Way

s/Kathleen Burgess DeVries

CANDIDATE FOR RENT BOARD COMMISSIONER

I, CAROL SMITH, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Carol Smith.
2. The office for which I am a candidate is Rent Stabilization Board.
3. That my residence is 2575 LeConte #9.
4. The place of my birth is Hollywood, California.
5. My present occupation is Rent Commissioner/Lawyer.
6. I have held the following public offices: Berkeley Rent Board Commissioner.
7. Record of Community Service: California Bar Association, member; Pari-mutuel Employees Guild Local 280, member; San Francisco Consumer Fraud Unit, intern; CALPIRG, volunteer.
8. I am a taxpayer in the City of Berkeley.
9. I am a current Rent Commissioner who has a deep commitment to preserving affordable rental housing through responsible administration of our rent control laws. My qualifications to continue in office include more than two years experience as a rent commissioner, graduation from Boalt Hall School of Law, an extensive background in public policy, especially housing issues, and active membership in the Pari-mutuel Employees Guild Local 280. As a commissioner, I actively worked to provide a fair and effective rent control program. My legal background enabled the Board to identify and understand the complex legal and policy issues it faced. My political independence helped to achieve workable, balanced solutions to complicated and often controversial problems. I will continue to strive for a program that is accessible, understandable, competent, caring

and responsive to the needs and concerns of all members of our community. I am endorsed by Congressman Ronald Dellums, Supervisor John George, Mayor Gus Newport, City Auditor Anna Rabkin, Councilmembers Nancy Skinner, Don Jelinek, Ann Chandler and Maudelle Shirek, and Rent Commissioners John Brauer, Kathi Pugh and Florence McDonald. To protect rent control and preserve the unique character of our community, please vote for Hester, Milliken, Min, Schiffenbauer and Smith.

10. I refer to the following residents of the City of Berkeley:

Kris Welch, 1609 Grant
 Professor Margot Dashiell, 1341 Ada St.
 Form. Rent Comm. Fran. Callejo, 1771 Highland
 Coop Board President Bruce Miller, 1505 Cedar St.
 UC Student Ass. Pres. Michael Berry, 2035 Delaware
 Barbara Durando Traylor, 2317 Woolsey
 Carl Jaramillo, 1414 66th St.
 Margy Wilkinson, 3025 Ellis St.
 Judith E. Heumann, 3025 Regent St.
 Charles "Ozzie" G. Osborne, 1716 Rose

Former City Councilmember Loni Hancock, 2225 Ward
 Ronald H. Stevenson III, 3117 B Ellis St.
 Planning Comm. Chair Richard Illgen, 1500 California
 David Kakishiba, 1715 Dwight Way
 Laura Guerra, R.N., F.N.P., 1860 San Ramon St.
 Nancy Gorrell, 850 Mendocino Ave.
 Local 280 Vice-President Richard Castro, 2504 Grant
 David J. Salmaker, 3100 Colby
 Patrick Kelch, 2229 Jefferson
 Police Review Comm. Arlene Irlanda, 1709 Carleton

s/Carol Smith

CANDIDATE FOR RENT BOARD COMMISSIONER

I, MARTIN SCHIFFENBAUER, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Martin Schiffenbauer.
2. The office for which I am a candidate is Rent Stabilization Board.
3. That my residence is 2218 Durant Ave. (#5), Berkeley, CA 94704.
4. The place of my birth is New York City.
5. My present occupation is Lecturer/Editor.
6. I have held the following public offices: Berkeley Rent Stabilization Board Commissioner (1980-1981); Berkeley Citizens Committee on Responsible Investments (Member, 1985-86).
7. Record of Community Service: Berkeley Housing Coalition; SOS (Elmwood Rent Law); VOTE (November City Elections); Shelterforce; Nabolom Fan Club; Socially Responsible Investment Professionals; Co-op News; KPFA; Berkeley Citizens Action.
8. I am a taxpayer in the City of Berkeley.
9. Biographical Information: Twenty year Berkeley tenant. Bachelors, Finance; Doctorate, Psychology. Employment History: Instructor (UC-Berkeley); Editor; Ethical Investing Lecturer. Received Mayor's "Super Citizen" award (1984) for community leadership. "Predictions are difficult - especially about the future," producer Sam Goldwyn once lamented. So, without gloating, I remind those who predicted rent control would destroy Berkeley they've been proven wrong. Instead, controls help Berkeley remain a creative, vital community. Without them, skyrocketing rents would inevitably produce gentrification, overcrowding and ruinous

overdevelopment. Although controls substantially benefit Berkeley, the rent law's administration needs improvement. My detailed knowledge of the law (which I coauthored), tenant/landlord counseling experience and prior rent board service particularly qualify me to implement rent control equitably and efficiently. My priorities are to: improve board outreach so tenants and landlords better understand their rights and obligations; streamline board hearings; eliminate illegal rent overcharges and evictions; protect local rent laws from irresponsible state legislation. My endorsers include: Congressman Ron Dellums; Mayor "Gus" Newport; City Auditor Anna Rabkin; County Supervisor John George; Councilmembers Ann Chandler, Wesley Hester, Don Jelinek, Nancy Skinner; Rent Board Commissioners John Brauer, Florence McDonald, Kathi Pugh, Carol Smith. For an effective rent board please vote: Hester, Milliken, Min, Schiffenbauer, Smith.

10. I refer to the following residents of the City of Berkeley:

Sahag Avedisian, 1533 Sacramento St.
G. Franchesca Callejo, 1771 Highland Place (#102)
Margot Dashiell, 1341 Ada St.
Michael Fullerton, 1643 Edith St.
Lawrence Gordon, 792 Cragmont Ave.
Loni Hancock, 2225 Ward St.
Judith E. Heumann, 3025 Regent St.
Richard F. Ilgen, 1500 California St.
Arlene Irlando, 1709 Carleton St.
Carl Jaramillo, 1414 66th St.

Pearl-Alice Marsh, 2703 Stuart St. (#5)
Laura Matthias, 2336 Blake St. (#1)
Charles "Ozzie" Osborne, 1716 Rose St.
Jean W. Parsons, 2822 Garber St.
Rachel Richman, 1678 Parker St.
David J. Salniker, 3100 Colby St.
Arlene Talbot, 1544 Josephine St.
Kris Welch, 1609 Grant St.
Margy Wilkinson, 3025 Ellis St.
Burl Wilkes, 2829 Russell St. (#B5)

s/Martin Schiffenbauer

CANDIDATE FOR RENT BOARD COMMISSIONER

I, LESLIE AGUAYO, hereby declare that I am a candidate for an elective office in the City of Berkeley, and make the following statement, to-wit:



1. That my name is Leslie Aguayo.
2. The office for which I am a candidate is Rent Board Commissioner.
3. That my residence is 1825 Derby Street, Apt. B Berkeley, CA 94703.
4. The place of my birth is Berea, Ohio.
5. My present occupation is Editorial Assistant.
6. I have held the following public offices: none.
7. Record of Community Service: Hospice volunteer providing care to terminally ill patients and their families both at home and in the hospital.
8. I am a taxpayer in the City of Berkeley.
9. As a person who grew up in Berkeley, I feel strongly about maintaining the special quality of our community. In recent years, I have been disturbed by the growing adversarial atmosphere surrounding tenant-landlord issues. Those most hurt by Berkeley's housing crisis are families, minority group members, people with disabilities and students. To solve Berkeley's critical housing problems and to assure that all tenants have an equal opportunity to obtain adequate housing, I believe that the city and the university must work together to provide more university sponsored student housing. As Rent Board Commissioner, I will work to alleviate the unfair conditions which keep housing from those who need it most. My work experience qualifies me to lead in cooperative exchanges. I am willing to work with all board members to create a more positive climate for tenant-landlord mediation, a more evenhanded administration of Berkeley's rent control laws and continued institution of necessary reforms. As a former tenant and current owner of a four unit owner-occupied building, I can provide the board with a deep understanding of tenant-landlord relations. Vote Aguayo, Bryden, Burgess-DeVries, Liebman and Watts for Berkeley Rent Stabilization Board.

10. I refer to the following residents of the City of Berkeley:

Frank Aguayo, 1825 Derby Street
Vicki V. Smith, 1820 Derby Street
Marylyn A. Coons, 58 Domingo Avenue
Gilda H. Feller, 728 Santa Barbara Road
Betty Olds, 131 Bret Harte Road
Margaret S. Gordon, 1515 Oxford Street
William D. Porter, 1946 Thousand Oaks
Ruth Brunn, 647 Woodmont Avenue

Elsie R. Rumford, 1996 Ward Street
William T. "Zack" Brown, 1734 Sonoma Avenue
Jack Washburn, 20 Ajax Place
Burton W. Bogardus, 911 Cragmont Avenue
Frank O. Brown, 2004 Russell Street
Anita P. Pinch, 1410 Scenic Avenue
Doris C. Maslach, 265 Panoramic Way
Sheldon Baumrind, 1525 Walnut Street

s/Leslie Aguayo

Section 41 of the Charter broadly forbids county officers and employees from participating in political activities. This section was declared to be unconstitutional in its entirety by the California Supreme Court in 1964.

Measure E, if approved by the voters, will remove all of the foregoing invalid or superseded provisions from the text of the Charter. However, because these provisions are invalid or superseded, their repeal will not change the legal effect or operation of any of these sections of the Charter. Additionally, state laws regulating the political activities of local governmental employees will continue to apply to county officers and employees.

A "yes" vote on Measure E is a vote in favor of repealing or amending the Charter provisions as proposed.

A "no" vote on Measure E is a vote in favor of retaining the Charter provisions unchanged.

s/RICHARD J. MOORE
County Counsel

ARGUMENT IN FAVOR OF MEASURE E

Measure E provides the voters of Alameda County an opportunity to remove from the County Charter obsolete, invalid, or superseded provisions relating to the qualifications and appointment of members of the Civil Service Commission and political activities of County officers and employees. The Charter, approved by the voters in 1926, is the basic legal document setting forth the structure of the County government and specifying the qualifications, powers, and duties of elective and appointive County officers, boards, and commissions. Since 1926, many of the provisions still contained within the Charter have (1) become obsolete because of the passing of time and changing conditions, (2) been superseded by laws applicable throughout the state, or (3) become unconstitutional based on court decisions. It is increasingly difficult for County officers as well as members of the public to distinguish those provisions which are still in effect from those that are obsolete, invalid, or superseded. This difficulty may lead to the inadvertent enforcement of superseded or invalid Charter provisions or the failure to enforce Charter sections that are still in force. In either event, the County and its officials, and indirectly the taxpayers, may be subjected to lawsuits and financial liability.

Vote for Measure E and help make the County charter a document to which both public officials and private citizens may turn for reliable guidance.

s/Charles Santana - Chairman, Alameda County Board of Supervisors
s/Edward R. Campbell, Supervisor, 1st District
s/Don Perata, Supervisor, 3rd District
s/Robert G. Knox, Supervisor, 4th District
s/John George, Supervisor, 5th District

No argument submitted against Measure E.

INSTRUCTIONS TO VOTERS

Certain of the following proposed Measures expressly amend existing sections of the Berkeley Charter and a Berkeley Ordinance; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in **bold italic** to indicate that they are new.

The following analyses prepared by the Berkeley City Attorney are designed to give voters a summary of each measure appearing on the ballot. In order to be fully informed, voters are urged to read each proposed measure as well as the analyses.

CITY OF BERKELEY MUNICIPAL ELECTION

**Consolidated with the General Election
to be held November 4, 1986**

NOTICE OF MEASURES SUBMITTED

Notice is hereby given that the Council of the City of Berkeley is submitting one (1) Tax Measure at the request of the Berkeley Unified School District, One (1) Charter Amendment on its own motion, seven (7) Initiative Ordinances upon petition of registered electors, Two (2) Measures on its own motion and One (1) Advisory Measure on its own motion to be voted upon at the Municipal Election consolidated with the General Election to be held on Tuesday, November 4, 1986; to wit:

BERKELEY UNIFIED SCHOOL DISTRICT PROPOSED TAX MEASURE

H	MEASURE H: Shall a measure entitled "Berkeley Public Schools Enrichment Act of 1986" be adopted?	YES
		NO

BALLOT SUMMARY

To provide funding for the Berkeley public schools for the special Purposes of: (1) smaller class size, (2) program enrichment, in during-school and before/after-school programs, in art, music, sports, literature, science, and other curricula, (3) books and supplies, and (4) buildings and grounds improvements, shall the Berkeley Unified School District be authorized to levy a special tax of \$0.07 per square foot on all Residential Buildings and Improvements and of \$0.105 per square foot on all Commercial, Industrial, and Institutional Buildings and Improvements, for a period of eight years, as described in the voters pamphlet?

To enable expenditures of the above tax monies, shall the Appropriations Limit for the District be increased by the amount collected by levy of this special tax in each of the first four years covered by this eight-year Measure? (Increase of the Appropriations Limit for the last four years of the Measure will require reapproval by the electorate.)

FULL TEXT OF MEASURE H

The full text of the ballot Measure shall read as follows:

To improve the quality of public education to the benefit of the entire Berkeley community by providing funding for the Purposes and in accordance with provisions specified below, shall the Berkeley Unified School District be authorized to levy a special tax of \$0.07 per square foot on all Residential Buildings and Improvements and of \$0.105 per square foot on all Commercial, Industrial, and Institutional Buildings and Improvements for a period of eight years?

1. Title

This Measure may be cited as the "Berkeley Public Schools Educational Enrichment Act of 1986". The Measure reflects ideas and judgments from a wide variety of perspectives on the needs of the public educational system and has been developed by citizens committed to the Berkeley Public Schools. The tax levied by this Measure is solely for the purpose of raising revenue to improve the quality of the public schools.

2. Allocation of Funds

A. Percentage Formula

The Available Funds raised by this special tax shall be allocated as follows:

Percentage	Purpose
50%	1. Reducing Class Size and Maintaining Program Diversity
20%	2. Site-Administered Enrichment Programs, Including Before- and After-School Programs
15%	3. Books, Instructional Supplies, and Educational Equipment
15%	4. Buildings and Grounds Improvements

B. Special Purpose Funds

To provide proper accounting for the revenues raised by this Measure, all such revenues shall be deposited in four Special Purpose Funds—one for each of the four Purposes above—in the percentages set forth above.

3. Purposes

The Purposes identified above shall be specified as follows:

A. REDUCING CLASS SIZE AND MAINTAINING PROGRAM DIVERSITY

To reduce the average size of classes, thereby enabling more individualized attention in grades kindergarten through six, and allowing a wider diversity of course offerings in grades seven through twelve. Funds for this purpose may be spent to cover all attendant staff, operational, and material expenses associated with the increased number of classrooms needed to achieve lower class size, including those expenses associated with the reopening of closed school sites, if such reopening is needed to achieve the lower class sizes.

It is the goal of this Measure to reduce the Average Class Size to 25 or lower and to reduce the Maximum Class Size to 27 or lower in grades kindergarten through six and to reduce the Average Class Size to 27 in grades seven through twelve. However, since class size is, by state law and regulation, subject to negotiation with the authorized teacher collective bargaining agent, adoption of this goal in any particular year is subject to negotiation with said agent. Nevertheless, in no case, may money allocated by this Measure for the purpose of Reducing Class Size and Maintaining Program Diversity be expended for any other purpose.

B. SITE-ADMINISTERED ENRICHMENT PROGRAMS, INCLUDING BEFORE- AND AFTER-SCHOOL PROGRAMS

To provide to all School Sites a per pupil allocation from preschool through twelfth grade for (1) new enrichment programs in areas such as language arts, mathematics, the arts, athletics, and physical and social

sciences, and (2) before- and after-school programs. As described in Paragraph 9.B below, a Site Committee shall be established at each School Site to develop a set of objectives and a plan for expenditures of funds in this category.

C. BOOKS, INSTRUCTIONAL SUPPLIES, AND EDUCATIONAL EQUIPMENT

To increase the budget for books, instructional supplies, and educational equipment from preschool through grade twelve, thereby providing adequate quantities of quality texts and materials, improving school libraries, and furnishing special equipment in areas such as science, physical education, and the arts.

D. BUILDINGS AND GROUNDS IMPROVEMENTS

To make improvements to buildings and grounds of School Sites, with priority to those Deferred Maintenance Plan items the District could not otherwise afford to fund, thereby protecting the health and safety of children and staff, preserving the structural integrity of school buildings, providing for site security, and creating an environment more conducive to learning.

4. The Tax Levy

The special tax shall be levied on the square footage of all Improvements in the City of Berkeley, except where the Improvements are otherwise exempt from taxation by Paragraph 12 of this Measure. The tax levied shall be at the rate of \$0.07 per square foot on all Residential Buildings and Improvements and at the rate of \$0.105 per square foot on all Commercial, Industrial, and Institutional Buildings and Improvements, as defined in Paragraph 13.

5. Cost-of-living Adjustment

Each year the rate imposed by this special tax may be increased, if applicable, by a percentage equal to the annual percentage increase in the Consumers' Price Index, All Urban Consumers, All Items, for the San Francisco-Oakland Metropolitan Area, published by the United States Department of Labor, Bureau of Labor Statistics, but in no event shall such percentage increase exceed 5% of the Special Tax rate for the previous year.

6. Reallocation Provisions

A. Any increases in funds raised by this Measure due to the cost-of-living adjustment set forth in Paragraph 5 shall be first allocated to Reducing Class Size and Maintaining Program Diversity if needed to assure continued maintenance of reduced class sizes. The remainder of these increased funds, after subtracting the allocation for Reducing Class Size and Maintaining Program Diversity, shall be distributed among the remaining Purposes proportionately to the relative percentages established by Paragraph 2.

B. In the event of expiration, without reauthorization, of this Measure, all funds remaining in the Special Purpose Funds established by this Measure shall be expended for their respective Purposes in subsequent fiscal years, except that all funds shall first be reallocated to the Purpose of Reducing Class Size and Maintaining Program Diversity if needed to assure maintenance of reduced class size.

7. Intent to Supplement, Not To Replace

It is a general goal of this Measure that for each of the years the Measure is in force the revenues allocated by the Measure to each of the Purposes described in Paragraph 3 be in addition to continued District expenditures at levels equal to or greater than Fiscal Year 1986-1987 expenditures for those Purposes. Specifically, it is a goal that expenditures of funds generated by this Measure to reduce class size be in addition to the District's continued expenditures at or above Fiscal Year 1986-1987 levels to maintain class-size objectives for that year; that expenditures of funds generated by this Measure for books, supplies, and equipment be in addition to the District's continued expenditures at or above Fiscal Year 1986-1987 levels

for per pupil non-categorical funds for these Purposes; and that expenditures of funds generated by this Measure for buildings and grounds improvements be in addition to the District's continued expenditures at Fiscal Year 1986-1987 levels for deferred maintenance.

8. Appropriations Limit

Pursuant to Article XIII B of the California Constitution, the Appropriations Limit of the District shall be increased by the amount collected by the levy of this special tax in each of the first four years covered by the Measure. (Pursuant to Article XIII B, the increase of the Appropriations Limit for the last four years of the Measure will require reapproval by the electorate.)

9. Planning, Public Information, and Compliance Review Provisions

A. Independent Auditor's Report

Each year, an Independent Auditor retained by the District shall review District records to determine that funds have been allocated and expended in compliance with the terms of this Measure. Said audit shall be in accordance with generally accepted accounting principles, the Standards and Procedures for Audits of California K-12 Local Educational Agencies, and this Measure. The Independent Auditor shall transmit a "Finding of Violation" to the District with a copy to the Alameda County Superintendent of Schools if:

- (1) Funds raised by the Measure have been spent for purposes other than those specified in Paragraph 3.
- (2) Funds raised by this Measure have not been allocated to the respective Purposes in the percentages specified in Paragraphs 2 and 6.
- (3) The goal to provide funds in addition to Fiscal Year 1986-1987 levels of District expenditures, as specified in Paragraph 7, has not been met.

B. Site Committees

At each School Site, a Site Committee shall be established, composed of Site principal, elected representatives of staff, and elected representatives of parents of children attending school at the Site. In addition, Site Committees at Sites serving any grades nine through twelve shall include elected representatives of students.

Each Site Committee shall annually develop a recommended set of objectives for the use of the funds allocated by this Measure to that School Site and a recommended plan for the expenditure of those funds that is consistent with those objectives. The plan shall be based in part on a springtime survey of Site staff, Site administration, parents, and students and shall consider comments and suggestions of the district-wide Planning and Oversight Committee.

The Site Committees shall also assist the District in preparation of the Annual Report on the expenditures of funds raised by this Measure.

C. Planning and Oversight Committee

A Planning and Oversight Committee shall be established (1) to assist the District with the development of objectives and expenditure plans for each of the Purposes other than "Site-Administered Enrichment Programs, Including Before- and After School Programs"; (2) to provide coordination and communication among School Sites in their effective use of the revenues provided by this Measure; and (3) to review District compliance with the terms of this Measure. This Committee shall consist of four representatives chosen by the Site Committee of Berkeley High School and one representative chosen by each of the other Site Committees. This Committee shall meet no fewer than six times per year, including at least one meeting within one month of the Auditor's Report described above.

The District shall make available to the members of the Committee a quarterly financial tabulation detailing and summarizing, by category and by Site, expenditures of funds raised by this Measure.

The Committee shall, subsequent to issuance of the Auditor's Report, prepare a report to the District assessing the District's compliance with the Measure. The Committee shall assist the District in achieving full compliance with the terms of the Measure.

D. District Reports

The District shall prepare the following documents:

1. Annual Plan

An Annual Plan shall indicate how the District will satisfy the Purposes and intent of this Measure in the following year. The first such report shall be prepared by March 1, 1987.

2. Independent Auditor's Report Summaries

A report shall summarize, in layperson's terms, the findings of any Independent Auditor's Reports with respect to compliance with the terms of this Measure.

3. Quarterly Financial Report

A quarterly financial statement shall tabulate and summarize expenditures of Special Tax Funds, by category and by site.

4. Annual Report

An Annual Report, prepared with the assistance of the Site Committees, shall describe how funds raised by the Measure were distributed in the previous fiscal year in relation to the Annual Plan and in satisfaction of the Purposes of this Measure.

5. Manual of Definitions

A manual, periodically updated as needed, shall define the assumptions and formulae associated with cost allocations needed to determine compliance with the terms of this Measure.

E. Public Comment Process

To facilitate public discussion, the above District Reports shall be promptly distributed to the Planning and Oversight Committee, to individual Site Committees, and to all City public libraries. The public shall be informed of the District Reports' availability.

At the annual public hearing in January, the Board, either collectively or as individual members, shall provide written responses to issues raised by written comments previously received from the public regarding the District Reports. These responses shall be distributed as were the District Reports. The purpose of this comment process is to increase parent and general public understanding of the operations of the District and to assure that the District has fully considered public comment in its decision-making process.

F. Public Hearing Process

In January of each year, beginning in 1988, and continuing annually until all monies generated by this Measure have been expended, the District shall hold a public hearing or hearings for the purpose of reviewing compliance with the terms of this Measure, including the presentation of the report on compliance of the Planning and Oversight Committee.

G. Administrative Costs

Up to a maximum of 1.0% of the funds raised by this Measure may be expended for administrative activities related to complying with the auditing, monitoring, and reporting processes of this Measure.

H. Civil Remedies Available At Law

The above provisions are in addition to other civil remedies available at law for assuring compliance with the terms of this Measure.

10. Term

The tax levied by this Measure shall be operative on January 1, 1987, or from the date it is first collected, whichever is later, and for the eight-year period that immediately follows thereafter unless it is terminated sooner for lack of any necessary voter approval of an increase in the Appropriations Limit referred to in Paragraph 8. In any event, the tax shall expire at the end of said eight-year period or no later than December 31, 1995, unless otherwise extended.

11. Collection

The District may request that the special tax be collected by the County of Alameda in conjunction with the County's collection of property tax revenues for the District. In the event that the County of Alameda collects the special tax, the imposition of penalties, additional fees, and interest upon persons who fail to remit the special tax imposed by this Measure, or who fail to remit any delinquent remittance under this Measure, shall be subject to and governed by the rules, regulations, and procedures utilized by the County of Alameda in its collection of property taxes for the District and in its collection of this additional tax for the District. Every penalty imposed and such interest as accrues under the provisions of this Measure shall become a part of the-tax herein required to be paid.

12. Savings clause

The provisions of this Measure shall not apply to any person, association, or corporation or to any property as to whom or which it is beyond the power of the District to impose the tax herein provided. If any sentence, clause, section, or part of this Measure or any tax against any individual or any of the several groups specified herein is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, or part of this Measure and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this Measure. It is hereby declared to be the intention of the Board that this Measure would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included.

13. Definitions

For purposes of this Measure, the following terms shall be defined as set forth below:

A. "Available Funds" shall mean the amount of money provided by this Measure after deduction of costs for collecting the tax as provided in Paragraph 11 and the costs of administration as provided in Paragraph 9.G.

B. "Average Class Size" shall mean the average of the class enrollments of all classes excluding such classes as special day classes and "pullout programs." Certificated personnel who do not have full-time teaching assignments shall only be counted in the average to the extent they teach regular classes. The formula for determining the number of teachers needed to meet the class-size objectives at the nine to twelve grade level shall be:

teacher full-time equivalent assignment =

$$\frac{\text{enrollment} \times \text{number of classes per day per student}}{\text{average class size objective} \times \text{number of classes per day taught by each teacher}}$$

C. "Building" shall mean any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word "building" includes the word "structure".

D. "Commercial," "Industrial," and "Institutional" shall refer to all buildings and improvements within the city that are not classified by this Measure as Dwelling Units.

E. "District" shall mean the Berkeley Unified School District.

F. "Dwelling" shall mean a building or portion of a building designed for human occupancy.

G. "Dwelling Unit" shall mean a building or portion of a building designed for or occupied exclusively by one family.

H. "Family" shall mean one or more persons related by blood, marriage, or adoption and, in addition, any domestic servants or gratuitous guests thereof who are living together in a single Dwelling Unit and maintaining a common household. Family shall also mean all unrelated persons who live together in a single Dwelling Unit and maintain a common household.

I. "Improvements" shall mean all buildings or structures erected or affixed to the land.

J. "Independent Auditor" shall mean an independent public accountant or independent certified public accountant, retained by the District.

K. "Maximum Class Size" shall mean the maximum number of students at any time during the day in any class.

L. "Residential Buildings and Improvements" shall mean Improvements of Dwelling Units.

M. "School Site and Site" shall mean each distinct school premise serving any grade between pre-school and twelfth grade.

N. "Site Committee" shall mean the committee designated by this Measure to develop recommended objectives and expenditure plans for the Site-Administered Enrichment Programs, Including and Before- and After-School Programs.

O. "Square footage" shall mean the total gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of buildings (or the center lines of party walls separating such buildings or portions thereof) or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls, and including pedestrian access walkways or corridors, but excluding the following:

1. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto.

2. Areas which are outdoor or semi-outdoor areas included as part of the building to provide a pleasant and healthful environment for the occupants thereof and the neighborhood in which the building is located. This exempted area is limited to balconies and to natural ground areas, terraces, pools, and patios which are landscaped and developed for active or passive recreational use, and which are accessible for use by occupants of the building.

3. Arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

P. "Structure" shall mean anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Q. "Parcel" shall mean a unit of real estate in one ownership as shown on the most current official assessment roll of the Alameda County Assessor.

COUNTY COUNSEL'S ANALYSIS OF MEASURE H

In 1979, the Legislature added sections 50075-50077 to the Government Code to implement the provisions of Article XIII A of the California Constitution. These sections authorize cities, counties and districts to submit to the voters for approval or rejection a measure authorizing the levying of a special tax.

If two-thirds of the qualified electors voting on the measure vote for approval, the Board of Trustees of the Berkeley Unified School District will be authorized to levy a special tax of \$.07 per square foot on all residential buildings and improvements and of \$.105 per square foot on all commercial, industrial and institutional buildings and improvements for a period of eight years. Under this formula, a residential building or improvement of 1800 square feet would be subject to an annual special tax of \$126 and a similarly-sized commercial, industrial, or institutional building would be subject to an annual special tax of \$189. The measure provides for an annual increase in the tax rate equal to any annual increase in the specified San Francisco Bay Area Consumers' Price Index, said increase not to exceed 5% of the prior year's rate.

The measure provides that the special tax revenues are to be distributed to, and spent from, four special purpose funds, as follows:

50% - Reducing class size and maintaining program diversity

20% - Site administered enrichment programs, including before and after-school programs

15% - Books, instructional supplies, and educational equipment

15% - Buildings and grounds improvements

Additional revenues resulting from the indexing of the tax rate to the Consumers' Price Index are to be first allocated to reducing class size and maintaining program diversity and any of these sums not required for this purpose are to be distributed to the other three funds in the proportion indicated.

The measure states that its goal is to supplement, not replace, continued expenditures for the stated purposes at the fiscal year 1986-87 expenditure levels. The district's appropriations limit, as provided in Article XIII B of the California Constitution, is increased by the measure to the amount collected by the special tax in each of the first four years covered by the measure, and the measure states that the appropriations limit for the remaining four years of the measure will require voter approval.

If two-thirds of the qualified electors voting on the measure do not vote for approval, the measure will fail and the proposed tax will not be levied.

s/RICHARD J. MOORE,
County Counsel

ARGUMENT IN FAVOR OF MEASURE H

OUR SCHOOLS NEED HELP

Dramatic changes in California school finance over the past decade have deprived Berkeley's children of essential educational programs, produced alarming shortages of books and supplies, and given us overcrowded classes in deteriorating buildings. Adjusted for inflation, **Berkeley's school income per pupil has declined 20% since 1977.** Berkeley's expenditure per pupil now ranks below the district average of every other industrial state in the nation.

LOCAL ACTION IS NEEDED

The lottery provides only a 2%-3% increase in school income. Funding bills in Sacramento have failed. State loans must go solely toward eliminating the current deficit. While better management will help, it will not solve the problem of inadequate funding. Unless we act now, the decline in school support will do irreversible damage.

MEASURE H WILL RESTORE MUCH OF THE LOST FUNDING

The revenues raised by Measure H are strictly **designated for the basics of quality education:**

- smaller class sizes
- adequate books, supplies, equipment
- secure, well-maintained facilities
- site-administered funds for basic and enrichment programs, e.g., science, arts, sports, before and after school programs.

These revenues may not be used for other purposes—not for the General Fund, not to retire the deficit. They will **supplement current expenditures for the above purposes.**

QUALITY EDUCATION IS ESSENTIAL

The cost of the **tax is surprisingly low.** A small house (1000 sq. ft.) pays \$70/year. An average house (1800 sq. ft.) pays \$126/year. See Attorney's Analysis.

PEOPLE FROM VIRTUALLY EVERY EDUCATIONAL AND POLITICAL PERSPECTIVE HAVE ENDORSED MEASURE H:

*School Board Candidates: **Handy, Kakashiba, Kemper, Miao, Moskovitz, Shaughnessy, Traylor, Warren**

*Mayoral Candidates: **Hancock, Polakoff**

*Congressman Dellums, State Senator Petris, Assemblyman Bates

***James Ella James, Mary Friedman, Pat Jackson, Jay Welsh, Ronnie Stevenson, Luanne Rogers, Louise Stoll, Marc Monheimer, Pedro Noguera, Charles Benson, UCB Education Department, School Superintendent Zlokovich**

s/Jeanie Rucker, Former School Board Member

s/Lillian Rabinowitz, Co-founder and Board Member, Over-Sixty Clinic

s/Robert Sicular, Realtor/Businessman

s/Irene Hegarty, Neighborhood and School Activist

s/Chris Lim, Principal, Willard Junior High School

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE H

The issue is not education. The issue is how to pay for it.

Do the ends justify the means? Would you vote for a tax that discriminates against women or minorities? Of course not. Then you should vote against **this** unfair tax. A good end does not justify an evil means!

The progressive economist Henry George said: "It is unjust when tax gatherers say that because a person has built a house, therefore the state demands a certain portion from him. The person who builds a house does something not just for himself, but for the whole community. It is stupid to tax someone for building houses. The state should encourage employment, not discourage it."

Many people oppose this tax because they don't wish to further the mismanagement that left a multi-million dollar deficit. Others note that Berkeley public schools already receive \$650 per child more than the state average.

There are ways to pay for better schools without this tax increase. Parents can help pay for special enrichment programs. Donations, sound management, and renting out excess sites can generate more funds.

But even if you favor higher taxes for schools, why choose a socially destructive tax? Why penalize improvements, housing and jobs? Why subsidize land speculation?

Berkeley voters rejected the same type of improvements tax in 1982. **Vote no** to send the politicians back to the drawing board to come up with a more equitable way of raising funds.

s/Fred Foldvary, Economics Teacher

ARGUMENT AGAINST MEASURE H

Will you vote to enrich idle land speculators and penalize improvements and productivity?

They call this tax an "Enrichment Act", but those it would enrich are speculators owning unimproved land!

Public services such as better streets, police protection, and schools attract people to Berkeley and increase the demand for land. Land prices rise.

This measure only taxes improvements, not land. So owners of idle land profit while those who improve land get slapped with a tax penalty. The families who add a cellar or a room to their houses get punished as though improving their lives were a crime, while the idle land speculator, who drives rents and land prices up, gets enriched.

Why do the proponents of this tax want to penalize socially productive use of land and enrich the speculators?

Many people oppose this unfair tax because the school district should have kept its budget balanced. Others oppose it because the district could have other sources of income, such as charging market rents on its property. Others oppose it because it is regressive - smaller houses in the wealthy hills pay less than larger houses in the flatlands.

But worst of all, the tax stifles the productive and efficient use of land, reducing jobs and raising rents. This could have been avoided simply by basing the tax on lot size instead of improvements.

In 1982, Berkeley voters defeated Measure A, a similar improvements tax. Unless you are a land speculator, you should vote this tax down, too. The issue is not education, but how to pay for it. Even a good cause does not justify an unfair tax. The schools will not disappear. Vote no and let the politicians go back to the drawing board and come up with a more equitable way of raising funds.

s/Fred E. Foldvary

REBUTTAL TO ARGUMENT AGAINST MEASURE H

Foldvary's argument against the Berkeley schools enrichment tax is on the method of calculating the tax, rather than on the merits of the tax. By shifting the focus of the argument he attempts to link the tax to land speculation which is an entirely separate issue. In addition, his proposal that a tax based on lot size would be more fair is wrong; a one story home would be assessed the same as a multiple story building if they were on lots of the same size!

The California school finance picture has worsened over the past decade, leaving Berkeley school resources behind those of comparable states. Balancing an inadequate budget will not provide funds for needed educational programs. Increasing rents on school rental property, as Foldvary advocates, is being implemented by the District and will yield less than 1/2% to the District's budget. NEW local revenues are needed to restore effective income lost in the past decade.

This is a time when all Berkeley voters must join together to strengthen our school system. Berkeley citizens from all walks of life agree our children deserve the best education possible. Measure H will provide funds to enrich regular and extra curricular programs for all children. Good schools improve property values, stimulate commercial activity and promote a healthy community.

Vote YES on Measure H:

s/James Ella James, National Council of Negro Women, Inc.

s/Venustiano Olguin, Jr., Berkeley Parent

s/Steve Wong, Berkeley Parent

s/Colleen Houlihan, Home Engineer

s/Robert Sicular, Realtor

PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF BERKELEY

MEASURE I: Shall a Charter amendment be adopted which: repeals the Charter Amendment (Measure "C") adopted in June, 1986; restores at-large elections and four-year terms for City Councilmembers beginning November 1988; and provides that, beginning immediately, candidates for each local office receiving the highest number of votes in the November General Elections are elected, and no run-off elections shall be held?

Financial Implication: Potential savings of \$10,000 to \$125,000 after the first year.

YES

NO

FULL TEXT OF MEASURE I

That Article III, Section 5(10) and Article V, Sections 9 and 15 be amended to read as follows:

Article III

Section 5(10). Canvass of returns and declaration of results.

The City Council shall meet at its usual place of meeting on the first earliest practicable Tuesday after the election including any run-off election to receive the certification of results prepared by the City Clerk. The City Clerk shall canvass the results of the election in accordance with procedures established in the State of California Elections Code. The persons having the majority of the votes given for Mayor, Auditor and for Councilmember from each Council District, and the persons having the highest number of votes given for each other office shall be declared elected.

Article V

Section 9. Election.

The Mayor, Auditor, *Rent Stabilization Board Commissioners* and School Directors shall be elected at the general municipal election on a general ticket from the City at large.

Councilmembers shall be elected at the general municipal election on a general ticket from the City at large commencing with the general municipal election in November, 1988.

The Councilmembers shall be elected at the November, 1986 general municipal election by districts. The Councilmembers *elected at the November, 1986 general municipal election* shall be recalled by districts.

The City is hereby divided into eight Council districts *for the sole purpose of electing Councilmembers at the general municipal election in November, 1986, recalling Councilmembers elected at such election and filling vacancies in the office of any Councilmembers so elected, as hereinafter set forth and, commencing with the general municipal election in November, 1986, and continuing thereafter until new districts are established as hereinafter set forth, such districts shall be used for the election and recall of Councilmembers and for filling any vacancy in the office of Councilmember by appointment. If and when new districts are established, as hereinafter provided, such new districts shall be used for the aforesaid purposes, provided, however, that no change in the boundary or location of any district by redistricting as herein provided shall operate to abolish or terminate the term of office of any Councilmember for which such Councilmember was elected or appointed.* The eight Council districts, as established herein, shall be bounded and described as follows:

FIRST COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley commencing on the point at the center of the intersection of University Avenue and Grant Street, thence northerly along the center line of Grant Street to the center of the intersection of Grant Street and Vine Street; thence westerly along the center line of Vine Street to the center of the intersection of Vine Street and Edith Street; thence northerly along the center line of Edith Street to the center of the intersection of Edith Street and Rose Street; thence westerly along the center line of Rose Street to the center of the intersection of Rose Street and Sacramento Street; thence northerly along the center line of Sacramento Street to the center of the intersection of Sacramento Street and Hopkins Street; thence easterly along the center line of Hopkins Street to the center of the intersection of Hopkins Street and Hopkins Court; thence westerly along the center line of Hopkins Court to the center of the intersection of Hopkins Court and Albina Avenue; thence northerly along the center line of Albina Avenue to the northern boundary line of the City of Berkeley; thence westerly along said northern boundary line to the western boundary line of the City of Berkeley in the San Francisco Bay; thence southerly along said western boundary line to where it intersects with a line which is a direct extension of the center line of University Avenue; thence easterly along said extension line and along the center line of University Avenue to the point of beginning.

SECOND COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley commencing on the point on the western boundary line of the City of Berkeley in the San Francisco Bay where an extension of the center line of University Avenue would intersect said western boundary line; thence southerly along said western boundary line to the southern boundary line of the City of Berkeley; thence easterly along said southern boundary line to the intersection of said southern boundary line and the center line of California Street; thence northerly along the center line of California Street to the center of the intersection of California Street and Ashby Avenue; thence westerly along the center line of Ashby Avenue to the center of the intersection of Ashby Avenue and Sacramento Street; thence northerly along the center line of Sacramento Street to the center of the intersection of Sacramento Street and University Avenue; thence westerly along the center line of University Avenue, and along an extension of said center line, to the point of beginning.

THIRD COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley commencing on the point where the southern boundary line of the City of Berkeley intersects the center line of California Street; thence easterly along said southern boundary line to the intersection of said southern boundary line and the center line of Deakin Street; thence northerly along the center line of Deakin Street to the center of the intersection of Deakin Street and Ashby Avenue; thence easterly along the center line of Ashby Avenue to the center of the intersection of Ashby Avenue and Ellsworth Street; thence northerly along the center line of Ellsworth Street to the center of the intersection of Ellsworth Street and Dwight Way; thence westerly along the center line of Dwight Way to the center of the intersection of Dwight Way and Sacramento Street; thence southerly along the center line of Sacramento Street to the center of the intersection of Sacramento Street and Ashby Avenue; thence easterly along the center line of Ashby Avenue to the center of the intersection of Ashby Avenue and California Street; thence southerly along the center line of California Street to the point of beginning.

FOURTH COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley commencing on the point at the center of the intersection of Ellsworth Street and Dwight Way; thence northerly along the center line of Ellsworth Street to the center of the intersection of Ellsworth Street and Channing Way; thence westerly along the center line of Channing Way to the center of the intersection of Channing Way and Fulton Street; thence northerly along the center line of Fulton Street to where it becomes Oxford Street and continuing along the center line of Oxford Street to the center of the intersection of Oxford Street and Hearst Avenue; thence easterly along the center line of Hearst Avenue to the center of the intersection of Hearst Avenue, Arch Street and Le Conte Avenue; thence northerly along the center line of Arch Street to the center of Arch Street and Cedar Street; thence westerly along the center line of Cedar Street to the center of the intersection of Cedar Street and Spruce Street; thence northerly along the center line of Spruce Street to the center of the intersection of Spruce Street and Vine Street; thence westerly along the center line of Vine Street to the center of the intersection of Vine Street and Martin Luther King Jr. Way; thence southerly along the center line of Martin Luther King Jr. Way to the intersection of Martin Luther King Jr. Way and Cedar Street; thence westerly along the center line of Cedar Street to the center of the intersection of Cedar Street and Grant Street; thence southerly along the center line of Grant Street to the center of the intersection of Grant Street and University Avenue; thence westerly along the center line of University Avenue to the center of the intersection of University Avenue and Sacramento Street; thence southerly along the center line of Sacramento Street to the intersection of Sacramento Street and Dwight Way, thence easterly along the center line of Dwight Way to the point of beginning.

FIFTH COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley commencing on the point at the center of the intersection of Spruce Street and Vine Street; thence northerly along the center line of Spruce Street to the center of the intersection of Spruce Street and Grizzly Peak Blvd.; thence northerly along the center line of Grizzly Peak Blvd. to the northern boundary line of the City of Berkeley; thence westerly and thence southerly along said northern boundary line to the intersection of said boundary line with the center line of Albina Avenue; thence southerly along the center line of Albina Avenue to the center of the intersection of Albina Avenue and Hopkins Court; thence easterly along the center line of Hopkins Court to the center of the intersection of Hopkins Court and Hopkins Street; thence westerly along the center line of Hopkins Street to the center of the intersection of Hopkins Street and Sacramento Street; thence southerly along the center line of Sacramento Street to the center of the intersection of Sacramento Street and Rose Street; thence easterly along the center line of Rose Street to the center of the intersection of Rose Street and Edith Street; thence southerly along the center line of Edith Street to the center of the intersection of Edith Street and Vine Street; thence easterly along the center line of Vine Street to the center of the intersection of Vine Street and Grant Street; thence southerly along the center of Grant Street to the center of the intersection of Grant Street and Cedar Street; thence easterly along the center line of Cedar Street to the center of the intersection of Cedar Street and Martin Luther King Jr. Way; thence northerly along the center line of Martin Luther King Jr. Way to the center of the intersection of Martin Luther King Jr. Way and Vine Street; thence easterly along the center line of Vine Street to the point of beginning.

SIXTH COUNCIL DISTRICT shall comprise all of that portion of the City of Berkeley commencing on the point at the center of the intersection of Arch Street, Le Conte Avenue and Hearst Avenue; thence easterly along the center line of Hearst Avenue, and along a direct extension of the center line of Hearst Avenue, to the point where it intersects the boundary line of the campus of the University of California, which boundary

line is also the boundary line of federal census tract number 4226, thence northerly, and thence easterly, along said boundary line to where it intersects the eastern boundary line of the City of Berkeley; thence northerly along said eastern boundary line to the intersection of said boundary line and the center line of Grizzly Peak Blvd.; thence southerly along the center line of Grizzly Peak Blvd. to the center of the intersection of Grizzly Peak Blvd. and Spruce Street; thence westerly and southerly along the center line of Spruce Street to the center of the intersection of Spruce Street and Cedar Street; thence easterly along the center line of Cedar Street to the center of the intersection of Cedar Street and Arch Street; thence southerly along the center line of Arch Street to the point of beginning.

SEVENTH COUNCIL DISTRICT shall comprise all that portion of the City of Berkeley commencing at the point on the southern boundary line of the City of Berkeley where it intersects the center line of Deakin Street; thence easterly along said southern boundary line to the intersection of said southern boundary line and the center line of College Avenue; thence northerly along the center line of College Avenue to the center of the intersection of College Avenue and Ashby Avenue; thence westerly along the center line of Ashby Avenue to the center of the intersection of Ashby Avenue and Benvenue Avenue; thence northerly along the center line of Benvenue Avenue to the center of the intersection of Benvenue Avenue and Parker Street; thence easterly along the center line of Parker Street to the center of the intersection of Parker Street and College Avenue; thence northerly along the center line of College Avenue to the center of the intersection of College Avenue and Bancroft Way; thence easterly along the center line of Bancroft Way to the center of the intersection of Bancroft Way, Piedmont Avenue and Gayley Road; thence northerly along the center line of Gayley Road to the center of the intersection of Gayley Road and Hearst Avenue; thence westerly along the center line of Hearst Avenue to the center of the intersection of Hearst Avenue and Oxford Street; thence southerly along the center line of Oxford Street to where it becomes Fulton Street and continuing southerly along the center line of Fulton Street to the center of the intersection of Fulton Street and Channing Way; thence easterly along the center line of Channing Way to the center of the intersection of Channing Way and Ellsworth Street; thence southerly along the center line of Ellsworth Street to the center of the intersection of Ellsworth Street and Ashby Avenue; thence westerly along the center line of Ashby Avenue to the center of the intersection of Ashby Avenue and Deakin Street; thence southerly along the center line of Deakin Street to the point of beginning.

EIGHTH COUNCIL DISTRICT shall comprise all of that portion of the City not otherwise described as constituting the First, Second, Third, Fourth, Fifth, Sixth and Seventh Council Districts.

~~The Council shall, by ordinance, adjust if necessary the boundaries of the Council districts herein set forth in the year following the year in which each decennial federal census is taken, commencing with the 1990 census, as provided and required in the Constitution and statutes of the State of California and in order that the eight Council districts shall continue to be as nearly equal in population as may be according to said census. Any such redistricting shall preserve, to the extent possible, the Council districts originally established herein and shall become effective as of the next general election of Councilmembers immediately following the effective date of said ordinance.~~

In commencing with the general municipal election in November, 1986, each Councilmember shall be elected by the electors within a Council district, must have resided in the District in which he or she is elected for a period of not less than thirty days immediately preceding the date he or she files a declaration of candidacy for the office of Councilmember, must continue to reside therein during his or her incumbency, and shall be removed from office upon ceasing to be such resident.

The Mayor, Auditor and Councilmembers of the City shall be elected by a majority of the electors voting for each such officer. In the November, 1986 general municipal election the candidate for Council office who receives the greatest number of votes cast in the Council district from which such candidate was nominated shall be elected as the Councilmember for that district. At each general municipal election thereafter, the candidates for Council office who receive the greatest number of votes cast in the City at large shall be elected to the Council offices to be filled at such general municipal election. The candidate for Mayor and Auditor who receives the greatest number of votes cast in the City at large for each such office shall be elected to such office. In the event no candidate for Mayor, Auditor or for Councilmember for one or more Council Districts receives a majority of the votes of the electors voting therefor, then there shall be a run off election between the two candidates receiving the most votes, which run off election shall be held four weeks after the initial election. No other issues shall appear on the ballot of any run off election.

~~Should any provision of the amendment of this section be held invalid, the remainder of the amendment shall not be affected thereby.~~

Section 15. Councilmember's term of office.

The Councilmembers shall hold office for a term of *four two* years from and after the first day of December after their election is certified by the City Clerk and until their successors are elected and qualified. However, ~~the terms of the Councilmembers elected in the April, 1979 general municipal election shall expire on the first day of December, 1982 after their successors are elected in the November, 1982 general municipal election, the terms of the Councilmembers elected in the April, 1981 general municipal election shall expire on the first day of December 1984 after their successors are elected in the November, 1984 general municipal election, and the terms of the Councilmembers elected in the November, 1984 general municipal election shall expire on the first day of December, 1986 after their successors are elected and qualified in the November, 1986 general municipal election, the terms of the Councilmembers elected in the November, 1986 general municipal election shall expire on the first day of December, 1988 after their successors are elected and qualified in the November, 1988 general municipal election, and the terms of the four Councilmembers elected with the least number of votes in the November, 1988 general municipal election shall expire on the first day of December, 1990 after their successors are elected and qualified in the November, 1990 general municipal election.~~

At each general municipal election there shall be elected four Councilmembers, except that at the November, 1986 and November, 1988 general municipal elections there shall be elected eight Councilmembers.

BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE I

The proposed charter amendment would have the following material effect:

1. Repeal the charter amendment adopted by voters at the June, 1986 election, which provided that councilmembers are to be elected by district rather than from the City at large commencing in November, 1986, and which required a December run-off election if any candidate for Council, Mayor or Auditor failed to receive a majority of the eligible votes cast for that office. Under this amendment, councilmembers will be elected from the city at large commencing with the November, 1988 general municipal election. The proposed amendment would not affect the requirement imposed by the June, 1986 charter amendment that, at this election, all eight councilmembers are to be elected from one of the eight council districts created for that purpose, that councilmembers so elected must continue to reside in their district during their term of office, that vacancies in such offices are to be filled by district and that such councilmembers would be subject to recall by district.
2. Eliminate, as of this election, the requirement imposed by the June, 1986 charter amendment that a December run-off election must be held if no candidate for any council district receives a majority of the votes cast and provide that, for purposes of this election, the candidate with the highest number of votes for councilmember in each district shall be elected to that office. At each general municipal election thereafter, candidates for council office who receive the highest number of votes cast in the City will be elected to the offices to be filled at that election.
3. Eliminate, as of this election, the requirement imposed by the June, 1986 charter amendment that a December run-off election is to be held if no candidate for mayor or auditor receives a majority of the votes cast. Under the proposed amendment, the candidate with the highest number of votes for mayor or auditor is elected to that office for a four-year term.
4. Expand the term of office served by a councilmember from a two-year to a staggered four-year term, to be phased in as follows: in the November, 1988 general election, of the eight councilmembers to be elected, the four councilmembers elected with the most votes will serve four-year terms and the four councilmembers elected with the least votes will serve two-year terms. In every general municipal election thereafter, four councilmembers will be elected to four-year terms. The proposed amendment would not affect the requirement imposed by the June, 1986 charter amendment that the eight councilmembers elected by district at this election serve two-year terms.

5. Clarify language in the charter to make it reflect existing law that the City Council can only receive election results after the official results have been certified by the City Clerk. Typically, the official results are not available by the Tuesday following the election.
6. Clarify language in the charter to reflect current law that Rent Stabilization Board Commissioners are elected at general municipal elections by the City at large.

Financial Implications:

Potential savings of \$10,000-125,000, after the first year, depending on the number of run-offs.

ARGUMENT IN FAVOR OF MEASURE I

A measure completely changing the way we elect our Councilmembers was *narrowly passed* in June, 1986, in one of the lowest voter turnout elections in Berkeley's history.

The City Council has listened to hundreds of citizens and carefully considered their call for an *immediate return to maximum citizen participation* in government. In response to these concerns, the Council has placed Measure I on the ballot.

Among the problems and concerns with the measure passed in June are:

- **The Black, student and Hispanic communities have been effectively disenfranchised.
- **Unfair, arbitrary districts have been created.
- **City services and sound planning are jeopardized by changing all Council terms to two years.
- **\$10,000 to \$125,000 is wasted every two years on expensive, undemocratic December runoff elections.
- **Each Berkeley citizen's representation on the Council has been reduced from eight councilmembers to one.

In contrast, Measure I will:

- **Save the City crucial dollars.
- **Restore four year, staggered terms, as of November 1988, to ensure *continuity* in local governments.
- **Prevent low turnout December elections.
- **Ensure an *effective political voice for minorities*.

Berkeley has a proud history of diversity and innovation. We can't afford to lose this tradition.

City programs for public safety, economic development, sidewalk and street repair, and an East Bay Shoreline Park may not survive unless we restore continuity and thoughtful planning by adopting Measure I.

Repeal runoff elections.

Restore responsible government.

Restore full and *fair representation* for you, your neighborhood and *all citizens* of Berkeley.

VOTE YES ON MEASURE I

s/Mayor Gus Newport
s/Margot Dashiell, Berkeley Black Caucus
s/Nancy Skinner, Berkeley City Council
s/Arlene Irlando, Berkeley Latino Network
s/Ying Lee Kelley, former City Councilmember

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE I

The argument in favor of Measure I is full of distortions and lies. **The truth is:**

- *Five City Councilmembers listened only to their political cronies and their own self-interest in placing Measure I on the ballot.
- *District elections were approved in a Spring election—as were other progressive measures, such as rent control, neighborhood preservation, even November city elections themselves!
- ***There are more Black, student, and Hispanic candidates in this election than under the former slate system.** No group has been disenfranchised.
- ***The districts are drawn fairly and equally.** Voters should look at a map of the districts and decide for themselves.
- *We elect the State Assembly and U.S. Congress every two years without “jeopardizing sound planning.” Two-year terms make it easier for students to serve on Council.
- *Nearly all cities that have district elections require a majority vote to ensure that councilmembers are the true representatives of the people. Oakland has had no run-offs for City Council in five years. If run-offs are required in Berkeley, they will be held when students are in school and not in finals.

The real intent of Measure I is to repeal district elections without giving them a chance and before voters realize the truth: **District elections reduce campaign costs, open up the election process to diverse, independent candidates, and provide greater accountability.** By weakening political machines, they ensure representation for all of Berkeley.

Measure I is an insult. Don't believe its lies.

Vote NO on Measure I.

s/Clarence Kyle, Pres. N.W. Berk. Neighbrhd Assn, Chair Dist. Elections: A New Beginning
s/Carroll Williams, Former Director, Berkeley School Board
s/Margaret Calder Hayes, Environmentalist/Peace Activist
s/Doris Barrett, Chairperson, Savo Island Neighborhood Association
s/Tadashi T. Hirota, President, Japanese-American Citizens League

ARGUMENT AGAINST MEASURE I

In June, Berkeley voters approved a progressive citizens' initiative for district elections, placed on the ballot by over 11,000 residents. Now, even before we have had a chance to test this new system of elections, five Councilmembers have placed a repeal measure on this ballot. Measure I is their **last-ditch effort to perpetuate machine politics in Berkeley.**

District elections were adopted to give Berkeley's diverse neighborhoods an opportunity to elect city councilmembers who will be more responsive and accountable to the electorate.

District elections, if given a chance, will open the doors of city government to individuals denied access by costly at-large campaigns controlled by political machines. Numerous independent, grassroots candidates are now running for City Council because of district elections. We, the diverse voting population of Berkeley, finally have an opportunity to elect councilmembers who will be responsive to our needs.

Measure I is an arrogant attempt to deny the will of the people and to disenfranchise Berkeley voters.

By reinstating costly at-large campaigns, Measure I would perpetuate the power of political machines. Measure I's proponents want to eliminate district elections because they are afraid to open the political process to grassroots citizen participation.

Measure I is unfair and deceptive. It attempts to eliminate, at this November election, the current requirement that councilmembers be elected by majority vote. If Measure I passes, the rules of this election will be changed retroactively. Neither the voters nor the candidates will know, when their votes are cast, how they will be counted.

Berkeley voters deserve a chance to realize the benefits of the citizen-initiated election reforms of June without preemptive tampering by self-interested politicians in November. **Vote NO on Measure I.**

Make sure your vote in this elections counts by rejecting Measure I. **Vote NO on Measure I.**

s/Clarence Kyle, Pres. N.W. Berk. Neighbrhd Assn, Chair Dist. Elections: A New Beginning
s/Professor Fred Collignon, Dep't of City and Regional Planning, UC Berkeley
s/Irene Hegarty, President, Council of Neighborhood Associations
s/William "Bill" Haywood, Jr., former Director, San Pablo Park Community Center
s/Carla Woodworth, Chair, Progressive Coalition for District Elections

REBUTTAL TO ARGUMENT AGAINST MEASURE I

In June, over 14,000 voters rejected a district scheme with skewed boundaries and undemocratic runoffs. By precincts, voters defeated that scheme by a 2 to 1 margin; and it passed by only 700 votes total in an extremely low-turnout election. It is only fair to allow all citizens the **opportunity to vote on such a major change in a full-turnout November election.**

June District proponents claim their scheme will allow diverse neighborhoods more direct representation, but the district lines **divide numerous traditional neighborhoods** into separate districts. Worse yet, they **divide Blacks, Hispanics, and students** into several districts diluting their representation in city government.

June District proponents also claim their districts will allow more candidates to campaign; however, the number of people running this November has not increased greatly. In fact, while more total candidates may run in all districts, each voter actually gets to **choose only one councilmember** from two or three candidates, **rather than select eight councilmembers.** This may **decrease councilmembers' responsiveness to total community needs like the Waterfront, recycling, and economic development.**

Because of the June Districts measure's runoffs and 2-year terms, councilmembers will be forced to spend increased time campaigning, distracting from important city business. Runoffs will also waste **\$10,000 to \$125,000 every two years on low-turnout runoff elections.**

Congressman Dellums, former councilmembers Loni Hancock and Carole Davis, ASUC Presidents Noguera and Ganz, and the Berkeley Black Caucus urge you to **vote YES on Measure I.**

s/Mayor Eugene 'Gus' Newport
s/Julia Estrella
s/Susie Gaines, member, Alameda County/Berkeley Commissions on Aging
s/Henry Pancoast, Channing / Roosevelt Neighborhood Association member
s/Helen Rand Parrish, neighborhood / environmental activist

CITY OF BERKELEY INITIATIVE ORDINANCE

J MEASURE J: Shall an ordinance be adopted requiring procedures for extensive citizen participation and public hearings on proposals to increase building height and density or expand permitted uses and which repeals both Berkeley's second unit ordinance and the ordinance which allows residential uses in the Special Industrial District?

YES

NO

Financial Implication: Additional administrative costs.

FULL TEXT OF MEASURE J

The proposed ordinance reads as follows:

The people of the City of Berkeley do ordain as follows:

Section 1. Title.

This Ordinance shall be called the Citizens' Right to Participation Ordinance.

Section 2. Purpose.

The purpose of this Ordinance is to preserve the right of citizens to participate when significant changes are made to the City of Berkeley zoning regulations.

(a) THE TREND OF CITIZEN PARTICIPATION IN LAND USE AND PLANNING.

Over the past twelve years, the people of the City of Berkeley have passed initiative ordinances containing provisions providing for significant citizen participation in zoning and land use decisions. These initiative ordinances include the Neighborhood Preservation Ordinance, approved by the voters in 1973, and the Neighborhood Commercial Preservation Ordinance, approved by the voters in 1982.

By passage of these initiative ordinances, Berkeley voters have indicated their concerns about the environmental and financial impacts of inappropriate development and/or demolition throughout the City. Strong support of citizen participation in land use matters has been indicated not only by voter approval of these initiative ordinances but also by consistent testimony and appearances at numerous public hearings and letters to the Board of Adjustments and City Council regarding development issues in general and specific projects in all areas of the City. Consequently, in 1981, the City Council incorporated into the Zoning Ordinance and procedures of the City, opportunity for substantial citizen participation and review of individual development projects.

This individual review process, however, was never meant to take the place of the Zoning Ordinance or Master Plan. Throughout this period of time, the Zoning Ordinance and Master Plan have continued to undergo legislative refinement by the City Council. The Zoning Ordinance and the Master Plan serve as the basic guide for individual projects, both for the developers and for the citizen as to what can be done and what can be expected.

(b) DEFICIENCIES IN THE ZONING ORDINANCE REGARDING CITIZEN PARTICIPATION PROCEDURES. The State of California requires that the Zoning Ordinance must be compatible with the Master Plan. The Zoning Ordinance guides individual development proposals as to what is permissible in certain Zoning Districts. If citizens believe that uses, density and the like are inappropriate for a particular neighborhood, they may petition Planning Commission and/or City Council for reclassification to a different Zoning District. The Planning Commission and City Council may also initiate zoning reclassification. Zoning reclassification is subject to review and decision of the City Council. When the City Council approves the reclassification request, the regulations of the new Zoning District apply to that particular area. The Zoning Reclassification process requires notice to all affected parties and that a public hearing be held. While the decision is being made, development in the area being considered for change is restricted to the minimum level being considered.

However, the Zoning Reclassification process can be circumvented by either the City Council or the Planning Commission. The City Council can amend any part of the Zoning Ordinance at any time and there is no requirement for a public hearing or special notice to the public that such amendment is being considered. Such amendment affects all of the properties in the entire area covered by the Zoning District. Among the more important amendments which can be made without hearing or notice are those which increase density, height limits and building coverage and change allowable uses. When done without special notice or public hearing, it is difficult, if not impossible, for citizens to respond within the required time limits for a referendum.

Zoning Ordinance changes without special notice or public hearing can also be made by the Planning Commission. Changes to the Zoning Ordinance made by the Planning Commission are effective immediately and have the full force of law without review or confirmation by the City Council. Since the Planning Commission agenda is not usually published in any of the newspapers which circulate in the community, the effect is amending the Zoning Ordinance without any notice at all.

These changes can include increasing density, height limits and building coverage. To make such zoning changes, only a simple majority of the Commission is required. Zoning changes made by the Planning Commission are not subject to the referendum and the City Council can and has taken extended periods of time to act on them. During this time, the Board of Adjustments and all city departments act on all individual development proposals within the affected District(s) in conformance with these changes. Therefore, development can occur which could irreversibly alter the character of a neighborhood and which might ultimately be considered to be inappropriate.

Planning Commissioners are not accountable to the public. They are appointed by City Council Members.

Changes to the Zoning Ordinance made either by the City Council or Planning Commission can apply to any provision of the Zoning Ordinance and to any Zoning District. This is, therefore, a matter of citywide concern.

There is no requirement that the City conduct an environmental impact study of the proposed changes. Instead, the City has often found that the zoning change itself has no impact and reliance for environmental studies is placed upon individual projects. However, small, individual projects that meet the Zoning Ordinance are usually found to have no significant environmental impact BECAUSE they meet the requirements of the Zoning Ordinance. This ensures that no real study of the negative cumulative impact of increases to density or height or building coverage is ever undertaken when such increases are the result of Zoning Ordinance changes made by the City Council or Planning Commission. Therefore, significant levels of new development can occur without study of any negative impacts that such development might bring to a neighborhood. There is also no study of the financial impact of such projects, or of the ability of the City to deliver basic city services or of the ability of the City's aging infrastructure to support these higher levels of usage. This is exceptionally important for Berkeley, a city which is the 10th most dense city of cities with 100,000 plus population in the United States, the second most dense of such cities in the State of California and a city whose residents are facing an enormous financial burden to re-build an environmentally deficient sewage system.

Section 3. PROCEDURES FOR CORRECTION OF DEFICIENCIES SET FORTH IN SECTION 2.

(a) Any amendment or change to the Zoning Ordinance or any action taken by the Planning Commission or City Council, the result of which would be any one of the following:

- 1) an increase in the number of units per building site over that which is currently allowed with or without Use Permit in the Zoning District(s) affected by the amendment or action;
- 2) an increase in the building height currently allowed in the Zoning District(s) affected by the amendment or action;
- 3) addition(s) to uses allowed by right or by Zoning Permit or by Administrative Use Permit or any Use Permit issued by the Board of Adjustments and/or City Council in the Zoning District(s) affected by the amendment or action;
- 4) a decrease in the minimum building site area required in any residential Zoning District(s) affected by the amendment or action.

shall be taken by the City Council and Planning Commission only through the Zoning Reclassification procedures as contained in Chapter 21 of the Berkeley Zoning Ordinance as of September 15, 1985. This existing Chapter requires written notice to the affected parties of the proposed zoning reclassification; that a public hearing be held on the proposed changes; that only development to the minimum level being considered be allowed in the area while such reclassification is pending; that the Council must vote on this matter before such changes become a part of the Zoning Ordinance or Map of Zoning Districts. Such decision by the Council constitutes an amendment to the Zoning Ordinance and is subject to the referendum under the procedures applicable to all ordinances approved by the City Council.

(b) When changes in zoning regulations enumerated in Section 3(a) above are proposed for any area but reclassification to any one of the existing Zoning Districts is inappropriate, a new Zoning District shall first be incorporated into the Zoning Ordinance by City Council action which sets forth in detail the proposed zoning regulations. The area may then be proposed for reclassification to the new District according to the procedures of Chapter 21 of the Berkeley Zoning Ordinance as of September 15, 1985.

(c) Any action taken by the Planning Commission which results in any of the changes enumerated in Section 3(a) above and which has not been approved on first reading by the City Council as of September 15, 1985 is hereby rescinded and is subject to the provisions of this measure.

(d) Section 17.2 (d) of the Zoning Ordinance which provides that the Planning Commission can recommend changes to the Zoning Ordinance which will have the effect of law immediately upon approval of the Commission and prior to review by the City Council is hereby deleted from the Zoning Ordinance.

This section does not affect that part of the Zoning Reclassification procedure which allows the Planning Commission to recommend more restrictive zoning provisions to the Council and during the process of reclassification the most restrictive recommendations shall apply until the procedures of Zoning Reclassifi-

cation are completed. This section also shall not be construed as restricting in any manner the responsibility of the Planning Commission in making recommendations concerning land use, zoning and development to the City Council. This Section also shall not apply to the powers of the City Council to declare by urgency ordinance a moratorium on certain uses or development in certain Zoning District(s) or areas of the City.

(e) Any proposal which results in any of the changes enumerated in Section 3(a) above involving an area of seven or more city blocks, or 2 million square feet, whichever is smaller, shall by its size be assumed to have a possible significant environmental impact and shall, therefore, be the subject of an Environmental Impact Report. This section shall be in addition to other requirements for Environmental Impact Review and shall not be interpreted as any lessening of those requirements.

(f) Any changes in the Zoning Reclassification procedure as contained in the Zoning Ordinance as of September 15, 1985 which would result in a decrease in notification and/or public hearing requirements may be recommended by the Planning Commission or City Council but shall be subject to the approval of the electorate and shall not be in effect until such approval has been given.

Section 4. RELATIONSHIP TO OTHER CITY OF BERKELEY ORDINANCES.

This measure does not repeal the existing Zoning Ordinance in its entirety, nor does it change any Council enacted zoning provisions that have been made by ordinance amendment procedures that have had a first reading prior to September 15, 1985. The Ordinance shall not affect the responsibility of the Planning Commission to make zoning and planning recommendations to the City Council. Nor does it direct the Council to make a particular zoning reclassification decision. It does provide for an orderly process of decision making that is clear and understandable to citizens and preserves the rights of citizens to know of and participate in land use decisions that affect their property and the quality of their lives. When provisions of this ordinance are in conflict with the Zoning Ordinance, this ordinance shall apply. Where there is no conflict, the Zoning Ordinance shall apply.

Section 5. SEVERABILITY.

If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, this invalidity shall not affect other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE J

This ordinance, if adopted would have the following effect:

1. Provide that amendments to the zoning regulations for an existing zoning district which:

- (a) increase the permissible number of units per building site;
- (b) increase permissible building height;
- (c) expand permissible uses allowed, as a matter of right, by administrative use permit or use permit issued by the Board of Adjustments; or
- (d) decrease the required minimum building site area;

may be accomplished only by reclassification to either an existing or newly created zoning district which requires notice and public hearing as noted below. Current law permits such amendments without reclassification to a different district and does not require notice and a public hearing.

2. Require that any such reclassification of property comply with the procedures of Chapter 21 of the City's Zoning Ordinance. Chapter 21 requires:

- (a) Notice of a hearing before the Planning Commission on the proposed reclassification, which is to be given at least ten days before the hearing in the following manner:
 - (i) if the area to be reclassified is less than five acres, by mailing notice to each owner of property located within 300 feet of the area to be reclassified;
 - (ii) if the area to be reclassified is over five acres, by posting notice on or near each affected block front and publishing notice in a general circulation newspaper at least ten days before the hearing and once not less than three, nor more than five, days before the hearing.

(b) if any written protest is received by the Planning Commission, the City Council must set another public hearing upon the proposed reclassification and must give notice of the second hearing in the same manner as that required for the first hearing before the Planning Commission. This ordinance, in effect, characterizes certain amendments to the Zoning Ordinance as a reclassification and thus increases the number of proceedings to which the reclassification procedures apply.

3. Require that any changes in the reclassification procedures which would reduce the notice and hearing requirements must receive the prior approval of the voters prior to becoming effective.
4. Repeal all amendments to the Zoning Ordinance having any of the effects described in paragraph 1 above, if the first reading of the ordinance occurred after September 15, 1985, but allow such changes to be made by following the reclassification procedures. As of June 23, 1986, the following City ordinances would be repealed: Ordinance No. 5695-N.S., allowing the construction of a second residential unit in an R-1 (single family) district under specified conditions by Use Permit and Ordinance No. 5707-N.S., authorizing new residential uses in the S-1 (special industrial) District. Unless the City acts to reclassify R-1 districts to existing or newly created zoning districts in which second units are permitted, the addition of second units would be governed solely by state requirements set forth in Government Code Section 65852.2 which took effect on July 1, 1983 and which prohibit the City from considering the addition of a second unit to be an increase in density. This provision of state law does not currently allow detached units and limits the square footage of an attached second unit to 10% of the existing structure. It was recently amended to allow creation of detached units up to 640 square feet as well as attached second units and to increase the allowable square footage of an attached second unit from 10% to 15%. Such changes go into effect on April 1, 1987.
5. Provide that the Zoning Ordinance is amended to delete the requirement that less restrictive changes to the Zoning Ordinance go into effect immediately upon recommendation by the Planning Commission. The proposed ordinance would not change provisions of current law which provide that more restrictive provisions of the Zoning Ordinance go into effect immediately upon the Planning Commission's recommendation.
6. Require preparation of an environmental impact report whenever the changes described in paragraph 1 of this analysis are proposed for an area over seven city blocks or two million square feet. Preparation of such an environmental impact report is not necessarily required by current law.

Financial Implications

Additional administrative costs for increased hearings and related procedures. The fiscal impact would depend upon the number of hearings required.

Additional costs for the preparation of environmental impact reports. Each environmental impact report could cost up to \$50,000, depending upon scope and complexity.

ARGUMENT IN FAVOR OF MEASURE J

THE CITIZENS RIGHT TO PARTICIPATION INITIATIVE protects your right to be informed whenever an increase to building heights and density or expansion of uses in your neighborhood is proposed.

Right now, the Planning Commission, with No Notice, with No Public Input, can change your zoning to increase building heights, increase density, increase the kinds of uses allowed in your neighborhood. Such a vote has the force of law immediately even without a vote of the Council. In effect the **Zoning Ordinance is amended without any of the safeguards provided to the public** in enacting an ordinance.

How would you like it if that happened to your neighborhood? You'd probably never know it had happened until all of a sudden someone started building. This is bad procedure.

THE CITIZENS RIGHT TO PARTICIPATION INITIATIVE gives important protections to all citizens. It requires the City to do an environmental impact study whenever such actions affect large areas. No such requirement currently exists. It requires a vote of the people to reduce the citizen participation protection it gives. It affects **only** actions that would increase building height, increase the number of residential units per parcel or decrease minimum parcel size or expand uses permitted. If such actions had been taken and these actions had not yet been enacted into an ordinance by September 15, 1985 such actions are rescinded.

If the Council wishes to continue such actions, it has to go back and give people notice and a chance to be heard. It **does not permanently repeal such actions nor prohibit them. It does not say what the Council or Planning Commission should do. It only affects how they do it.**

THE CITIZENS RIGHT TO PARTICIPATION INITIATIVE PROTECTS YOUR RIGHT TO BE INFORMED AND HEARD.

Vote YES on **Measure J, THE CITIZENS RIGHT TO PARTICIPATION.**

s/John P. Devaney
s/Patricia Tolins Coffin
s/Jo Ann Minner
s/Christine Stephenson
s/Jack Washburn

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE J

Measure J would repeal the second unit ordinance adopted by the city council last year. With overwhelming community support for second units, Measure J's proponents were afraid to propose a straightforward repeal. Instead, **they developed a costly and unworkable new zoning procedure that would prevent deliberate planning and sensible citizen participation—just to stop second units.**

The second unit ordinance has already initiated about two dozen small apartments in R1 zones. To be approved, a second unit must prove nondetrimental to the surrounding neighborhood through a public hearing. Creation of these apartments **adds to Berkeley's supply of affordable tenant housing**, through a strategy endorsed by leading open-space advocates for urban infill and preservation of greenbelts and useable open space.

Just as importantly, second units make home **ownership affordable to first-time homebuyers**. Likewise, second units may be the **only way seniors on limited budgets can keep their homes**.

While eliminating second units, Measure J would also prevent affordable housing development in parts of West Berkeley.

Berkeley strictly follows all California Environmental Quality Act provisions, preparing impact reports (EIRs) whenever needed. Measure J would require an EIR, sometimes **costing homeowners \$50,000, even for inconsequential zoning changes** that have no potentially adverse impacts. Measure J, whose proponents include longtime opponents of neighborhood protection and the Neighborhood Preservation Ordinance, actually damages Berkeley's quality of life.

Berkeley's zoning laws already ensure extensive citizen review and participation. **Measure J is not a public service: it serves only to make affordable housing even more scarce.**

s/Maudelle Shirek, Berkeley City Council
s/Eugenia Hickman, member, Commission on Aging
s/Mark Min, education director, UC Student Housing Co-op
s/Larry Orman, former Waterfront Commissioner
s/Anna Rabkin, Berkeley City Auditor

ARGUMENT AGAINST MEASURE J

This is a **deceptive and potentially very costly** measure, both in terms of direct financial costs to taxpayers and in severely limiting an important strategy for providing affordable housing in Berkeley.

Personal experience tells us that Berkeley already has one of the most extensive and open citizen participation processes. Public hearings are required for virtually all new construction anywhere in Berkeley, and for changes in our Zoning Ordinance.

The **primary purpose** of this measure is to **repeal** a provision of City law which allows small **second unit** (inlaw) apartments in the R1 zones of our City. This law has been on the books for a little over a year, and has resulted in approximately two dozen new, very small, second units. Each of these units is the subject of a public hearing. Issues such as parking, fire safety, code compliance and general effect on the neighborhood already must be specifically considered before any permits can be granted.

This measure would also require a fullscale environmental impact report for many changes in the Zoning Ordinance. Such a requirement could cost up to \$50,000 for each report!

The City has also responded to the need for additional housing by allowing residential uses in the S.I. Zone. This measure repeals that action and thus severely **impacts** one of the few remaining areas where **affordable housing** can be built.

This measure is too costly. It has no real purpose other than to prevent a case by case consideration of second units. It will make our **housing market tighter and more expensive**. It will contribute to making Berkeley a less affordable and less diverse city.

VOTE NO ON MEASURE J

s/Richard Illgen, President Planning Commission
s/David Taylor, Chair Board of Adjustments
s/Maudelle Shirek, Berkeley City Council
s/Veronika Fukson, Vice-Mayor
s/Betty Reid Soskin, Housing Development Committee Member

REBUTTAL TO ARGUMENT AGAINST MEASURE J

Don't be fooled! Measure J's powerful opponents did not place its title, CITIZENS RIGHT TO PARTICIPATION, or a full description of it on the ballot.

What are they afraid of? Why don't they want you to be able to comment on important changes affecting your neighborhood BEFORE these changes become law? Instead, they want to keep the power allowing them to increase height, density, expand permissible uses without your participation.

The City Attorney's analysis confirms that Measure J:

Does not—eliminate second units or housing in the Special Industrial Zone, (Second units are allowed by State law which is unaffected by Measure J. Long standing law permitting housing under certain circumstances in SI Zone is unaffected.);

Does not—prohibit housing, (If Measure J is approved, the Council could enact another second unit ordinance, change the SI Zone, or make any other change. If such actions increased height, density or uses, the Council would be required to notify and allow you to comment on such changes before they became law.);

Does not—affect power to enact immediate restrictions protecting against inappropriate development;

Does not—determine what height limits, density or uses should be;

Does not—impose unnecessary Environmental Impact Report requirements, (Measure J requires such reports only when large areas are affected. Such reports are NOT too costly, **THEY ARE NEEDED**. Today, a few appointees can increase height, density, expand permissible uses in your neighborhood, overnight, without notice or public hearing.).

STOP THIS UNFAIR, UNWISE POWER

VOTE YES ON MEASURE J!

s/Patricia Tollins Coffin
s/Barbara A. Lashley, Berkeley City Council
s/Gordon Chong, Planning Commissioner
s/Richard L. Minner, Member, Board of Adjustments
s/Alfred C. Simmons, Chairman, Berkeley Black Council

CITY OF BERKELEY INITIATIVE ORDINANCE

K	MEASURE K: Shall an Ordinance declaring Berkeley a Nuclear Free Zone be adopted?	YES
	Financial Implication: Increased staff costs may be partially off-set by fees.	NO

FULL TEXT OF MEASURE K

The people of the City of Berkeley do ordain as follows:

SECTION 1. NAME

This Ordinance shall be known as "The Nuclear Free Berkeley Act."

SECTION 2. PURPOSE

The purpose of this Act is to make Berkeley nuclear-free; that is:

- a. to oppose the arms race by prohibiting work for nuclear weapons;
- b. to begin a peace conversion plan;
- c. to establish a citizens' right to know about nuclear weapons work;
- d. to minimize city contracts with and investments in the nuclear weapons industry;
- e. to prohibit nuclear reactors;
- f. to prohibit food irradiation plants;
- g. to require labelling of irradiated food sold in Berkeley; and,
- h. to oppose the nuclear fuel cycle as a whole.

SECTION 3. FINDINGS

The people of Berkeley find that:

- a. The nuclear arms race poses an intolerable threat to humanity.
- b. Berkeley is already a prime target in the event of a nuclear war, and because the continuing arms race increases the likelihood of nuclear war, fear of such a war directly endangers our health and safety. There is no adequate method to protect Berkeley residents in the event of a nuclear war. Children are especially frightened, depressed and disturbed by having to face the threat of extinction each day.
- c. Our national leaders continue to build and deploy new weapons systems despite the 1982 vote by the people of Berkeley and many other communities favoring a bilateral freeze in "the testing, production and further development of nuclear weapons. . ."
- d. The threat to use nuclear weapons is an integral part of United States foreign policy. Since 1948, the U.S. has threatened to use nuclear weapons in Europe, the Middle East, Asia and the Caribbean to protect U.S. military and business interests. Since the Nuremberg principles hold individuals accountable for crimes against humanity, and since nuclear weapons cannot be used without indiscriminately killing civilians and violating accepted international rules of war, then nuclear weapons are illegal, and should be prohibited within the City. We will not remain silent while policies of global death and destruction are carried out in our name.
- e. Federal spending for nuclear weapons production harms the nation's economy and the City's ability to provide needed human services. Compared to tax money spent meeting human needs, military spending requires fewer workers; weapons production thus increases unemployment in our City. The funds, personnel and other resources presently committed to work for nuclear weapons are misdirected and should be redirected toward urgently needed human services such as job training, social services for children, the elderly and disabled, shelter for the homeless, education, housing, health care, public transportation, emergency services and general public assistance. City investments in, and contracts with, companies that engage in work for nuclear weapons are inconsistent with this goal.

f. Uranium mines, refining facilities, transportation of radioactive materials, nuclear reactors, and radioactive waste are part of a "nuclear fuel cycle" integral to nuclear weapons production. The entire cycle endangers our health and safety, as follows:

Mining, refining, and transportation of radioactive materials directly endangers the health of the workers involved.

Transportation of radioactive materials risks accidents releasing radioactivity into the environment.

Radiation is routinely released from all operating nuclear reactors, including reactors powering aircraft carriers and submarines in San Francisco Bay, while accidents such as Three Mile Island release still more.

There is no safe means known for the disposal of nuclear waste.

Any valid purpose served by the existing nuclear reactor in our City (such as research into safe nuclear waste disposal) would be better served by reactors already in existence in less populated areas far from earthquake faults.

g. Within the City of Berkeley there are facilities that engage in specific work for nuclear weapons or that are otherwise part of the nuclear fuel cycle, including:

- i. The University of California's system-wide administration, which runs both Livermore and Los Alamos National Laboratories;
 - ii. Etcheverry reactor on the U.C. Berkeley campus; and,
 - iii. Numerous business firms that work under contract or sub-contract to produce nuclear weapons components.
- h. The security requirements accompanying the nuclear weapons industry threaten the civil liberties of the people of Berkeley and restrict the freedom of information necessary to make decisions concerning the future of the community.

SECTION 4. PROHIBITION OF WORK FOR NUCLEAR WEAPONS

a. Cessation of Present Activities

No person, corporation, university, laboratory, institution or other entity shall, within the City of Berkeley, knowingly engage in work for nuclear weapons. This prohibition shall take effect two years after adoption of this Act.

b. Prohibition of Commencement of Work for Nuclear Weapons

No person, corporation, university, laboratory, institution or other entity which is not, as of the date this Act is adopted, engaged in work for nuclear weapons, shall, within the City of Berkeley, commence any such activities after the date this Act is adopted.

c. Exclusions

Nothing in this Section shall be construed to prohibit the following:

- i. any activity not specifically described in this Section;
- ii. any unclassified research, study, evaluation or teaching;
- iii. the research and application of nuclear medicine; and,
- iv. uses of radioactive material for smoke detectors, light emitting watches and clocks, and other applications not related to the development of nuclear weapons.

SECTION 5. PROHIBITION OF NUCLEAR REACTORS

a. Cessation of Present Activities

No person, corporation, university, laboratory, institution or other entity shall, within the City of Berkeley, operate or cause to be built a nuclear reactor. This prohibition shall take effect two years after adoption of this Act.

b. Exclusions:

- i. any activity not specifically described in this Section;
- ii. any research, study, evaluation, teaching or training activities not involving the actual operation of a nuclear reactor.
- iii. the operation of particle accelerators and related equipment; and,

- iv. the construction and operation of experimental fusion reactors.

SECTION 6. FOOD IRRADIATION PLANTS AND LABELLING

- a. No facility using radioactive isotopes for the purpose of irradiating food intended for human consumption shall be constructed or operated within the City of Berkeley.
- b. Any food intended for human consumption that has been irradiated in such a facility, or by any similar facility using X-ray radiation, and is intended for sale within Berkeley shall be prominently labelled "Treated With Ionizing Radiation."

SECTION 7. NUCLEAR FREE CONTRACTS AND INVESTMENTS

a. Contracts

The City of Berkeley shall grant no contract to any person or business which knowingly engages in work for nuclear weapons, unless the City Council makes a specific determination that no reasonable alternative exists, taking into consideration the following factors:

- i. the intent and purpose of the Act;
- ii. the availability of alternative services, goods and equipment, or other supplies substantially meeting required specifications of the proposed contract; and,
- iii. quantifiable additional costs resulting from use of available alternatives.

b. Investments

The City of Berkeley shall refrain from making any new investments in businesses that knowingly engage in work for nuclear weapons or the components of nuclear weapons. Within two years of the adoption of this Act, the City of Berkeley shall divest itself of all such investments currently held by it (including pension funds).

The City Council shall adopt a socially responsible plan with respect to county and pension fund investments and shall implement such plan consistent with the intent of this Act.

SECTION 8. COMMUNITY RIGHT TO KNOW

So long as any work for nuclear weapons continues within the City of Berkeley, the following monitoring of such activities shall be carried out by the City through such agencies as the City Council shall designate:

- a. **ANNUAL REPORTING:** Each person, corporation, university, laboratory, institution or other entity engaged in work for nuclear weapons (hereinafter designated as "nuclear weapons agent") shall prepare an annual report which names the weapon, weapons systems or weapon component it works on and states the reasons for continuation of such work: these reports shall be filed with the designated City agency and shall also be made available for inspection and copying by any interested member of the public.
- b. **INFORMATION:** The City may call upon any nuclear weapons agent to provide further information as needed to keep the community adequately informed about the work for nuclear weapons.
- c. **SIGNS:** Every facility within the City of Berkeley engaged in work for nuclear weapons shall be required to install and maintain signs, clearly visible to any passing person, identifying the facility with the legend, "NUCLEAR WEAPONS WORK CONDUCTED HERE."
- d. **FEE:** Each nuclear weapons agent shall be assessed a fee at rates determined by the City which shall be at least adequate to cover, in the aggregate, the costs of administering this Act.

e. **EDUCATION:** The City, through its own agencies and in cooperation with other local governmental agencies and educational organizations and interested citizen groups, shall assist and promote educational activities including but not limited to curriculum in all public schools and adult education programs, to advance public awareness and understanding of work for nuclear weapons and related matters as addressed in this Act.

SECTION 9. SANCTION AND CITIZEN EMPOWERMENT

So long as any work for nuclear weapons continues in Berkeley, the City shall, acting through agencies designated by the City Council:

- a. Assess, each year, the report of each nuclear weapons agent called for in Section 8, and decide whether, according to the intentions of this Act, continuation of that agent's work for nuclear weapons should continue.

b. In each case where the decision reached in subsection (a) is negative, the city shall notify the nuclear weapons agent, with a formal request to cease and desist from that activity.

c. Each nuclear weapons agent being so notified and requested to cease and desist may appeal this decision to the City Council, within 30 days of receipt of said notices.

d. Failure of any nuclear weapons agent to comply with a cease and desist notice within 60 days following its receipt or following an unsuccessful appeal shall be met with any or all of the following sanctions as the City Council may choose:

- i. cut-off of any or all services by the City to the party concerned;
- ii. levying of fines as suits the circumstances;
- iii. advising citizens to avoid cooperation with the work of the party concerned; and,
- iv. providing assistance and encouragement, as appropriate, to citizens who may volunteer to impede, passively or actively by nonviolent means, the work on nuclear weapons by the party concerned.

SECTION 10. TRANSPORTATION

Any transportation of nuclear weapons, the fissionable components of nuclear weapons, enriched uranium, plutonium or high-level radioactive waste is, in the interest of the public safety, subject to the following restrictions:

a. In each situation, the City of Berkeley shall determine the safest reasonable routes and means of transport for the movement of any of the above-listed materials. Before approving such determination, the City Council shall convene at least one public hearing with adequate notice being given so as to ensure maximum public participation in the hearings. Following selection and approval of the route and means, full public notice shall be given as to this information and as to the additional restrictions of this section.

b. Each vehicle involved in such transport shall have signs clearly visible for 50 feet in each direction warning "Transportation of Nuclear Materials."

c. Prior to each instance of shipment of such materials, adequate public notice shall be given. Particular attention shall be paid to giving notice directly adjacent to the route of transport.

SECTION 11. PUBLIC NOTICE OF NUCLEAR FREE ZONE

Every road entering the City of Berkeley which has a sign marking the city limits as of the date of the passage of this act will also be marked, equally prominently, with a sign reading "Nuclear Free Zone, established by City of Berkeley initiative ordinance, 1986." These signs shall be posted no later than January 1, 1987, and shall be at least 2' by 3'.

SECTION 12. REDIRECTION OF RESOURCES TOWARD HUMAN NEEDS

The City of Berkeley Peace And Justice Commission shall solicit testimony from the public and shall prepare a detailed plan for the conversion of labor, resources and physical plants to peaceful and productive uses. This peace conversion plan shall be completed within two years of the adoption of this Act. The commission shall ensure the participation of organized labor.

SECTION 13. DEFINITIONS

"Nuclear weapon" is any device, the intended explosion of which results from the energy released by reactions involving atomic nuclei, either fission or fusion, or both. This definition of nuclear weapons includes the means of transporting, guiding, propelling or triggering the weapon if and only if such means is destroyed or rendered useless in the normal propelling, triggering, or detonation of the weapon.

"Component of a nuclear weapon" is any device, radioactive or non-radioactive, the primary intended function of which is to contribute to the operation of a nuclear weapon (or be a part of a nuclear weapon).

"Work for nuclear weapons" is any work the purpose of which is the development, testing, production, maintenance or storage of nuclear weapons or the components of nuclear weapons; or any secret or classified research or evaluation of nuclear weapons; or any operation, management, or administration of such work.

"Nuclear reactor" is any device, the purpose of which is to release energy from non-explosive reactions involving the fission of atomic nuclei.

SECTION 14. ENFORCEMENT

Each violation of this Act shall be punishable by up to 30 days imprisonment and a \$500 fine. Each day shall be deemed a separate violation.

Residents of the City of Berkeley shall also have the right to enforce this Act by appropriate civil actions for declaratory or injunctive relief. Reasonable attorney's fees and court costs shall be awarded to prevailing plaintiff in such litigation.

SECTION 15. SEVERABILITY CLAUSE

If any section, sub-section, paragraph, sentence or word of this Act shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, sub-sections, paragraphs, sentences or words of this Act, and the applications thereof; and to that end the sections, sub-sections, paragraphs, sentences and words of this Act shall be deemed to be severable.

BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE K

This ordinance will have the following effect:

1. Prohibit immediately any person or entity, not presently engaged in the development, testing, production or storage of nuclear weapons or their components or in related classified research, from commencing such activity.
2. Prohibit, two years after adoption of the ordinance, any person or entity from:
 - a) continuing such nuclear weapons related work, and
 - b) constructing or operating a nuclear reactor.
3. Prohibit the construction or operation of facilities for the purpose of irradiating food intended for human consumption with radioactive isotopes and require any food sold in Berkeley to be prominently labelled "Treated with Ionizing Radiation."
4. Prohibit new City contracts or investments with persons or entities engaged in such nuclear weapons related work, in the absence of specified findings that no reasonable alternative exists, and require the divestment of any such existing investments or contracts within a period of two years in accordance with a plan adopted by the City Council for such purpose.
5. Require the City to monitor compliance with the ordinance, require annual reports to the City, which must be made available to the public, describing the nature and reasons for continuing any nuclear weapons related work, require the posting of signs outside facilities engaged in nuclear weapons related work reading "Nuclear Weapons Work Performed Here" and authorize the assessment of fees to cover the cost of enforcement.
6. Require the City to assist and promote programs to enhance public awareness of nuclear weapons work and related issues.
7. Require the City to designate the safety routes for the transportation of specified nuclear materials after notice and a public hearing requiring vehicles transporting such material to display designated warning signs and require public notice in advance of such transportation.
8. Require by January 1, 1987, the posting of signs of specified size on all roads entering Berkeley, reading "Nuclear Free Zone."
9. Require within two years, the preparation of a plan by the Berkeley Peace and Justice Commission for conversion of labor, resources and physical plants to peaceful and productive uses and require input from the public in general, and organized labor in particular, in development of this plan.
10. Provide for sanctions for failure to comply with the ordinance, including the cut-off of City services, levying of appropriate fines as determined by the Council, encouraging citizens not to cooperate and to impede non-violently any nuclear weapons related work and provide that violation of the ordinance is punishable by imprisonment of up to 30 days and a \$500 fine.

The City does not presently regulate any of the subjects contained in the ordinance. The ordinance would not govern the activities of the University of California or other governmental entities.

Financial Implications

Additional staff will be required. Increased costs will depend upon the complexity of monitoring requirements, staff support to the Peace and Justice Commission and the number of hearings and notice requirements. Some costs may be offset by fees.

ARGUMENT IN FAVOR OF MEASURE K

Time and again, public opinion polls at home and abroad have revealed that people yearn to be free of the nuclear threat. Our lives, and particularly the lives of our children, are touched by despair. Common sense tells us that sooner or later - whether through accident or design - the world's nuclear arsenals will be ignited, resulting in unimaginable consequences for everyone. Yet, even with this prospect before us, the federal government continues to build nuclear weapons.

Meanwhile, as nuclear stockpiles increase, government agencies continue to promote nuclear power while Chernobyl fallout contaminates the earth. They now plan to use nuclear waste to irradiate our food - while they desperately search for a safe way to store this waste. When their policies are challenged, they respond with secrecy and paternalism - it's for our own good.

Well, it's not! By passing the Nuclear Free Berkeley Initiative, we can:

- 1) send a message to the President and Congress that, in our eyes, federal nuclear policies are wrong;
- 2) exert pressure on the University of California to quit managing the weapons laboratories at Livermore and Los Alamos - and to shut down the Etcheverry reactor now in operation on the Berkeley campus;
- 3) ban work on nuclear weapons in Berkeley;
- 4) ban the operation of nuclear reactors in Berkeley;
- 5) prohibit the City from doing business with nuclear weapons contractors;
- 6) require the labelling of irradiated food sold in Berkeley;
- 7) protect ourselves from the dangers of nuclear materials transported on our streets;
- 8) begin a Peace Conversion plan.

Fourteen million Americans now live in 115 nuclear free zones. Big cities like Chicago and Jersey City - and small towns like Placerville, Napa, and Martinez in our own state.

It's time for Berkeley to join these communities in saying NO! to this nuclear madness!

s/David Kakishiba
s/Adelle E. Lemon
s/Florence McDonald
s/Charles Schwartz
s/Trevor Thomas

No argument submitted against Measure K.

CITY OF BERKELEY INITIATIVE ORDINANCE

L MEASURE L: Shall an ordinance be adopted to require voter approval of non-recreational uses of parks or open space and require acquisition of open space controlled or leased by the City if acquisition is the only means of preserving the open space?

YES

NO

Financial Implication: Increase in landscape assessment fees; acquisition costs unknown.

FULL TEXT OF MEASURE L

LET IT HEREBY BE ORDAINED that an Ordinance shall be passed which shall provide:

THE BERKELEY PUBLIC PARKS AND OPEN SPACE PRESERVATION ORDINANCE: PROPOSAL FOR AN ORDINANCE TO REQUIRE THE BERKELEY CITY COUNCIL TO PRESERVE AND MAINTAIN THE PUBLIC PARKS AND OPEN SPACE WHICH EXIST IN BERKELEY, AS WELL AS TO ACQUIRE AND MAINTAIN PUBLIC PARKS AND OPEN SPACE IN THE CENSUS TRACTS AND NEIGHBORHOODS OF BERKELEY HAVING LESS THAN THE MINIMUM AMOUNT OF OPEN SPACE RELATIVE TO POPULATION (2 ACRES PER 1,000) IDENTIFIED IN THE BERKELEY MASTER PLAN OF 1977; AND TO REQUIRE THE CITY TO SUBMIT TO A POPULAR VOTE ALL PROPOSALS TO WITHDRAW FROM RECREATIONAL USE PUBLIC PARKS OR PUBLIC OPEN SPACE.

FINDINGS:

WHEREAS the Berkeley Master Plan of 1977 (hereinafter Master Plan) provides for a minimum standard of two acres of public open space per 1,000 persons and identifies specific Berkeley census tracts as having high population density and high open space demands, and attainment of the minimum standard is jeopardized by continued loss of Public open spaces.

WHEREAS the City of Berkeley is the second most densely populated city in California, undeveloped land is at a high premium in Berkeley, there are significant pressures to convert City owned or controlled open space to permanent or long-term non-park, non-open space uses and there exists a clear and present emergency in that the threatened loss of open space, parks and recreational opportunities in the neighborhoods in Berkeley will cause irreparable damage to the health and welfare of Berkeley residents.

WHEREAS the Berkeley City Council has failed to provide and fund the Master Plan minimum standard of public parks and open space in every Berkeley neighborhood, and in particular in those census tracts having high park and open space requirements.

WHEREAS, specific procedures and directives to the Berkeley City Council are necessary to insure that the Master Plan's minimum park and open space goals are not rendered impossible through the continued loss of public open spaces;

VOTER AUTHORIZATION PROCEDURE

Section 1: That no public parks (hereinafter defined) or public open space (hereinafter defined) owned or controlled or leased by the City of Berkeley or agency thereof, shall be used for any other purpose than public parks and open space, without The Berkeley City Council first having submitted such use to the citizens for approval by a majority of registered Berkeley voters voting at the next occurring general election.

FUNDING LEVELS TO ALLOW FULL USE

Section 2(a): That wherever public parks and open space currently exist in Berkeley, such use shall continue and be funded at least to allow the maintenance of the present condition and services. (b) That all undedicated or unimproved open space owned or controlled by the City of Berkeley (including land held by the City in trust) shall be retained and funded by the Berkeley City Council to enable public recreational use of those lands. (c) That those census tracts containing less than the Master Plan provision of two acres of parks and open space per 1,000 population shall be singled out as having a high priority for funding the acquisition, development and maintenance of parks and recreational facilities.

DEFINITIONS

Section 3(a): **Public parks** shall be defined as City of Berkeley parks, public school playgrounds or lands held in trust by a public entity, which have been formally dedicated to permanent recreational use by the City of Berkeley, and funded for recreational use by City of Berkeley public funds.

Section 3(b) **Public open space** shall be defined as all City of Berkeley parks, public school playgrounds, and vacant public land, whether dedicated formally to park use or being used de facto as open space with recreational use or potential use on or after January 1, 1985.

ADOPTION OF THIS ORDINANCE

Section 4(a): If the petition accompanying this proposed ordinance is signed by the number of voters required by the Berkeley City Charter, Article XIII, Section (3) or (4) or (5), the Berkeley City Council is hereby directed to submit this ordinance forthwith to the vote of the people pursuant to the appropriate Charter Section that applies to the highest number of voter signatures certified by the City Clerk, unless the Council passes this ordinance pursuant to the Charter, Article XIII, Section (3)(a).

RETROACTIVITY

Section 5(a): Upon passage of this initiative, all actions taken on or after January 1, 1985, by the Berkeley City Council, Housing Authority, or any agency of the City of Berkeley which contravene the provisions herein shall be declared null and void.

Section 5(b): Upon passage of this initiative, all actions, even administrative, taken by the Berkeley City Council, or Housing Authority or agency of the City of Berkeley occurring after the date this initiative is certified for placement on the next occurring general election ballot, which actions are not in full conformity with this Ordinance, shall be declared null and void.

SEVERABILITY

Section 6: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are severable.

BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE L

The initiative ordinance would have the following effect:

1. Require that all existing public parks and vacant public land, either formally or informally devoted to recreational use after January 1, 1985, be retained and maintained at their present level of service. This requirement would only apply to land owned or controlled by the City of Berkeley, since the City does not have the authority to regulate land owned by other public entities such as the school district or the University of California. The Berkeley Redevelopment Agency and the Berkeley Housing Authority are independent state agencies and thus would be immune from regulation in this manner.
2. Require prior voter approval if such City of Berkeley public parks or open space are to be used for any other purpose. This measure requires the City to acquire land it does not presently own, if acquisition is the only means to retain the land as open space or public park. As of the date this analysis was prepared, several City parks are owned by others, including: sections of Ohlone Park, leased from Bay Area Rapid Transit District; six school parks owned by the Berkeley Unified School District and maintained, in part, by the City; and Douglas Park on Dwight Way which is owned by the University. The City has plans underway to acquire the remaining section of Ohlone Park.
3. Census tracts that do not meet the Master Plan open space requirements will have priority for the funding, acquisition, development and maintenance of parks and recreational facilities.

Financial Implications

Currently park maintenance is funded by fees through the Landscape Assessment District. Increase in fees will be required to maintain additional land. Costs to acquire land owned by others is unknown at this time, but may be significant.

ARGUMENT IN FAVOR OF MEASURE L

Approval of this citizen's initiative ordinance will allow Berkeley Voters to directly participate in decisions to change the use of Public Parks and Open Space.

Berkeley's parks and public open spaces are highly used and valued by all parts of the community. They help provide for the health, fitness, children's play, entertainment, and recreational needs of all citizens. Decisions to reduce our presently insufficient number of parks belong on the ballot where all citizens can express their opinion with their vote.

This initiative ordinance requires that the voters must approve new uses for city lands held in public trust. It does not limit or prohibit any potential new uses approved by the majority of the voters.

Approval of this ordinance would certify that Berkeley Census tracts that presently contain less public open space than the Master Plan standard of two acres per 1,000 residents be given priority funding in acquisition, development and maintenance of parks/recreational facilities. It will help make distribution of parks more equitable throughout Berkeley. This is a minimal standard, since Berkeley has fewer parks than state and national averages.

The provisions of the Master Plan combined with the approval of Measure Y (1974) park funding, strongly suggests that the Citizens of Berkeley believe that Public Parks and Open Space need expansion. Since there is no indication that Berkeley has changed its opinion, it is all the more appropriate to require voter approval when potential development removes parks and open space called for in the Berkeley Master Plan.

You can help Preserve Berkeley's parks and open space by voting YES on Measure L.

s/Martha Nicoloff, Co-Author, Neighborhood Preservation Ordinance

s/Clifford Fred

s/Dorothy Bryant

s/Carroll B. Williams, Former Berkeley School Director

s/John G. Cecil, Chair, Preservation Initiatives Committee

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE L

The need for parks is a serious issue which should not be the subject of the scare tactics employed by the proponents of Measure L.

City parks are designated in the Master Plan for recreational use. Contrary to implications made by the proponents of this measure, **no one can recall any City plan**—past, present, or future—to **reduce the number of parks** serving Berkeley's recreational needs. Open space, sometimes a vacant lot, on the other hand, is usually held by owners other than the City. They may, or may not, have plans for future use of their property.

The real reason for Measure L is the Housing Authority's plan to build 12 single-family townhouses for low income families on a small portion of School District property at Savo Island (MLK, Jr. Way between Derby and Ward). The remaining piece of land is large enough to accommodate a football field. The neighborhood will still be able to enjoy the use of this open space.

Measure L does more than require a vote for new uses for City lands held in public trust. It requires the City to acquire land. But **where will the money come from?** Given the tremendous federal budget cuts to municipalities and the demands on the City's budget, from what other City services will the trade-off come? And given the pressure of Measure L on the City, property owners would be foolish to negotiate.

If we want additional parks, someone has to pay. And since we will ultimately pay, **we should know the cost before we make such an important decision.**

Don't let the proponents of this measure scare you into believing that our parks will disappear. Quite honestly, they won't.

VOTE NO ON MEASURE L

s/Wesley E. Hester, Chair, Council Committee on Revenue and Finance

s/Arlene Irlando, Member, Berkeley Chicano/Latino Network

s/Maudelle Miller Shirek, Berkeley City Council

s/Stacy Wilson, Chair, Citizens Budget Review Commission

s/Carole K. Davis, Former Vice-Mayor

ARGUMENT AGAINST MEASURE L

On its face as a statement of community values, Measure L seems harmless. What could be wrong with wanting additional parks? However, the difference between the outcome of Measure L and the kind of program which can come from a thoughtful parks proposal such as Measure Y (1974) is a budget—a specific amount dedicated to acquiring and maintaining parks and open space.

In 1974 voters passed a park acquisition, renovation and development ordinance: Measure Y. It raised more than \$5 million. As a result, the City was able to create 9 new parks and 8 parks on school grounds. That measure was a direct result of the recognition that Berkeley was deficient in park space and was able to accomplish what it did because it included a budget.

As a community we are stretched thin in trying to fund a variety of City Services ranging from police services to sidewalk repair. **New parks and additional open space cost money** (if and when the City can get title to the property. In fact, this measure may well prejudice City negotiations with landowners who will use this measure in their bargaining. The proponents of Measure L are irresponsible in offering this proposal without including the means by which to finance it. They have made promises but have not provided any way of keeping them. **The citizens deserve to know how the money will be obtained, and what the price tag will be.**

s/Hynetha Hewitt, Parks and Recreation Commissioner

s/Carole Davis, Former Vice-Mayor

s/Maudelle Shirek, Berkeley City Council

s/Carole Lewis, Social Services Director

s/Rich Illgen, President, Planning Commission

REBUTTAL TO ARGUMENT AGAINST MEASURE L

The opponents of Measure L have missed its major provision.

Measure L **prevents the City Council from using the existing public parks and open spaces for any new use without the approval of the community.**

If the **Council wants to remove/develop** existing public parks and open space, **prior voter approval is required.**

At this time, **no law prevents** our elected officials from placing such decisions on the ballot.

Measure L also requires that the **minimal standard for parks already in existence** be observed in **areas that presently have less than their "fair share" of parks** called for in the Berkeley Master Plan of 1977.

We do not agree with the opponents financial argument.

Despite the implication of the opponent's argument, responsibility for implementing and financing the Master Plan has not shifted from Council and Staff to individual community members. It should be noted that **determined citizens** who **believe** in the **importance of parks** and recreational facilities in **everyone's quality of life**, have and will continue to assist in the search for sources of new and additional funding.

Measure L ensures the **community** will be **directly involved** in decisions to re-use existing Public Parks and Open Space by placing every proposed development plan on the ballot and **letting the voters decide** between parks and development.

Vote YES on Measure L.

s/Michael Winter, Executive Director, Center for Independent Living

s/Pamela J. Ferguson

s/Gloria A. Belsky

s/John G. Cecil, Chair, Preservation Initiatives Committee

s/Janet M. Maestre

CITY OF BERKELEY INITIATIVE ORDINANCE

M MEASURE M: Shall an ordinance be adopted requiring voter approval for non-educational and/or non-recreational uses of Berkeley Unified School District property? Financial Implications: Unknown.	YES
	NO

FULL TEXT OF MEASURE M

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF BERKELEY:

FINDINGS:

WHEREAS the Berkeley City Council and Berkeley Housing Authority have attempted to acquire, develop, use or approve Berkeley Unified School District property for non-educational purposes.

WHEREAS the Berkeley Unified School District (hereinafter School District) has been given a public trust in real property to use for the educational benefit of the Citizens of Berkeley.

WHEREAS the School District has purchased and developed real property with monies received in trust and intended to be expended for the educational benefit of the citizens of Berkeley, which property if lost to the originally intended and dedicated educational and related recreational uses, will be unavailable or irreplaceable when needed for those uses.

WHEREAS there is a potential that use or development of School District property for non-educational uses will ultimately act to the detriment of the Citizens of Berkeley and will violate the wishes of a majority of the Citizens of Berkeley regarding the use of that property.

WHEREAS these actions have been proposed and are being undertaken without the approval of the voters of Berkeley.

WHEREAS there exists a clear and present emergency in that the threatened sale or long-term lease of School District real property and buildings for non-educational or non-recreational use will cause irreparable damage to the health and welfare of Berkeley residents.

LET IT HEREBY BE ORDAINED that an Ordinance shall be passed which shall provide

VOTER AUTHORIZATION PROCEDURE

Section 1: That should the Berkeley City Council, Housing Authority or any other agency of the City of Berkeley propose to acquire, or approve the use of, School District property (hereinafter defined) for other than educational or existing recreational purposes, and should that approval or use require the purchase, sale or long-term encumbrance (hereinafter defined) of that property, the Berkeley City Council shall first submit that specific proposal, detailing the specific use, transaction sought, and the site involved, after being approved officially by the appropriate City agency and the Berkeley City Council, to the Citizens for approval by a majority of registered Berkeley voters voting at the next occurring general election.

DEFINITIONS

Section 2(a): **School District property** shall be defined to include the land and buildings which have been used by the Berkeley Unified School District for educational purposes, child-care, recreation or School District support services (including maintenance) at any time since January 1980.

Section 2(b): A **long-term encumbrance** shall include a lease whose term is greater than five years or where options are granted such that the term may be extended beyond five years by option of the lessee. In addition, a long-term encumbrance shall include any mortgage transaction which pledges the property as security.

ADOPTION OF THIS ORDINANCE

Section 3(a): If the petition accompanying this proposed ordinance is signed by the number of voters required by the Berkeley City Charter, Article XIII, Section (3) or (4) or (5), the Berkeley City Council is hereby directed to submit this ordinance forthwith to the vote of the people pursuant to the appropriate Charter Section that applies to the highest number of voter signatures certified by the City Clerk, unless the Council passes this ordinance pursuant to the Charter, Article XIII, Section (3) (a).

RETROACTIVITY

Section 4(a): Upon passage of this initiative, all actions taken on or after January 1, 1985, by the Berkeley City Council, Housing Authority or any agency of the City of Berkeley which contravene the provisions herein shall be declared null and void.

Section 4(b): Upon passage of this initiative, all actions, even administrative, taken by the Berkeley City Council, Housing Authority or agency of the City of Berkeley occurring after the date this initiative is certified for placement on the next occurring general election ballot, which actions are not in full conformity with this Ordinance, shall be declared null and void.

SEVERABILITY

Section 5: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are severable.

BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE M

The initiative ordinance would have the following effect:

1. Require the City Council to submit to the voters for prior approval any proposal to acquire, encumber or lease for a period longer than five years, or approve the use of property owned by the Berkeley Unified School District, if the property is not intended to be devoted to educational or recreational uses. Under current law, voter approval of such a proposal would be required only if the property was to be used for specified kinds of public housing and the City had exhausted its current voter approved authority to construct such units. The Housing Authority is an independent state agency implementing statewide laws and is not subject to this ordinance. Zoning or other City land use approvals of projects proposed by other private or public persons or entities would not be subject to prior voter approval under current case law.
2. Provide that any actions taken by the City Council or the Berkeley Housing Authority or other City agency after January 1, 1985, which contravene the ordinance in the above respect, are null and void. The Berkeley Housing Authority has entered into a long-term lease with the Berkeley Unified School District

to use school sites to construct public housing. However, since the Berkeley Housing Authority is not subject to this ordinance for the reasons set forth above, the lease would not be affected. As of June 23, 1986, no other actions of either the Berkeley Housing Authority or the Berkeley City Council appear to be affected.

Financial Implications

Unknown

ARGUMENT IN FAVOR OF MEASURE M

Approval of this citizen's initiative ordinance will allow Berkeley Voters to preserve School District property for the educational use of all Berkeley's children, present and future until a majority of the voters decide that development of school property is in the Community's best interest.

In addition to serving the educational needs of Berkeley's school-aged children, public schools and playgrounds help meet the recreational and child care needs of the entire community.

Presently, voter approval is not required to dispose of school district property. If selling property results in future school overcrowding, the community will be required to increase taxes, purchase, and clear new school sites.

After four elementary schools were closed to save money in 1983, overcrowding caused two to be re-opened only two years later. Hasty decisions made without genuine community input reduce the level of support which is needed for excellent public schools.

This ordinance requires that the voters must approve the plan for a new use of school property; it does not limit or prohibit any new uses.

Decisions that permanently remove scarce and precious educational and recreational resources from the public belong in the hands of the entire community.

You can preserve Berkeley's Schools and Playgrounds for all its children, now and in the future, as well as for the community at large, by voting YES on Measure M.

s/Michael Winter, Executive Director, Center for Independent Living

s/Gloria A. Belsky

s/Dorothy Bryant

s/Carroll B. Williams, Former Berkeley School Director

s/John G. Cecil, Chair, Preservation Initiatives Committee

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE M

We all want to insure the best for the children of our community, now and in the future. **Measure M insures nothing**—no educational programs, no extra space, and no child care.

The **State Education Code already mandates citizen participation** to determine population projections, space needs, and community needs. After intensive study and public hearings throughout the community, the BUSD Surplus Facilities Committee recommended the amount of space to be set aside and held for future educational, child care and community uses, and space which should be surplus.

Those sites declared surplus by citizen advisors are those which will never be used for children again. Four of these sites are "earthquake unsafe" and have not been used as schools for decades. One is a small site which would never be re-opened as a school and which the neighborhood wants sold for housing.

The remaining schools and classrooms not in current use will be rented out until the time they may be needed for a growth in population and/or child care needs. If both should occur, there is **more than ample space available**.

These **decisions have taken years of public involvement** and fact finding to reach, and have followed the spirit and letter of the law. The process by which these decisions are made is ongoing. **Berkeley voters don't need to change the law to insure their right to participate** in the disposition of surplus public property. These rights are already guaranteed.

VOTE NO ON MEASURE M

s/Maudelle Miller Shirek, Berkeley City Council

s/Steve Lustig, Berkeley School Director

s/Carole K. Davis, Former Vice-Mayor

s/Gertrude Hodess, BUSD Surplus Facilities Committee

s/Alan L. Collins, Housing Advisory and Appeals Board Member

ARGUMENT AGAINST MEASURE M

In spite of its title, Measure M will do nothing to preserve Berkeley's school sites. It will **not improve schools, will not enhance the educational climate, and will not assist** our school-age children. It will **not** in any way **affect** the decision-making authority of the **local school board**.

Measure M is **irresponsible**. Other cities throughout California and the nation have looked to vacant or unused school land as sites for other community uses, including housing for families, seniors and the disabled. Given the shortage of Federal money for local needs, whenever those monies are available, the City and School District **must** be able to **make sensible re-use** of unused or unneeded land.

Measure M is also **punitive**. It is an attempt to prevent the construction of 26 units of low income housing on two school district-owned sites. These units are part of a scattered site housing package for Berkeley's low-income, large families: housing intended for Berkeley families who already have children in our schools and who already live in our neighborhoods, but in housing that is too small to accommodate their family needs.

We must view Berkeley as a whole and help to provide **decent housing for all** our citizens. In 1977 and 1981, Berkeley voters approved the construction of up to 500 units of low income housing. It is likely that this scattered site plan is our last chance for federally financed, low income housing. We must attempt to **maintain a balance** between the needs of **all segments of our community**: the poor and the affluent; the young and the elderly; the disabled and the able-bodied.

MEASURE M WILL NOT PRESERVE SCHOOL SPACE. VOTE NO ON MEASURE M.

s/Maudelle Shirek, Berkeley City Council

s/Steve Lustig, Berkeley School Director

s/Carol Davis, Former Vice-Mayor

s/Susan Felix, Coordinator, U.A. Housing

s/Betty Reid Soskin, Housing Development Committee Member

REBUTTAL TO ARGUMENT AGAINST MEASURE M

The opponents have confused the provisions of Measure M with the will of the people.

Measure M requires the **majority of Berkeley voters to approve** all non-educational and non-recreational **uses of school property**.

Measure M **does not limit** any new uses. Measure M **does not tell** people how to vote.

The **majority vote will approve or reject** proposed new uses of school property.

Measure M gives the community the **right to vote** on these land use proposals. The citizens **approve or reject** potential new uses.

Measure M preserves School property for **educational and recreational** uses for our **children and community**, until a majority of voters decide differently.

No law prevents our elected officials from placing these **decisions on the ballot**.

Measure M directly involves the entire **community** in these important **decisions** that can change the shape of Berkeley for the future.

Measure M lets the voters decide between schools and development.

Vote Yes on Measure M.

s/Martha Nicoloff, Co-Author, Neighborhood Preservation Ordinance
s/Carroll B. Williams, Former Berkeley School Director
s/John G. Cecil, Chair, Preservation Initiatives Committee
s/Gloria A. Belsky
s/Janet M. Maestre

CITY OF BERKELEY INITIATIVE ORDINANCE	
N MEASURE N: Shall an ordinance be adopted to retain the Guardian Sculpture at the foot of the Berkeley Pier? Financial Implication: Minimal.	YES
	NO

FULL TEXT OF MEASURE N

Be it ordained by the people of the City of Berkeley as follows:

Section 1. Purpose

Berkeley artist Fred Fierstein donated the Guardian Sculpture to the City of Berkeley. Mr. Fierstein placed the sculpture on the traffic island at the foot of University Avenue at the Berkeley Marina. The Berkeley Art Commission rejected the gift of the Guardian Sculpture and demanded that the sculpture be removed. The purpose of this ordinance is to require the City of Berkeley to retain the Guardian Sculpture at its present location.

Section 2. Definitions

(a) "Guardian Sculpture" shall mean the cement and steel sculpture of archer and tiger currently located on the traffic island at the foot of University Avenue in the Berkeley Marina.

Section 3. Retention of Sculpture

THE GUARDIAN SCULPTURE DONATED TO THE CITY OF BERKELEY BY BERKELEY ARTIST FREDERIC FIERSTEIN WHICH STANDS ON THE TRAFFIC ISLAND AT THE FOOT OF UNIVERSITY AVENUE AT THE BERKELEY MARINA SHALL NOT BE REJECTED BY THE CITY OF BERKELEY AND SHALL BE ALLOWED TO REMAIN AT ITS PRESENT LOCATION.

3. Prior to the circulation of this petition in the City of Berkeley, a notice of intention to do so, accompanied by a statement not exceeding 500 words in length for the reasons for this proposed petition was published on 8th day of May, 1986, in the Daily Californian, a newspaper of general circulation in the City of Berkeley, County of Alameda, State of California, and published at 46 Shattuck Square, Berkeley, California.

4. The following is a true and correct copy of the printed notice of intention and accompanying statement:
Notice of Intention to Circulate City Initiative Petition

Notice is hereby given that the proponents designated below intend to circulate with the City of Berkeley, County of Alameda, State of California, and among the voters of the City of Berkeley, twenty-one days after the first publication of this notice and statement, an initiative petition to enact an ordinance of the City of Berkeley providing that:

THE GUARDIAN SCULPTURE DONATED TO THE CITY OF BERKELEY BY BERKELEY ARTIST FREDERIC FIERSTEIN WHICH STANDS ON THE TRAFFIC ISLAND AT THE FOOT OF UNIVERSITY AVENUE AT THE BERKELEY MARINA SHALL NOT BE REJECTED BY THE CITY OF BERKELEY AND SHALL BE ALLOWED TO REMAIN AT ITS PRESENT LOCATION.

The reasons for the proposed petition are as follows:

THE BERKELEY ART COMMISSION REJECTED THE GUARDIAN SCULPTURE DONATED TO THE CITY OF BERKELEY BY ARTIST FREDERIC FIERSTEIN WITHOUT TAKING INTO CONSIDERATION THE OVERWHELMING POPULAR SUPPORT OF THE BERKELEY CITIZENRY FOR THE RETENTION OF THE SCULPTURE AT ITS PRESENT LOCATION.

THE PETITION IS AN ATTEMPT TO RESOLVE THE APPARENT CONFLICT BETWEEN THE ART COMMISSION AND THE PEOPLE OF THE CITY OF BERKELEY.

Date of first publication:

Signatures: (1) Aaron Milberg; (2) Lynn Milberg; (3) Naomi Epil; (4) Connie Helfat; (5) Howard Skelon

5. Within ten days after the date of the publishing of the notice of intention, a copy of the notice, accompanying statement, and an affidavit of the publishing thereof, were filed with the City Clerk of the City of Berkeley, County of Alameda, State of California.

6. Each of the undersigned states:

- (a) That he personally signed this petition;
- (b) That he is a registered and qualified voter of Berkeley;
- (c) That he personally affixed hereto the date of his signing of this petition and his place of residence, giving the proper street and number, and if no street or number exists, then a designation of his place of residence that will enable the location to be readily ascertainable; and
- (d) That his residence and address are correctly written after his name.

BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE N

The Ordinance, if adopted, purports to require the City to retain the Guardian Sculpture, which was placed on the traffic island at the foot of University Avenue at the Berkeley Marina, by Berkeley artist Frederic Fierstein. Under the City's Visual Arts in Public Places Ordinance, Berkeley Municipal Code section 6.14.010 et seq., any such display of art in public places requires the prior approval of a Visual Arts Panel appointed by the Civic Arts Commission. The Guardian Sculpture was rejected by such a Visual Arts Panel. The ordinance attempts to overrule that decision.

It is my opinion that the measure will have no binding effect, but will be advisory only. The courts have ruled that the power of initiative can be used only to establish legislative policy and not to control administrative acts such as the implementation of an existing legislative policy. In my opinion, the decision of the Visual Arts Panel to accept or reject a particular piece of art under the Visual Arts in Public Places Ordinance is such an administrative act.

If the ordinance is passed by the voters, the City could, if it chooses, take the following actions:

- (a) The Civic Arts Commission could, if it chooses, convene another Visual Arts Panel to reconsider the retention of the sculpture; or

- (b) The City Council could, if it chooses, amend the Visual Arts in Public Places Ordinance in order to authorize the Council to agree to retain the sculpture. Under the current ordinance, the decision of the Visual Arts Panel to accept or reject may not be reviewed by the City Council.

Financial Implications

Minor additional costs to secure and maintain sculpture.

ARGUMENT IN FAVOR OF MEASURE N

LET THE PEOPLE DECIDE! This initiative allows the citizens of Berkeley to have a direct say on whether "The Guardian" sculpture, a gift of the artist, Fred Fierstein, should remain at its current site at the Marina.

There are those who say that art should be left to the experts. We don't believe the people of Berkeley need experts to decide for them what they like and what they don't like. We ask you to judge for yourselves.

Take a drive down to the foot of University Avenue. There you will find "The Guardian" - splendid amid the iceplant - the magic warrior, See Jin Kooi, guarding the harbor against the greed of developers and other calamities. Mounted on a mythic white tiger with a gaping mouth, he draws his bow and aims an arrow that is the gift of the Goddess out over the Bay.

The inspiration of the sculpture is a seventh century Chinese miniature that the artist saw in a Buddhist temple in Penang, Malasia. The artist carried that inspiration back to Berkeley and set to work in his driveway, creating this monumental work in ferro-cement, tough enough to last for decades.

We admit: there is nothing namy-pamby about "The Guardian." It is strong. It is heroic in scale. It's not one of those anonymous abstractions that banks are fond of placing in their lobbies to illustrate their patronage of the arts.

Fred's work is gutsy, it's generous, it's genuinely popular. And if you throw pennies in the mouth of the tiger it will bring you luck.

If you like "The Guardian" and want it to stay - vote YES. The choice, **this time**, is up to you.

s/Fredrick Fierstein
s/Osha Neumann
s/Kris Welch
s/Sahag Avedisian
s/Anna de Leon

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE N

The issue isn't whether Mr. Fierstein's sculpture is strong or weak, good or bad. The issue is support for Berkeley's serious new effort to build a public arts program that will enhance our environment, add meaning to our lives, and give an equal opportunity to all artists. If you support this program, please vote No on N.

Having a panel of community representatives decide what public art to accept is the only fair way to do it. The process takes time—but it's fair, it leads to good public art, and it's sensitive to broad issues.

Selection panels include persons involved in and committed to the arts, as well as representatives of the community at large. Decisions are based on looking at all possibilities presented by artists rather than on insistence of individuals to have **their** pieces displayed in particular locations. This panel included a Black woman artist; a U.C. professor dedicated to progressive, often highly political art; an Asian-American architect; an art conservator; one commission-member each from the Civic Arts, Waterfront, and Parks and Recreation commissions; and a Marina resident.

These community people acted carefully and thoughtfully. They—and the artists who submitted work to the panel in good faith—deserve to have the selection process respected.

Vote No on N. Don't let one disgruntled individual undermine the public arts program just because his work was rejected.

VOTE NO ON MEASURE N.

s/Susan Felix, Artist; President, Berkeley Civic Arts Commission
s/Carolyn Marks, Artist; Co-President, Northern Calif. Chapter, Artists Equity Assn.
s/Florence McDonald, Peace and Community Activist
s/Nora D. Vaughn, Founder, Black Repertory Group
s/Loni Hancock, Member, Waterfront Commission

ARGUMENT AGAINST MEASURE N

Many persons offered works of art to the city this past year. Following procedures set forth in the new Visual Art in Public Places ordinance, the Berkeley Civic Arts Commission established a special panel of community representatives to decide which gifts or loans to accept, among them Mr. Fierstein's.

The panel met and considered all the offers on an equal basis. Six works were accepted. Five were rejected, including (by a 7-to-1 vote) Mr. Fierstein's.

Meanwhile, he had used the forged signature of the Civic Arts Commission president on a falsified letter of authorization to place the sculpture at the foot of University Avenue on his own.

Now he asks you to help him **force** the city to keep his work. We urge you to say no—politely but firmly—for these reasons:

- The panel of community representatives acted fairly, democratically, and in good faith.
- Overruling the panel would be unfair to other artists who submitted works and to those who would like the opportunity to place a work at the important location appropriated by Mr. Fierstein.
- When the city accepts ownership of a work of art, it becomes responsible for maintaining and preserving it indefinitely. This is one reason the city does not accept every gift offered.

Some of us like the sculpture; some don't like it—believing, for instance, that a symbol of aggression is inappropriate for Berkeley. But that isn't the real issue. The real issue is the threat this initiative poses to the future of public art in Berkeley.

- Don't undermine your community representatives.
 - Support the Berkeley Civic Arts Commission and the Art in Public Places Program.
- Please vote No on Measure N.

s/Susan Felix, Artist; President, Berkeley Civic Arts Commission
s/Veronika Fukson, Berkeley Vice-Mayor
s/Ying Lee Kelley, Congressional Aide
s/Erna P. Harris, Peace and Community Activist
s/Peter Selz, Professor of Art History, U.C. Berkeley

REBUTTAL TO ARGUMENT AGAINST MEASURE N

Berkeley is a culturally rich community. Yet there is virtually no public art available to its citizens. To remedy this situation, in February, 1985 the Berkeley City Council passed the Art in Public Places Ordinance to be administered by the Civic Arts Commission. It is a tragic fact that today, a year and a half later, no new publicly-sponsored art has been put in place.

In the Spring of 1985, Fred Fierstein wrote to the Arts Commission formally offering "The Guardian" to the City of Berkeley. He received no response. Month after month dragged by and no one called him and no one thanked him and no one could tell him when the decision would be made. Fred lost patience.

One morning in _____, at his own expense, Fred placed "The Guardian" at the marina. The flight of pelicans passing overhead seemed to be a good omen.

Embarrassed by their own inaction, and with no notice to the artist or the community, the Arts Commission finally convened its panel of "experts" to decide the fate of "The Guardian." Three of the seven who voted against it admitted they had never seen it.

Berkeley is starved for public art.

Which is the greater threat . . . to the future of public art in Berkeley, an art bureaucracy that is unable to function or "The Guardian," an enormously popular sculpture donated by the artist? LET THE PEOPLE DECIDE!

s/Samuel (Eat Dog) Cohen
s/Charles Frizzell
s/Polly Frizzell
s/Richard Katz
s/Fredric Fierstein

CITY OF BERKELEY INITIATIVE ORDINANCE

O MEASURE O: Shall an ordinance be adopted which amends the Rent Stabilization and Eviction for Good Cause Ordinance by expanding available eviction defenses, particularly owner occupancy eviction defenses; expanding tenant enforcement powers; clarifying the process by which base rent ceilings may be certified; and making other changes? Financial Implication: Increase in administrative costs. Increase in revenue. Amounts unknown.	YES
	NO

FULL TEXT OF MEASURE O

BE IT ORDAINED by the People of the City of Berkeley as follows:

PART A. TITLE AND PURPOSE

This Ordinance shall be known as the Tenants Rights Amendments Act of 1986. The purposes of this Act are to further the purposes of the Rent Stabilization and Eviction for Good Cause Ordinance, as originally enacted on June 3, 1980 and as amended on June 5, 1982 and to correct weaknesses found, in practice, in sections of that Ordinance and to codify certain regulations and practices which have existed thereunder. This Act is intended to facilitate the fair administration of the Ordinance and to help ensure that tenants' and complying landlords' rights are protected.

PART B. AMENDMENTS

Ordinance 5261-N.S., titled Rent Stabilization and Eviction for Good Cause Ordinance, shall be amended as follows:

Section 1. TITLE

This Ordinance shall be known as the Rent Stabilization and Eviction for Good Cause Ordinance.

Section 2. FINDINGS

a. The Housing Element of the Berkeley Master Plan of 1977 states that:

- (1) Berkeley residents have the right to decent housing in pleasant neighborhoods which meet standards of adequacy at a range of prices they can afford. (Goal 1)

(2) Existing housing should be maintained and improved. (Goal 2)

(3) Berkeley should have an adequate supply of housing throughout the City for persons with special needs. (Goal 3)

(4) All residents should have equal access to housing opportunities, financing and insurance on a non-discriminatory basis. (Goal 4)

b. On June 6, 1972, the electorate of the city of Berkeley passed a Rent Control Charter Amendment that was later voided by the California Supreme Court as being unconstitutional.

c. On June 5, 1973, the City Council declared the existence of a housing emergency in the City of Berkeley, based upon the Council's finding of a pattern of steadily rising rents, a shortage of decent housing and an increased deterioration of the existing housing stock in the City.

d. On November 7, 1978, the electorate of the City of Berkeley passed a Renter Property Tax Relief Ordinance.

e. On October 25, 1979, the Berkeley City Council, Berkeley Housing Authority, the Berkeley Housing Advisory and Appeals Board, and members of the City's administrative staff held a public workshop regarding the current housing conditions in Berkeley.

f. On October 30, 1979, January 26, 1980 and February 21, 1980, the Berkeley City Council held public hearings at which members of the public expressed their views regarding current housing conditions in Berkeley and legislative proposals for rent stabilization and eviction controls.

g. The most significant provisions of the 1978 Renter Property Tax Relief Ordinance expired on December 30, 1979.

h. On November 27, 1979, the Berkeley City Council passed an ordinance establishing a Temporary Rent Stabilization Program, effective until June 30, 1980.

i. *On June 3, 1980, the electorate of the City of Berkeley passed the Rent Stabilization and Eviction for Good Cause Ordinance. The Ordinance was amended by the electorate of the City of Berkeley on June 5, 1982 to correct weaknesses found in practice in sections of the ordinance and to help ensure that tenants rights are protected.*

j. *On November 2, 1982, the voters of the City of Berkeley enacted Measure N, which added Article XVII to the City Charter of the City of Berkeley and which provided for a working, elected Board.*

Section 3. PURPOSE

The purposes of this Ordinance are to regulate residential rent increases in the City of Berkeley and to protect tenants from unwarranted rent increases and arbitrary, discriminatory, or retaliatory evictions, in order to help maintain the diversity of the Berkeley community and to ensure compliance with legal obligations relating to the rental of housing. This legislation is designed to address the City of Berkeley's housing crisis, preserve the public peace, health and safety, and advance the housing policies of the City with regard to low and fixed income persons, minorities, students, handicapped, and the aged.

Section 4. DEFINITIONS

a. **BOARD:** The term "Board" refers to the ~~appointed~~ **elected** Rent Stabilization Board established by this Ordinance *and Article XVII of the City Charter of the City of Berkeley.*

b. **COMMISSIONERS:** The members of the Board are denominated Commissioners.

c. **HOUSING SERVICES:** Housing services include but are not limited to repairs, maintenance, painting, providing light, hot and cold water, elevator service, window shades and screens, storage, kitchen, bath and laundry facilities and privileges, janitor services, refuse removal, furnishing, telephone, parking and any other benefit, privilege or facility connected with the use or occupancy of any rental unit. Services to a rental unit shall include a proportionate part of services provided to common facilities of the building in which the rental unit is contained.

d. **LANDLORD:** An owner of record, lessor, sublessor or any other person or entity entitled to receive rent for the use or occupancy of any rental unit, or an agent, representative or successor of any of the foregoing.

e. **RENT:** The consideration, including any deposit, bonus, benefit or gratuity demanded or received for or in connection with the use or occupancy of rental units and housing services. Such consideration shall

include, but not be limited to, monies and fair market value of goods or services rendered to or for the benefit of the landlord under the rental agreement.

f. **RENTAL AGREEMENT:** An agreement, oral, written or implied, between a landlord and a tenant for use or occupancy of a rental unit and for housing services.

g. **RENTAL UNIT:** Any unit in any real property, including the land appurtenance thereto, rented or available for rent for residential use or occupancy (including units covered by the Berkeley Live/Work Ordinance No. 5217-N.S.), located in the City of Berkeley, together with all housing services connected with use or occupancy of such property such as common areas and recreational facilities held out for use by the tenant.

h. **PROPERTY:** A parcel of real property which is assessed and taxed as an undivided whole.

i. **TENANT:** Any renter, tenant, subtenant, lessee or sublessee of a rental unit, or successor to a renter's interest, or any group of tenants, subtenants, lessees, or sublessees of any rental unit, or any other person entitled to the use or occupancy of such rental unit.

j. **SKILLED NURSING FACILITY:** A health facility or distinct part of a hospital which provides the following basic services: skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis. It provides 24 hour inpatient care and, as a minimum, includes medical, nursing, dietary, pharmaceutical services and an activity program. The facility shall have effective arrangements, confirmed in writing, through which services required by the patients, but not regularly provided within the facility can be obtained promptly when needed.

k. **HEALTH FACILITY:** Any facility, place or building which is organized, maintained and operated for the diagnosis, care and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which such persons are admitted for a 24 hour stay or longer.

l. **RECOGNIZED TENANT ORGANIZATION:** Any group of tenants, residing in rental units in the same building or in different buildings operated by the same management company, agent or landlord, which requests to be so designated.

m. **RENT CEILING:** The maximum allowable rent which a landlord may charge on any rental unit covered by this Ordinance.

n. **BASE RENT CEILING:** The maximum allowable rent established under Section 10 of this Ordinance.

o. **FEES:** A fee, for the purpose of this Ordinance, is a charge fixed by law for services of public officers or for use of a privilege under control of government.

p. **GOOD FAITH:** *Good faith includes, but is not limited to: whether the tenant(s) who would be displaced have been offered comparable replacement housing in the City of Berkeley; whether the landlord has previously attempted to seek possession of other rental units in the City of Berkeley and whether the landlord, or any of the real estate agents connected with the sale of a property containing covered units, had notice, prior to the acquisition of their interest in the property that the tenant(s) to be displaced by the eviction would suffer hardship as a result of the displacement.*

Section 5. APPLICABILITY

This Ordinance shall apply to all real property which is being rented or is available for rent for residential use in whole or in part, except for the following:

a. Rental units which are owned by any government agency. However, the exemption of units owned by the Berkeley Housing Authority from the terms of this Ordinance shall be limited to their exemption from the terms of Section 8, Rent Registration; Section 10, Establishment of Base Rent Ceiling and Posting; Section 11, Annual General Adjustment of Rent Ceilings; and Section 12, Individual Adjustments of Rent Ceilings, of this Ordinance.

b. Rental units which are rented primarily to transient guests for use or occupancy less than fourteen (14) consecutive days in establishments such as hotels, motels, inns, tourist homes, and rooming and boarding houses. However, the payment of rent every fourteen (14) days or less shall not by itself exempt any unit from coverage by this Ordinance.

c. Rental units in nonprofit cooperatives owned and controlled by a majority of the residents.

d. Rental units leased by the Berkeley Housing Authority under the Section 23 program (42 U.S.C. Section 1421b) or rental units leased to tenants assisted under the Section 8 program (42 U.S.C. Section 1437f). However, except as may be preempted by state or federal law, the exemption of such rental units from the terms of this Ordinance shall be limited to Section 8, Rent Registration; Section 10, Establishment of Base Rent Ceiling and Posting; Section 11, Annual General Adjustment of Rent Ceilings and Section 12, Individual Adjustments of Rent Ceilings, of this Ordinance.

e. Rental units in any hospital, skilled nursing facility, health facility, asylum, or nonprofit home for the aged.

f. Rental units in a residential property which is divided into a maximum of four (4) units where one of such units is occupied by the landlord as his/her principal residence. Any exemption of rental units established under this subsection (5.f) shall be limited to rental units that would have been exempt under the provisions of this Ordinance had this Ordinance been in effect on December 31, 1979.

After July 1, 1982, this exemption shall no longer apply to rental units in a residential property which is divided into three (3) or four (4) units. It shall continue to apply to rental units in a residential property which is divided into two (2) units, and which meet all the other requirements of this subsection (5.f). Rental units which become non-exempt under this provision shall have the provisions of subsections 8.i. and 10.c. applied to them.

g. A rental unit in a residential property *containing one (1) or two (2) units* where the landlord shares kitchen or bath facilities with the tenant(s) of such rental unit and where the landlord also occupies a unit in the same property as his/her principal residence.

h. For the purposes of Subsections 5.f. and 5.g., the term landlord shall be defined only as the owner of record holding at least a ~~fifty (50)~~ *fifty one (51)* percent interest in the property.

i. Newly constructed rental units which are completed and offered for rent for the first time after the effective date of this Ordinance, provided that such new units were not created as a result of rehabilitation or conversion as opposed to new construction. However, the exemption of such newly constructed units shall be limited to their exemption from the terms of Section 8, Rent Registration; Section 10, Establishment of Base Rent Ceiling and Posting; Section 11, Annual General Adjustment of Rent Ceilings; and Section 12, Individual Adjustments of Rent Ceilings, of this Ordinance.

After December 1, 1986, this exemption will not apply to rental units in a residential property if such units are on the same property as covered units which were destroyed by fire or natural disaster. The rent levels on such units shall be determined pursuant to Subsection 10.d. of this Ordinance.

Section 6. RENT STABILIZATION BOARD

a. **COMPOSITION:** There shall be in the City of Berkeley a Rent Stabilization Board; the Board shall consist of nine (9) ~~appointed~~ *elected* Commissioners. The Board shall elect annually as chairperson one of its members to serve in that capacity.

b. **ELIGIBILITY:** Residents of the City of Berkeley are eligible to serve as Commissioners on the Board.

c. **FULL DISCLOSURE OF HOLDINGS:** All commissioners shall file with the City Clerk a verified statement listing all of their interests and dealings in real property, including but not limited to ownership, sale, management, transfer or exchange, and interests in entities whose primary purpose is the ownership, sale, management, transfer or exchange of real property during the previous three years. Such statements shall be made available for public inspection.

d. **APPOINTMENT OF COMMISSIONERS:** ~~Commissioners shall be appointed by members of the Berkeley City Council in accordance with the Fair Representation Ordinance (No. 4780-N.S.), within thirty (30) days after the adoption of this Ordinance.~~

ELECTION OF COMMISSIONERS: Commissioners shall be elected pursuant to Article XVII, Section 122 of the City Charter of the City of Berkeley.

e. **TERM OF OFFICE:** ~~Commissioner's terms of office shall be in accordance with the Fair Representation Ordinance (City of Berkeley Ordinance No. 4780-N.S.)~~

TERM OF OFFICE: Commissioners shall serve pursuant to Article XVII, Section 122(1) of the City Charter of the City of Berkeley.

f. POWERS AND DUTIES: The Board shall have the following powers and duties:

- (1) Set the rent ceilings for all rental units.
- (2) Require registration of all rental units under Section 8.
- (3) Publicize the manner in which the Base Rent Ceiling is established under Section 10.
- (4) To make adjustments in the rent ceiling in accordance with Sections 11 and 12.
- (5) Set rents at fair and equitable levels in view of and in order to achieve the purposes of this Ordinance.
- (6) To issue orders, rules and regulations, conduct hearings and charge fees as set forth below.
- (7) Make such studies, surveys and investigations, conduct such hearings, and obtain such information as is necessary to carry out its powers and duties.
- (8) Report annually to the City Council of the City of Berkeley on the status of rental housing units covered by this Ordinance.
- (9) Request the City Council to remove rent controls under Section 6.q.
- (10) Administer oaths and affirmations and subpoena witnesses and relevant documents.
- (11) Establish rules and regulations for settling civil claims under Section 15.
- (12) Seek injunctive relief under Section 15.
- (13) Pursue civil remedies in courts of appropriate jurisdiction.
- (14) Intervene as an interested party in any litigation brought before a court of appropriate jurisdiction by a landlord or tenant with respect to rental units covered by this Ordinance.
- (15) Hold public hearings.
- (16) Other powers necessary to carry out the purposes of this Ordinance which are not inconsistent with the terms of this Ordinance.
- (17) Except as provided in Section 6.n. of this Ordinance, the Board shall finance its reasonable and necessary expenses for its operation without the use of General Fund monies of the City of Berkeley.

g. RULES AND REGULATIONS: The Board shall issue and follow such rules and regulations, including those which are contained in this Ordinance, as will further the purposes of this Ordinance. The Board shall publicize its rules and regulations prior to promulgation in at least one newspaper of general circulation in the City of Berkeley.

All rules and regulations and relevant documents explaining the decisions, orders, and policies of the Board shall be kept in the Board's office and shall be available to the public for inspection and copying.

The Board shall publicize this Ordinance so that all residents of Berkeley will have the opportunity to become informed about their legal rights and duties under this Ordinance. The Board shall prepare a brochure which fully describes the legal rights and duties of landlords and tenants under this Ordinance. The brochure shall be made available to the public.

h. MEETINGS: The Board shall hold regularly scheduled meetings. Special meetings shall be called at the request of at least a majority of the Commissioners of the Board. The Board shall hold its initial meeting no later than July 15, 1980.

i. QUORUM: Five (5) Commissioners shall constitute a quorum for the Board.

j. VOTING: The affirmative vote of five (5) Commissioners of the Board is required for a decision, including all motions, rules, regulations, and orders of the Board.

k. COMPENSATION: The Rent Stabilization Board shall be a working Board. In order to compensate Commissioners for their time and work performed as required by this Ordinance, Commissioners shall receive five dollars per hour, but in no case shall compensation for any one Commissioner exceed three thousand dollars in the first twelve month period or in any subsequent annual period that the Board is in operation for services rendered. Procedures and regulations for accounting for hours worked and compensation shall be developed and adopted by the Board and filed with the City Clerk. Upon request by the Board the City Council may annually adjust the hourly compensation rate and the maximum annual sum received by the Commissioners.

l. DOCKETS: The Board shall maintain and keep in its office all hearing dockets, which shall be available for public inspection.

m. VACANCIES: If a vacancy shall occur on the Board, a qualified person to fill the vacancy shall be appointed selected in accordance with this Ordinance and the Fair Representation Ordinance (No. 4780N.S.), the City Charter of the City of Berkeley.

n. FINANCING: The Board shall finance its reasonable and necessary expenses for its operation without the use of General Fund monies of the City of Berkeley except as stated in this subsection, by charging landlords an annual registration fee of twelve dollars (\$12.00) per unit, per year in the first year of operation. After the first year, upon request by the Board the City Council may make reasonable annual adjustments in the fee. The Board is also empowered to request and receive funding when and if necessary, from any available source, except the City of Berkeley's General Fund, for its reasonable and necessary expenses, including but not limited to salaries and all other operating expenses.

Notwithstanding the preceding provision of this Section, the City Council of the City of Berkeley shall appropriate as a loan to the Rent Stabilization Board sufficient funds for the reasonable and necessary expenses of the Board during the six month period following the adoption of this Ordinance, said funds to be repaid to the City by the Rent Stabilization Board within one year's period following the adoption of this Ordinance.

o. STAFF: ~~The City Manager is authorized to employ and pay staff for the Board, including hearing examiners and inspectors, as may be necessary to perform the Board's functions efficiently in order to fulfill the purposes of this Ordinance.~~ The Board shall employ staff pursuant to Article XVII, Section 123 of the City Charter of the City of Berkeley.

p. REGISTRATION: The Board shall require the registration of all rental units covered by this Ordinance as provided for in Section 8. The Board may also require landlords to provide current information supplementing their registration statements.

q. DECONTROL: If the annual average vacancy rate for all rental units in the City of Berkeley exceeds five (5) percent over a six month period, the City Council is empowered, upon request by the Board, at its discretion and in order to achieve the purposes of this Ordinance, to exempt rental units covered by this Ordinance from Sections 8, 10, 11 and 12 of this Ordinance. In determining the vacancy rate for the City of Berkeley the Board and the City Council shall consider all available data and may conduct their own survey. If units are exempted pursuant to this Subsection (6.q.) coverage shall be reimposed if the City Council finds that the average annual vacancy rate has thereafter fallen below five (5) percent. Prior to any decision to exempt or renew coverage for rental units under this Subsection (6.q.) the Board shall hold at least two public hearings.

r. CONFLICT OF INTEREST: Commissioners shall not necessarily be disqualified from exercising any of their powers and duties on the grounds of a conflict of interest solely on the basis of their status as a landlord or tenant. However, a Commissioner shall be disqualified from ruling on a petition for an individual adjustment of a rent ceiling under Section 12, where the Commissioner is either the landlord of the property or a tenant residing in the property that is involved in the petition.

Section 7. SECURITY DEPOSITS

a. Any payment or deposit of monies by the tenant, the primary function of which is to secure the performance of a rental agreement or any part of such agreement, including an advance payment of rent, shall be placed by the landlord, in an interest bearing account at an institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation until such time as it is returned to the tenant or entitled to be used by the landlord. The interest earned by said payment or deposit on monies shall be returned to the tenant annually, either through a rent rebate or cash payment, in December of each year. The balance of any interest earned by said payment or deposit on monies shall be returned along with the appropriate part of the principal to the tenant upon departure from the premises.

b. Any landlord who fails to comply with the provisions of subsection 7.a. shall be deemed to have received rents in excess of those permitted by the Ordinance.

Section 8. RENT REGISTRATION

a. The Board shall require all landlords subject to the provisions of this Ordinance to file with the Board by September 1, 1980 a rent registration statement for each rental unit covered by this Ordinance. An owner who has resided in a single family dwelling for at least 365 consecutive calendar days need not file a rent registration statement under the provisions of this Ordinance if he/she rents this single family dwelling to another person or persons for a period not to exceed nine calendar months.

b. Landlords shall provide in their initial rent registration statement the following information:

- (1) The address of each rental unit;
- (2) The name and address of the landlord(s) and the managing agent, if any;
- (3) The date on which the landlord received legal title to or equitable interest in the rental unit;
- (4) The housing services provided for the rental unit;
- (5) The rent in effect on June 6, 1978;
- (6) The rent in effect on December 30, 1979;
- (7) The base rent ceiling;
- (8) The lowest rent in effect between June 6, 1978, and the date of the adoption of this Ordinance;
- (9) The amount of any deposits or other monies in addition to periodic rent demanded or received by the landlord in connection with the use or occupancy of the rental unit;
- (10) Whether the rental unit was vacant or occupied on May 31, 1980;
- (11) Rent in effect on December 31, 1981.

c. All rent registration statements provided by landlords in accordance with this Ordinance shall include an affidavit signed by the landlord declaring under penalty of perjury that the information provided in the rent registration statement is true and correct.

d. The first annual registration fee of twelve dollars (\$12.00) per unit shall be paid by the landlords to the Board no later than September 1, 1980. Subsequent annual registration fees set in accordance with Section 6.n. of this Ordinance shall be paid no later than September 1 of each year.

e. The Board shall provide forms for the registration information required by this Section and shall make other reasonable efforts to facilitate the fulfillment of the requirements set forth in this Section.

f. (1) Every annual registration fee required by this Ordinance which is not paid on or before September 1 is declared delinquent, and the Board shall add to said registration fee and collect a penalty of one hundred (100) percent of the fee so delinquent in addition to the fee. Every sixty (60) days that the fee and penalty remain delinquent, the penalty shall be increased by one hundred (100) percent of the original fee. The Board may waive the penalty if payment is made within thirty (30) days of the original due date.

(2) ~~A landlord may request the Board to waive the penalty if he/she can show good cause for the delinquent payment. The Board may waive such penalty only upon an affirmative showing of good cause. The Board shall adopt regulations which set forth criteria for what constitutes good cause for purposes of this Subsection. The tenant(s) in every unit on the affected property shall be given notice of the application and an opportunity to contest it.~~

(3) *The Board shall maintain a register of accounts which shall be open to inspection by members of the public which shall contain a listing of all properties where registration fees or penalties are unpaid. The register shall include the property address, the name of the landlord, and the amounts owed. Such listing shall be published in a newspaper of general circulation in the City of Berkeley at least once every year.*

(4) *Where unpaid registration fees and penalties have remained outstanding for a period of six (6) months, the Board shall notify the tenant(s) in every unit on the subject property of the existence of delinquency and the availability of the rent withholding procedure. Thereafter, the Board may institute a rent withholding proceeding on the units on the affected property on its own motion.*

g. The amount of any registration fee and penalty imposed by the provisions of this Ordinance shall be deemed a debt to the City Board. Except as expressly provided in subsection 8.f., the Board shall not waive any registration fee, penalty or interest accrued thereon. The statute of limitation which shall govern actions for the collection of fees and penalties shall be five (5) years.

h. Within thirty days after the filing of a rent registration statement, the Board shall provide a true and correct copy of said statement to the occupant of the respective unit.

i. Landlords of formerly exempt units shall register within sixty (60) days of coming under coverage of this Ordinance. The registration fee for this first-time registration shall be pro-rated based upon the number of months remaining to the next September 1 annual registration deadline.

j. No landlord shall be deemed to be in compliance with this Section with respect to a given unit until the landlord has completed registration for all covered units in the same property. Registration shall be deemed complete when all required information has been provided and all outstanding fees and penalties have been paid.

k. Registration fees shall not be passed along to the tenants without the express, prior approval of the Board. Under no circumstances shall penalties be passed along to tenants.

l. All landlords subject to the provisions of this ordinance shall file an annual registration statement with the Board on or before September 1 of each year. The obligation of the landlord to file annual registration statements and pay registration fees is a continuing duty. Every annual registration statement shall set forth any changes from the initial registration statement in the information required by Subsection 8.b. and shall be on a form approved by the Board.

m. Where a unit is claimed exempt from this Ordinance on the grounds set forth in subsections 5.b., 5.d., 5.e., 5.f., or 5.g., the exemption must be claimed on an annual basis. Any person may obtain review of a unit's exemption status by filing a petition for rent withholding.

Section 9. USE AND CONFIDENTIALITY OF INFORMATION SUBMITTED TO THE BOARD.

a. All information and forms required by this Ordinance and submitted to the Board shall not be used by any other governmental unit of the City of Berkeley for the enforcement of City of Berkeley Ordinances other than this Ordinance *except where the landlord is seeking a special entitlement or permit.*

b. The Board shall adopt rules and regulations providing for the confidentiality of information submitted to the Board in support of a petition for an individual rent ceiling adjustment under Section 12 of this ordinance when such confidentiality is deemed necessary by the Board.

Section 10. ESTABLISHMENT OF BASE RENT CEILING AND POSTING

a. Base Rent Ceiling. Upon adoption of this Ordinance, no landlord shall charge rent for any rental unit covered by the terms of this Ordinance affecting rents in an amount greater than the lawful rent which was actually due and payable on, or last preceding, May 31, 1980, under the periodic term of the rental agreement, in accordance with the provisions of the Temporary Rent Stabilization Ordinance, No. 5212-N.S., except as permitted by the Board under Sections 11 and 12 of this Ordinance. Such lawful rent in effect on May 31, 1980, is the base rent ceiling and is a reference point from which the rent ceiling shall be adjusted in accordance with Sections 11 and 12. For such rental units where no rent was in effect on May 31, 1980, the base rent ceiling shall be the most recent lawful periodic rent in effect for that rental unit during the six months preceding that date. For such rental units where no periodic rent was in effect on May 31, 1980, or during the six months preceding that date, the base rent ceiling shall be a good faith estimate of the median rent in effect for comparable units in the City of Berkeley on May 31, 1980.

b. Posting. The Board may establish reasonable rules and regulations for the posting of rent ceiling and other relevant information to further the purposes of this Ordinance.

c. Previously Exempt Units. For rental units specified in Subsection 5.f., the base rent ceiling shall be the rent in effect on December 31, 1981. For such rental units where no rent was in effect on December 31, 1981, the base rent ceiling shall be the most recent lawful periodic rent in effect for that rental unit during the six months preceding that date. For such rental units where no periodic rent was in effect on December 31, 1981, or during the six months preceding that date, the base rent ceiling shall be a good faith estimate of the median rent in effect for comparable units, located in the same census tract, and similar in age, size, maintenance, upkeep, and services.

d. Replacement of Destroyed Units. *For rental units specified in Subsection 5.i., the Board shall determine the base rent ceiling pursuant to the procedures set forth in Ordinance subsection 12.b. In making this determination the Board may consider a good faith estimate of the median rent in effect for comparable units located in the same census tract, the construction costs actually incurred and the extent to which such costs have exceeded any insurance proceeds.*

e. *No landlord shall be in compliance with this Section with respect to a given unit if the landlord has failed to fully comply with any overcharge refund order on any covered unit on the same property.*

f. *The Board may adopt no regulation nor take any action which would alter or modify the base rent ceiling as defined in subsection 10.a. No action may be taken by the Board to certify any base rent ceiling*

unless such action is based upon an affirmative evidentiary showing of the lawful rents under this Ordinance and its predecessors. Such action may only be taken after the landlord and tenants of the affected property have been given notice and an opportunity to be heard.

Section 11. ANNUAL GENERAL ADJUSTMENT OF RENT CEILINGS.

a. Once each year, the Board shall consider setting and adjusting the rent ceiling for all rental units covered by this Ordinance in general and/or particular categories of rental units covered by this Ordinance deemed appropriate by the Board. The Board shall hold at least two public hearings prior to making any annual general adjustment of the rent ceilings. The Board shall publish and publicize notices of the date, time, and place of the public hearings at least thirty (30) days prior to the hearing date. The two required public hearings shall be conducted and the annual general adjustment shall be set between September 1 and October 31, of each year. The annual adjustment shall become effective the following January 1.

b. In making annual general adjustments of the rent ceiling, the Board shall:

(1) Adjust the rent ceiling upward by granting those landlords who pay for utilities a utility adjustment for increases in the City of Berkeley for utilities.

(2) Adjust the rent ceiling upward by granting landlords a property tax, maintenance and operating expense increase adjustment (exclusive of utilities) for increases in the City of Berkeley for property taxes and maintenance and operating expenses.

(3) Adjust the rent ceiling downward by requiring landlords to decrease rents for any decreases in the City of Berkeley for property taxes.

(4) Adjust the rent ceiling downward by requiring landlords who pay for utilities to decrease rents for any decreases in the City of Berkeley for utilities.

In adjusting rent ceilings under this subsection, the Board shall adopt a formula or formulas of general application. This formula will be based upon the annual rent registration forms, surveys, information and testimonies presented at public hearings, and other available data indicating increases or decreases in the expenses relating to the rental housing market in the City of Berkeley set forth in this subsection. For maintenance and operating expense adjustments, the Board may also use survey data from surrounding communities where appropriate. The Board shall make no more than one annual adjustment of rent ceilings per rental units per year.

Adoption of a formula greater than forty-five percent (45%) of the increase in the Consumer Price Index for the twelve months ending the previous June 30 shall require the affirmative vote of six (6) Commissioners, other provisions notwithstanding. Adoption of such a formula shall be a specific and special exception to the requirement of only five (5) affirmative votes to make a decision. For the purposes of this subsection, the Consumer Price Index shall mean the Consumer Price Index for all urban consumers in San Francisco-Oakland, all items (1967 equals 100), as reported by the Bureau of Labor Statistics of the U.S. Department of Labor, as it pertains to the City of Berkeley.

c. An upward general adjustment in rent ceilings does not automatically provide for a rent increase. Allowable rent increases pursuant to a general upward adjustment shall become effective only after the landlord gives the tenant at least a thirty (30) days written notice of such rent increase and the notice period expires.

d. If the Board makes a downward general adjustment in the rent ceilings, landlords of rental units to which this adjustment applies shall give tenants of such rental units written notice of the rent decrease to which they are entitled. Such rent decreases shall take effect not later than thirty (30) days after the effective date set by the Board for the downward general adjustment.

e. If the maximum allowable rent specified under this Ordinance for a rental unit is greater than the rent specified for such unit in the rental agreement, the lower rent specified in the rental agreement shall be the maximum allowable rent until the rental agreement expires. If the maximum allowable rent specified under this Ordinance for a rental unit is less than the rent specified for such unit in the rental agreement, the lower rent specified under this Ordinance shall be the maximum allowable rent.

f. No rent increase pursuant to an upward general adjustment of a rent ceiling shall be effective if the landlord:

(1) Has continued to fail to comply, after order of the Board, with any provisions of this Ordinance and/or orders or regulations issued thereunder, or

(2) Has failed to bring the any rental unit on the property into compliance with the implied warranty of habitability, or

(3) Has failed to make repairs as ordered by the Housing Inspection Services of the City of Berkeley, or

(4) Has failed to completely register by September 1, except as provided in Subsection 11.g. below.

(5) *Receives, accepts, demands or retains any rent in excess of that allowed by the Ordinance on any unit on the property.*

g. The amount of an upward general adjustment for which a landlord shall be eligible shall decrease by ten (10) percent per month for each month beyond December 1 for which the landlord fails to register.

h. A landlord who is ineligible to raise rents under an upward general adjustment for an entire calendar year shall not be eligible to raise rents under that particular general adjustment in future years.

Section 12. INDIVIDUAL ADJUSTMENTS OF RENT CEILINGS.

a. Petitions. Upon receipt of a petition by a landlord and/or tenant, the rent ceiling of individual controlled rental units may be adjusted upward or downward in accordance with the procedures set forth elsewhere in this Section. The petition shall be on the form provided by the Board. The Board may set a reasonable per unit fee based upon the expenses of processing the petition to be paid by the petitioner at the time of filing. No petition shall be filed before September 1, 1980. Notwithstanding any other provision of this Section, the Board or hearing examiner may refuse to hold a hearing and/or grant an individual rent ceiling adjustment for a rental unit if an individual hearing has been held and decision made with regard to the rent ceiling for such unit within the previous six months.

b. Hearing Procedure. The Board shall enact rules and regulations governing hearings and appeals of individual adjustments of rent ceilings which shall include the following:

(1) Hearing Examiner. A hearing examiner appointed by the Board shall conduct a hearing to act upon the petition for individual adjustments of rent ceilings and shall have the power to administer oaths and affirmations.

(2) Notice. The Board shall notify the landlord if the petition was filed by the tenant, or the tenant, if the petition was filed by the landlord, of the receipt of such a petition and a copy thereof.

(3) Time of Hearing. The hearing officer shall notify all parties as to the time, date and place of the hearing.

(4) Records. The hearing examiner may require either party to an individual rent ceiling adjustment hearing to provide it with any books, records and papers deemed pertinent in addition to that information contained in registration statements. The hearing examiner shall conduct a current building inspection and/or request the City to conduct a current building inspection if the hearing examiner finds good cause to believe the Board's current information does not reflect the current condition of the controlled rental unit. The tenant may request the hearing examiner to order such an inspection prior to the date of the hearing. All documents required under this Section shall be made available to the parties involved prior to the hearing at the office of the Board. In cases where information filed in a petition for an individual rent ceiling adjustment or in additional submissions filed at the request of the hearing examiner is inadequate or false, no action shall be taken on said petition until the deficiency is remedied.

(5) Open Hearings. All individual rent ceiling adjustment hearings shall be open to the public. *The Board shall maintain for public inspection a calendar of all scheduled hearings which shall include the date and time of the hearing, the case number, the property address and the names of the parties.*

(6) Right of assistance. All parties to a hearing may have assistance in presenting evidence and developing their position from attorneys, legal workers, recognized tenant organization representatives or any other persons designated by said parties.

(7) Hearing Board. The Board shall make available for inspection and copying by any person an official record which shall constitute the exclusive record for decision on the issues at the hearing. The record of the hearing, or any part of one, shall be obtainable for the cost of copying. The record of the hearing shall include: all exhibits, papers and documents required to be filed or accepted into evidence during the proceedings; a list of participants present; a summary of all testimony accepted in the proceedings; a statement of all materials officially noticed; all recommended decisions, orders and/or rulings; and the reasons for each

final decision, order and/or ruling; *and the official tape recording of the hearing.* Any party may have the proceeding tape recorded or otherwise transcribed at his or her own expense.

(8) Quantum of Proof and Notice of Decision. No individual rent ceiling adjustment shall be granted unless supported by the preponderance of the evidence submitted at the hearing. All parties to a hearing shall be sent a notice of the decision and a copy of the findings of fact and law upon which said decision is based. At the same time, parties to the proceedings shall also be notified of their right to and the time limit for any appeal allowed by the Board and/or to judicial review of the decision pursuant to this Section and Section 18 of this Ordinance.

(9) Consolidation. All landlord petitions pertaining to tenants in the same **building property** shall be consolidated for hearing, and all petitions filed by tenants occupying the same **building property** shall be consolidated for hearing unless there is a showing of good cause not to consolidate such petitions.

(10) Appeal. Any person aggrieved by the decision of the hearing examiner may appeal to the Board or to any appeals panel of the Board established by the Board, so long as such panel has at least three (3) Commissioners. On appeal the Board or panel shall affirm, reverse, remand, or modify the decision of the hearing examiner. The Board or panel may conduct a new (de novo) hearing or may act on the basis of the record before the hearing examiner without holding a hearing. An appeal to the Board shall be filed no later than thirty (30) days after receipt of the notice of the decision of the hearing examiner. The Board may set a reasonable appeal fee to be paid by the appellant at the time of filing the appeal.

(11) Finality of Decision. The decision of the hearing examiner shall be the final decision of the Board in the event of no appeal to the Board. The decision of the hearing examiner shall not be stayed pending appeal; however, in the event that the Board or panel reverses or modifies the decision of the Hearing Examiner, the Board shall order the appropriate party to make retroactive payments to restore the parties to the position they would have occupied had the hearing examiner's decision been the same as that of the Board's.

(12) Time for Decision. The rules and regulations adopted by the Board shall provide for final Board action on any individual rent adjustment petition within one hundred and twenty (120) days following the date of filing of the individual rent ceiling adjustment petition, unless the conduct of the petition or other good cause is responsible for the delay.

(13) Board Action in Lieu of Reference to Hearing Examiner. The Board, on its own motion or on the request of any landlord or tenant, may hold a hearing on an individual petition for a rent ceiling adjustment without the petition first being heard by a hearing examiner.

c. In making individual adjustments of the rent ceiling, the Board or the hearing examiner shall consider the purposes of this Ordinance and shall specifically consider all relevant factors, including (but not limited to)

- (1) Increases or decreases in property taxes;
- (2) Unavoidable increases or any decreases in maintenance and operating expenses;
- (3) The cost of planned or completed capital improvements to the rental unit (as distinguished from ordinary repair, replacement and maintenance) where such capital improvements are necessary to bring the property into compliance or maintain compliance with applicable local code requirements affecting health and safety, and where such capital improvement costs are properly amortized over the life of the improvement;
- (4) Increases or decreases in the number of tenants occupying the rental unit, living space, furniture, furnishings, equipment, or other housing services provided, or occupancy rules;
- (5) Substantial deterioration of the controlled rental unit other than a result of normal wear and tear;
- (6) Failure on the part of the landlord to provide adequate housing services, or to comply substantially with applicable state rental housing laws, local housing, health and safety codes or the rental agreement;
- (7) The pattern of recent rent increases or decreases;
- (8) The landlord's rate of return on investment. In determining such return, all relevant factors, including but not limited to the following shall be considered: the landlord's actual cash down payment, method of financing the property, and any federal or state tax benefits accruing to landlord as a result of ownership of the property;
- (9) Whether or not the property was acquired or is held as a long-term or short-term investment; *and*
- (10) Whether or not the landlord has received rent in violation of the terms of this Ordinance or has otherwise failed to comply with the Ordinance *for any unit on the subject property, and*

(11) Failure on the part of the landlord to comply with the implied warranty of habitability and/or substantial interference with the tenant's right to peaceful, quiet enjoyment of the premises.

It is the intent of this Ordinance that individual upward adjustments in the rent ceilings on units be made only when the landlord demonstrates that such adjustments are necessary to provide the landlord with a fair return on investment.

d. No individual upward adjustment of a rent ceiling shall be authorized by the Board by reason of increased interest or other expenses resulting from the landlord's refinancing the rental unit if, at the time the landlord refinanced, the landlord could reasonably have foreseen that such increased expenses could not be covered by the rent schedule then in existence, except where such refinancing is necessary for the landlord to make capital improvements which meet the criteria set forth in Section 12.c.(3). This paragraph shall only apply to that portion of the increased expenses resulting from the refinancing that were reasonably foreseeable at the time of the refinancing of the rental unit and shall only apply to rental units refinanced after the date of adoption of this Ordinance.

e. Except for cases of individual hardship as set forth in Subsection 12.i. of this Ordinance, no individual upward adjustment of a rent ceiling shall be authorized by the Board because of the landlord's increased interest or other expenses resulting from the sale of the property, if at the time the landlord acquired the property, the landlord could have reasonably foreseen that such increased expenses would not be covered by the rent schedule then in effect. This Subsection (12.e) shall only apply to rental units acquired after the date of adoption of this Ordinance.

f. No upward adjustment of an individual rent ceiling shall be authorized by the Board under this Section if the landlord:

(1) Has continued to fail to comply, after order of the Board, with any provisions of this Ordinance and/or orders or regulations issued thereunder by the Board, or

(2) Has failed to bring *the any rental unit on the subject property* into compliance with the implied warranty of habitability.

g. Allowable rent increases pursuant to an individual upward adjustment of the rent ceiling shall become effective only after the landlord gives the tenant at least a thirty (30) day written notice of such rent increase and the notice period expires.

h. If the Board makes a downward individual adjustment of the rent ceiling, such rent decrease shall take effect no later than thirty (30) days after the effective date set by the Board for the downward adjustment.

i. No provision of this Ordinance shall be applied so as to prohibit the Board from granting an individual rent adjustment that is demonstrated necessary by the landlord to provide the landlord with a fair return on investment.

Section 13. GOOD CAUSE REQUIRED FOR EVICTION.

a. No landlord shall be entitled to recover possession of a rental unit covered by the terms of this Ordinance unless said landlord shows the existence of one of the following grounds:

(1) The tenant has failed to pay rent to which the landlord is legally entitled pursuant to the lease or rental agreement and under the provisions of state or local law, unless the tenant has withheld rent pursuant to applicable law; and said failure has continued after service on the tenant of a written notice setting forth the amount of rent then due and requiring it to be paid, within a period, specified in the notice, of not less than three days.

(2) The tenant has continued, after written notice to cease, to substantially violate any of the material terms of the rental agreement, except the obligation to surrender possession on proper notice as required by law, *or any provision of a rental agreement prohibiting or limiting the right to subletting or assignment*, and provided that such terms are reasonable and legal and have been accepted in writing by the tenant or made part of the rental agreement; and provided further that where such terms have been accepted by the tenant or made part of the rental agreement subsequent to the initial creation of the tenancy, the landlord shall have first notified the tenant in writing that he or she need not accept such terms or agree to their being made part of the rental agreement.

(3) The tenant has willfully caused or allowed substantial damage to the premises beyond normal wear and tear and has refused, after written notice, to pay the reasonable costs of repairing such damage and cease damaging said premises.

~~(4) The tenant has refused to agree to a new rental agreement upon expiration of a prior rental agreement, but only where the new rental agreement contains provisions that are substantially identical to the prior rental agreement, and is not inconsistent with local, state and federal laws.~~

(5) The tenant has continued, following written notice to cease, to be so disorderly as to destroy the peace and quiet of other tenants or occupants of the premises.

~~(6) The tenant has, after written notice to cease, refused the landlord access to the unit as required by state or local law.~~

(7)(A) The landlord, after having obtained all necessary permits from the City of Berkeley, seeks in good faith to undertake substantial repairs which are necessary to bring the property into compliance with applicable codes and laws affecting the health and safety of tenants of the building or where necessary under an outstanding notice of code violations affecting the health and safety of tenants of the building, and where such repairs cannot be completed while the tenant resides on the premises.

(B) Where such repairs can be completed in a period of sixty or fewer days, and the tenant, within thirty days after the service of a notice of termination of his or her tenancy, agrees in writing to vacate the premises during the period required to complete the repairs at no charge to the landlord, other than abatement of the obligation to pay rent for the premises during the period required to complete the repairs, the landlord may not recover possession pursuant to this Subsection 13.a.(7) unless the tenant shall fail or refuse to vacate the premises in accordance with such agreement.

(C) Where the landlord owns any other residential rental units in the City of Berkeley, and any such unit is vacant and available at the time of service of the written notice terminating the tenancy, or at any time thereafter until the earlier of the tenant's vacating the premises or the entry of a judgment by a court of competent jurisdiction awarding possession of the premises to the landlord, the landlord shall, as a condition of obtaining possession pursuant to this Subsection 13.a.(7), notify tenant in writing of the existence and address of each such vacant rental unit and offer the tenant the right, at the tenant's option:

(1) to enter into a rental agreement (to be designated as a "temporary rental agreement") on any available rental unit which the tenant may choose, at a rent not to exceed the lesser of the lawful rent which may be charged for such available rental unit or the lawful rent in effect, at the time of the notice of termination of tenancy, on the unit being vacated, said rental agreement to be for a term of the lesser of ninety days or until completion of repairs on the rental unit being vacated by the tenant, or;

(2) to enter into a new rental agreement or lease for such available rental unit at a rent not to exceed the lawful rent which may be charged for such available rental unit.

(D) Where the landlord recovers possession under this Subsection 13.a.(7), the tenant must be given the right of first refusal to reoccupy the unit upon completion of the required work. In the event landlord files an application for an individual rent adjustment within six months following the completion of the work, the tenant shall be a party to such proceeding the same as if he or she were still in possession, unless the landlord shall submit, with such application, a written waiver by the tenant of his or her right to reoccupy the premises pursuant to this subsection.

(E) Any notice of termination of tenancy served pursuant to this subsection 13.a.(7) shall be accompanied by copies of any permits which have been obtained and a notice, on a form approved by the Board, notifying the tenant(s) of their rights under this subsection 13.a.(7).

(8) The landlord, after having obtained all necessary permits from the City of Berkeley, seeks in good faith to recover possession of the rental unit, in order to remove the rental unit from the market by demolition.

(9)(A) The landlord seeks in good faith to recover possession for his or her own use and occupancy as his or her principal residence, or for the use and occupancy as a principal residence by the landlord's spouse or by the landlord's child or parent.

(B) For purposes of this subsection 13.a.(9), the term landlord shall be defined as the owner of record, as of the time of the giving of a notice terminating the tenant's tenancy, and at all times thereafter to and including the earlier of the tenant's surrender of possession of the premises or the entry of a judgment of a court of competent jurisdiction awarding possession of the premises to the landlord, holding at least a 50 51% interest in the property and shall not include a lessor, sublessor or agent of the owner of record.

(C) The landlord may not recover possession under this subsection 13.a.(9) ~~comparable unit, located within the City of Berkeley and under the management, ownership or control of the landlord was, at the time of the landlord's decision to seek to recover possession of the rental unit, already vacant and available in the property, or which has been vacant within ninety days prior to the date of a notice terminating the tenant's tenancy, or if such a comparable unit thereafter becomes vacant in the property at any time until the earlier of the tenant's surrender of possession of the premises or the entry of a judgment of a court of competent jurisdiction awarding possession of the premises to the landlord.~~

~~In an action by or against the tenant, evidence that a comparable unit was vacant and available in the property within ninety days prior to the date of a notice terminating the tenant's tenancy shall create a presumption that such unit was vacant and available at the time of the landlord's decision to seek to recover the premises. "Presumption" means that the Court must find the existence of the presumed fact unless and until the contrary is proven by a preponderance of the evidence.~~

(D) The landlord may not recover possession of any unit pursuant to this Subsection 13.a.(9) where the person for whose use recovery of the unit is sought already occupies, or has the right to occupy a unit in the City of Berkeley, or if there are any vacant units on the property, unless the landlord first offers the tenant(s) who will be displaced by said recovery of possession the right of first refusal upon lawful and reasonable terms either the unit already occupied by the landlord or the landlord's relative or the vacant unit. The Board shall establish regulations specifying the manner in which the rent ceiling shall be determined for the unit to be occupied by the tenant under this Subsection where there is no base rent ceiling in effect.

(E) No person may recover possession of any rental unit pursuant to this subsection 13.a.(9) where the landlord, or the landlord's spouse, child or parent already occupy at least two units on the property.

(F) The landlord shall specifically identify in writing in the notice of termination and in the complaint for unlawful detainer the name, address and relationship to the landlord of the individual for whom the landlord seeks to recover possession of the property for occupancy as a principal residence. Failure to comply with this requirement shall constitute a defense to the eviction action and shall render the notice of termination legally invalid.

(G) This Subsection 13.a.(9) shall not apply to any property containing five (5) or more units where the landlord becomes the record owner of the property after June 30, 1986.

(H) No landlord may seek possession of any rental unit under this Subsection 13.a.(9) where the contemplated use would violate any subdivision or land use law or regulation.

(I) It is not the intention of this Subsection 13.a.(9) to preclude the enactment of any measure designed to regulate the conversion of rental units pursuant to the police power of the City of Berkeley.

(10) A landlord or lessor seeks in good faith to recover possession of the rental unit for his/her occupancy as a principal residence, where the landlord or lessor has previously occupied the rental unit as his/her principal residence under an existing rental agreement with the current tenants.

(11) The tenant fails to vacate a rental unit occupied under the terms of a temporary rental agreement entered into pursuant to the provisions of subsection 13.a.(7)(C), following expiration of the term of said temporary rental agreement, and following written notice of the availability of tenant's previous rental unit for re occupancy by tenant (if the term of the rental agreement has expired by reason of the completion of repairs on the old rental unit), or of written notice to quit (if the term of the rental agreement has expired by reason of the expiration of a period of ninety days).

b.(1) A landlord's failure to specify good cause as listed above in subsections 1 through 11 of Section 13.a. ***and every element of that good cause*** in the notice of termination or the notice to quit and in the complaint for possession shall be a defense to any action for possession of a rental unit covered by the terms of this Ordinance, ***and shall render the notice of termination or notice to quit invalid.***

(2) The notice of termination or notice to quit upon which an action for possession is based shall be attached as an Exhibit to the complaint in such action.

c.(1) In any action to recover possession of a rental unit covered by the terms of this Ordinance, except an action to recover possession under subsections 13.a.(7), 13.a.(8) or 13.a.(11), a landlord shall allege ***and***

prove, as to each rental unit on the property, substantial compliance as of the date of the notice of termination or notice to quit and as of the date of the commencement of the action for possession with the implied warranty of habitability, and:

(2) *In any action to recover possession of a rental unit covered by the terms of this Ordinance, a landlord shall allege and prove, as to each rental unit on the property, compliance as of the date of the notice of termination or notice to quit and as of the date of the commencement of the action for possession with Sections 10 (Rent Ceiling) and Section 8 (Rent Registration) of this Ordinance.*

(3) *In the event that any landlord claims that a unit is exempt from the provisions of this Ordinance, the notice of termination or notice to quit and the complaint for possession shall state the facts upon which the exemption is claimed.*

d. (1) The landlord shall file with the Board a copy of any notice of termination, notice to quit, and/or summons and complaint within ~~ten (10)~~ two (2) days after the tenant has been served with such notice or summons and complaint.

(2) *Upon receipt of any such notice of termination, notice to quit or summons and complaint, the Board shall forthwith review the status of the property containing the subject unit. Such review shall include, without limitation, the registration and rent ceiling status of the units on the property. The landlord and the affected tenant(s) shall be informed of the results of such review.*

(3) *In any action to recover possession of a rental unit covered by the terms of this Ordinance, the landlord shall allege and prove compliance with subsection 13.d.(1) as to the notice of termination or notice to quit upon which the action for possession is based.*

Section 14. RETALIATION PROHIBITED.

a. No landlord may threaten to bring, or bring an action to recover possession, cause the tenant to quit the unit involuntarily, serve any notice to quit or notice of termination of tenancy, decrease any services or increase the rent where the landlord's intent is retaliation against the tenant for the tenant's assertion or exercise of rights under this Ordinance. Such retaliation shall be a defense to an action to recover possession, or it may serve as the basis for an affirmative action by the tenant for actual and punitive damages and injunctive relief.

b. In any action by or against a tenant, evidence of the assertion or exercise by the tenant of rights under this Ordinance within six months prior to the alleged act of retaliation shall create a presumption that the landlord's act was retaliatory. "Presumption" means that the Court must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence. ~~its nonexistence is proven by a preponderance of the evidence.~~ A tenant may assert retaliation affirmatively or as a defense to the landlord's action without the aid of the presumption regardless of the period of time which has elapsed between the tenant's assertion or exercise of rights under this Ordinance and the alleged act of retaliation.

Section 15. REMEDIES.

a. For Violation of Rent Ceilings or Failure to Register. If a landlord fails to register in accordance with Section 8 of this Ordinance, or if a landlord demands, accepts, receives or retains any payment in excess of the maximum allowable rent permitted by this Ordinance, a tenant may take any or all of the following actions until compliance is achieved:

(1) A tenant may petition the Board for appropriate relief. If the Board, after the landlord has proper notice and after a hearing, determines that a landlord has wilfully and knowingly failed to register a rental unit covered by this Ordinance or violated the provisions of Sections 10, 11, and 12 of this Ordinance, the Board may authorize the tenant of such a rental unit to withhold all or a portion of the rent for the unit until such a time as the rental unit is brought into compliance with this Ordinance. After a rental unit is brought into compliance, the Board shall determine what portion, if any, of the withheld rent is owed to the landlord for the period in which the rental unit was not in compliance. Whether or not the Board allows such withholding, no landlord who has failed to comply with the Ordinance shall at any time increase rents for a rental unit until such unit is brought into compliance.

(2) A tenant may withhold up to the full amount of his or her periodic rent which is charged or demanded by the landlord under the provisions of this Ordinance. In any action to recover possession based on nonpayment of rent, possession shall not be granted where the tenant has withheld rent in good faith under this Section.

(3) A tenant may seek injunctive relief on behalf of herself or himself to restrain the landlord from demanding or receiving any rent on the unit until the landlord has complied with the terms of this Ordinance.

(4)(A) A tenant may file a damage suit against the landlord for actual damages *and attorneys' fees* when the landlord *demand*s, receives or retains any rent in excess of the maximum rent allowed under this Ordinance. ~~Upon further proof of a bad faith claim by the landlord or the landlord's retention of rent in excess of the maximum rent allowed by this Ordinance, the tenant shall receive a judgment of up to seven hundred and fifty dollars (\$750.00) in addition to any actual damages. Such damages shall be trebled by the court.~~

(B) *In any proceeding brought before the Board under Subsection 15.a.(1) or in any action brought before a court under Subsection 15.a.(4)(A) based upon an alleged overcharge of rent, the current landlord shall be liable for the repayment of any rent collected or retained in excess of the maximum allowed under the Ordinance notwithstanding the fact that some portion of such overcharges were collected, received or retained by a previous landlord.*

(C) Any landlord who is ordered to repay rent overcharges which were collected by a previous landlord pursuant to Subsection 15.a.(4)(B) or any landlord who returns any overcharges to a tenant which were collected by a previous landlord in violation of this Ordinance may file an action for damages and attorneys' fees against said previous landlord in a court of appropriate jurisdiction. Such damages shall be trebled by the Court.

(D) *The statute of limitations for any Rent Board proceeding or court action brought pursuant to Subsection 15.a.(1) or, Subsection 15.a.(4) shall be a period of four (4) years. Said four year period is only applicable to the period for which overcharges may be actually collected and is not relevant to the determination of the lawful base rent ceiling. Except as provided herein, the Board shall pass no regulation which further limits the liability for overcharges based upon the passage of time, nor shall the Board decrease any overpayment order otherwise proper which is within the four year period set forth herein.*

b. For Violation of Eviction Proceedings If it is shown in the appropriate court that the event which the landlord claims as grounds to recover possession under Subsection 13.a.(7), Subsection 13.a.(8), Subsection 13.a.(9) or Subsection 13.a.(10) is not ~~initiated~~ substantially completed within ~~two months~~ thirty (30) days after the tenant vacates the unit, or it is shown that the landlord's claim was false or in bad faith, the tenant shall be entitled to regain possession and to actual damages, *treble damages and attorneys' fees*. ~~If the landlord's conduct was willful, the tenant shall be entitled to damages in the amount of \$750.00 or three times the actual damages sustained, whichever is greater. For purposes of Subsection 13.a.(9) and Subsection 13.a.(10) substantial completion shall mean that the person for whom possession was sought has taken occupancy of the premises for use as a principal residence.~~

c. The City Attorney may bring an action for injunctive relief on behalf of the City or on behalf of tenants seeking compliance with the Ordinance.

d. The Board may seek injunctive relief to restrain or enjoin any violation of this Ordinance or of the rules, regulations, orders and decisions of the Board.

e. If a tenant fails to bring a civil or administrative action within one hundred and twenty (120) days from the date of the first occurrence of a violation of this Ordinance, the Board may either settle the claim arising from the violation or bring such action. Thereafter, the tenant on whose behalf the Board acted may not bring an action against the landlord in regard to the same violation for which the Board has made a settlement or brought an action. In the event the Board settles the claim it shall be entitled to retain from any payments made by the landlord, the costs it incurred in settlement, and the tenant aggrieved by the violation shall be entitled to the remainder.

f. The remedies provided by this Section 15 are cumulative and shall not be construed to impair such other remedies permitted under the law.

Section 16. PARTIAL INVALIDITY.

If any provision of this Ordinance or application thereof is held to be invalid, this invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions and applications of this Ordinance are severable.

Section 17. NON SEVERABILITY

a. Any provision in a rental agreement, or any Board action or regulation which waives or modifies any provision of this Ordinance is contrary to public policy and void.

b. Other than such limitations which are expressly provided for in this Ordinance no person shall be deemed to waive any rights conferred by this Ordinance.

Section 18. JUDICIAL REVIEW

A landlord or tenant aggrieved by any action or decision of the Board may seek judicial review in a court of appropriate jurisdiction.

Section 19. CRIMINAL PENALTIES

Any landlord who is found by a court of competent jurisdiction to be guilty of a willful violation of this Ordinance shall be subject to up to a five hundred dollar (\$500) fine and/or ninety (90) days in jail for a first offense and up to a three thousand dollar (\$3,000) fine and/or one year in jail for any subsequent offenses.

PART C. CONSTRUCTION WITH OTHER ORDINANCES

No provision contained in this Ordinance is intended to limit or diminish the power of the City of Berkeley to enact any regulation pertaining to the use of real property including measures pertaining to land use, planning or subdivision controls; or to enact measures necessary and proper for the enforcement of the rights contained in this Ordinance which are consistent with the purposes of this Ordinance.

PART D. EFFECT OF PARTIAL INVALIDITY

If any provision of this Act or application thereof is held to be invalid, this invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or applications, and to this end the provisions and applications of this Act are severable. This Act is intended to amend the provisions of the Rent Stabilization and Eviction for Good Cause Ordinance and, in the event any provision of this Act or application thereof is held to be invalid, then the provisions of that Ordinance as in effect prior to their Amendment by this Act shall be deemed to apply.

BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE O

This initiative ordinance, if adopted, would amend the Rent Stabilization and Eviction for Good Cause Ordinance. The proposed initiative would have the following material effects:

1. Provide that properties in which landlords share kitchen or bath facilities with tenants are subject to the Rent Ordinance when the property contains more than two (2) units. Under current law, such properties are exempt.
2. Provide that rental units are covered by the Rent Ordinance when they replace covered units destroyed by fire or natural disaster. Under current law, such units are exempt.
3. Allow information provided to the Rent Board to be used by other agencies where the landlord is seeking a special entitlement or permit. Current law prohibits such use.
4. Require the Rent Board to take certain actions and provide certain information concerning the registration status of properties, the scheduling of individual rent adjustment hearings, and the review of eviction notices received by the Board.
5. Provide tenants with the right to contest a landlord's application for waiver of penalties for failure to pay registration fees.
6. Prevent the Rent Board from certifying base rent ceilings except upon an affirmative evidentiary showing. Under current law, base rent ceilings are being certified without an affirmative evidentiary showing if the tenant does not request a hearing to contest the lawfulness of the rents.

7. Prohibit evictions based upon:

- (a) subletting or assignment in violation of the lease;
- (b) failure to sign a new rental agreement;
- (c) refusal to allow the landlord access to the unit as required by state law.

8. Place the following restrictions on an owner who seeks to evict a tenant for owner (or relative) occupancy of the unit:

- (a) the landlord must own at least 51% interest in the property instead of 50% under current law;
- (b) the landlord must offer the displaced tenant any unit of the landlord's in the City which is vacant or becomes vacant as a result of the owner's or relative's move to the tenant's unit;
- (c) no owner occupancy eviction can occur if two (2) units on the property are already occupied by the landlord, or the landlord's spouse, child, or parent;
- (d) the definition of the owner's "good faith" is broadened to include all the relevant circumstances;
- (e) no owner occupancy eviction can occur in properties containing five (5) or more units where the landlord becomes the owner of record after June 30, 1986; and
- (f) no owner occupancy eviction can occur where the contemplated use would be in violation of any land use law or regulation.

9. Strengthen the remedies available for violations of the Rent Ordinance by:

- (a) establishing a 5 year statute of limitation for filing suit to collect registration fees and penalties;
- (b) establishing a 4 year statute of limitation to collect rent overcharges;
- (c) providing for treble damages and attorney's fees in court actions by the tenant; and
- (d) making a current landlord liable for rent overcharges collected by a prior landlord, with a right of the current landlord to recover treble damages and attorney's fees against the prior landlord.

Financial Implications

Increase in administrative costs. Increase in revenues. Amounts unknown.

ARGUMENT IN FAVOR OF MEASURE O

PRESERVES AFFORDABLE HOUSING

MEASURE O, the Tenants Rights Amendments Act of 1986, will further promote the purposes of the citizen-enacted Rent Stabilization and Eviction for Good Cause Ordinance and the Tenants Rights Amendments Act of 1982. These measures sought to preserve affordable housing, to maintain the community's diversity, and to address the special needs of minorities, students, and low/fixed income, disabled and elderly persons.

MEASURE O will resolve issues which have arisen under the Ordinance. Various loopholes threatening these policies will be closed, assuring the continued protection of tenants' rights.

LIMITS UNFAIR EVICTIONS

Current provisions allowing landlords to evict tenants for their own occupancy have been used to unjustifiably vacate rental units. This has resulted in the hardships of displacement, and overall rents have risen as units are re-rented at illegal levels.

MEASURE O will not prohibit owners with a valid need for housing from occupying rental units. MEASURE O will limit evictions when an owner has vacant units in the City, when the landlord lacks majority ownership, and when two units on the property are already occupied by a landlord and/or relatives.

PROMOTES ENFORCEMENT

The ordinance can only achieve its purposes when properly implemented. Both the Rent Board and tenants have been unable to adequately enforce the ordinance.

MEASURE O will enable more tenants to recover rent overcharges and security deposit interest, will require the Board to notify tenants when registration fees on the property remain unpaid, and will guarantee Board review of the property's compliance status at the beginning of an eviction process.

Berkeley's protections for affordable and secure housing have been consistently supported by the voters and upheld by the courts. Let's make them work as they were intended. Vote to maintain an integrated, diverse and stable community. **VOTE YES ON MEASURE O.**

s/GERDA MILLER, Convenor, Berkeley Gray Panthers; Former Rent Board Commissioner
s/LAWRENCE L. DUGA, Co-chair, East Bay Tenant Bar Assoc.; Vice Chair, Board of Adjustments
s/LURETHA BAKER, South Berkeley Tenant for 21 Years
s/CHARLES "OZZIE" OSBORNE, Elmwood Preservation Activist
s/ERNA P. HARRIS, Vice President, University Avenue Housing, Inc.

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE O

Measure O is a cynical attempt to fix something that isn't broken. Proponents' claims for Measure O suggest that it is an innocuous measure that only cleans up existing law. This is not so! Current law **already** protects tenants from bad-faith owner occupancy evictions. Tenants **already** have redress against illegally high rents and can recover overcharges.

Contrary to proponents' claims, Measure O does not promote enforcement. It hamstring the Board, needlessly complicates existing law, and makes it harder to administer the Rent Stabilization Ordinance in the fair manner essential to successful rent control.

Measure O should be called "The Tenant Lawyers Full Employment Act" because of the confusing legalistic morass it would create.

Among the problems:

- Current rental property owners would become liable for rent overcharges **collected by prior landlords.**
- Tenants who refuse access to property for necessary repairs or to deal with emergencies could not be evicted on that basis, even though state law specifically provides for such access.
- Owners would effectively lose the right to approve subletting arrangements.
- The base rent certification program enacted by the current Rent Board would be invalidated. This program has brought a welcome measure of stability to the Rent Stabilization Program.
- The majority of Berkeley voters want rent control, but **they also want it to be fair.**
- Vote NO on Measure O to maintain a stable Rent Control Program.
- Vote NO on Measure O to maintain a stable supply of affordable rental housing for a diversity of tenants in Berkeley.

s/Margaret S. Gordon
s/Eugene "Gus" Newport, Mayor
s/Betty Olds, Rent Board Commissioner
s/David Taylor, Chair, Board of Adjustments
s/Kathleen Burgess De Vries, Rent Board Commissioner

ARGUMENT AGAINST MEASURE O

On its face Measure O sounds like a good deal for tenants. Don't be deceived by this amendment to our rent control ordinance! It will result in **FEWER** rental units, more **ACRIMONY** and **TURMOIL** in the community and will **STRANGLE** the Rent Board's ability to make rent control work.

The Rent Board's present ability to respond flexibly to individual situations will be eliminated. In its place will be a rigid, legalistic set of rules that will prevent the Board from tailoring its decisions to the circumstances of individual cases. This straitjacket will keep the Board from waiving excessive penalties and making humane adjustments in individual cases.

An elected Board with no flexibility is an affront to our liberal traditions!

This measure gives tenants unlimited right to sublet their units without the owners' concurrence. Sublettors may well not realize their obligations as landlords and their subtenants could be charged illegally high rents, yet the owner would continue to be liable for this situation totally out of his control.

Measure O requires that rooms in private homes be brought under the provisions of the rent control law. This will dry up a substantial source of rental units as homeowners withdraw units rather than subject themselves to the rigors of this draconian new rent control law.

This measure should be called "The RENT LAWYERS' RELIEF ACT" since it creates innumerable new opportunities for legal action against property owners. It adds **PAYMENT OF ATTORNEYS FEES** and extends the statute of limitations which will allow more time to institute legal actions.

Berkeley's rent control program needs **FAIRNESS**, **STABILITY** and the **RESOLUTION OF PROBLEMS**—not **ESCALATION** of the present adversarial free-for-all that has already hurt so many people.

TO PROTECT HOUSING, TO PROTECT THE RIGHTS OF TENANTS AND HOMEOWNERS VOTE NO ON MEASURE O!

s/Kathleen Burgess DeVries, Rent Board Commissioner
s/Ellen Liebman
s/Leslie Aguayo
s/David Bryden, Rent Commissioner
s/Inez Watts

REBUTTAL TO ARGUMENT AGAINST MEASURE O

The opponents' arguments are based on their political consultants' advice:

All that's needed to defeat a measure is to confuse the voters!

They give inaccurate information about the actual provisions of MEASURE O, and use the same old bluster and threats of previous anti-rent control campaigns. While they claim the amendments will make the Rent Board's operation inflexible, MEASURE O actually enhances the Board's ability to collect revenues, guard against improper eviction practices, and improve public access to information.

MEASURE O allows Board certification of base rent levels, but only when supported by evidence of actual rents charged, and after tenants and landlords have been given notice and an opportunity to be heard.

Contrary to the opponents' assertions, MEASURE O does **NOT** make a landlord liable if a tenant overcharges a subtenant. The provision merely removes subletting as grounds for eviction, and assures tenants the right to choose their own roommates.

The opponents' contention that all private homes will be covered by rent control is also misleading. In fact, MEASURE O extends coverage in situations where tenants and landlords share kitchen or bath facilities **ONLY** when the property contains three or more rental units. This closes a loophole now depriving many boarding house tenants of the law's protections.

Don't be misled by the opposition's distortion of MEASURE O.

Join the Berkeley Tenants Union and the Berkeley Gray Panthers in supporting the reforms necessary to make our rent and eviction control law work.

VOTE YES ON MEASURE O!

s/GERDA MILLER; Convenor, Berkeley Gray Panthers; Former Member, Berkeley Rent Board
s/LEE COE; Advisory Council, West Berkeley Senior Center; Oceanview Preservation Activist
s/DANIEL LAMBERT; Member/Formal Chair, Berkeley Housing Advisory and Appeals Board
s/LOUISE MARQUIS; Member, Exec. Board, SEIU, Local 535 Alameda Co. Chapter
s/KEN STEIN; Co-Founder, Berkeley Historical Society; Former Landmarks Preservation Commissioner

CITY OF BERKELEY INITIATIVE ORDINANCE

P MEASURE P: Shall an ordinance be adopted limiting development on the waterfront to the area known as the north basin strip (North of Virginia St.) and designating as open space the beach, brickyard and meadow; and shall the City's Master Plan, Zoning Ordinance and Waterfront Specific Plan be amended to conform? Financial Implication: Administrative costs; amount unknown.	YES
	NO

FULL TEXT OF MEASURE P

BE IT ORDAINED by the people of the City of Berkeley as follows:

Section 1. Purposes.

- a) To protect and promote the public health, safety, and welfare by designating certain areas of the Berkeley waterfront: the Berkeley Beach, the Brickyard, and the Meadow for preservation as open space.
- b) To require that the Master Plan and Zoning Ordinance of the City of Berkeley, and the Berkeley Waterfront Specific Plan be revised within six (6) months of the effective date of this ordinance.

Section 2. Findings.

It is hereby found and determined as follows:

- a) It is in the best interests of the residents of the City of Berkeley to preserve and protect the open space, views, wetlands, wetland-type environment, bay front meadows, marshes, wild life habitats, beaches, creek mouths, and the unique and irreplaceable waterfront area of the City, being all that land in the City of Berkeley generally adjacent to San Francisco Bay and west of U.S. Interstate 80 (I-80).
- b) The portion of the waterfront area west of I-80, south of Virginia Street (including the City's Virginia Street easement), and east of the Berkeley Marina constitutes environmentally sensitive, irreplaceable, and unique contiguous waterfront open space, wetlands, marshes, wetland type environment, plant and wildlife habitat, and bay front meadow; and it is in the public interest to preserve, protect, and restore all said portion of the waterfront area in a natural, open and undeveloped form.
- c) Unless those areas of the Berkeley waterfront south of Virginia Street and east of the Berkeley Marina are preserved as open space the following adverse effects are likely to occur:
 - 1) **Traffic.** Traffic congestion in and around the waterfront, already unacceptable, will increase.
 - 2) **Wetlands and habitats.** Important wetlands and habitats will be lost, resulting in the loss of waterfront plant life and wildlife, including migratory birds, and a further diminishing of the health of San Francisco Bay. The wetlands resolutions adopted by the Berkeley City Council on February 13, 1986 are hereby incorporated into this ordinance by reference.
 - 3) **Open Space.** The City of Berkeley would lose a unique contiguous open space area. Irreplaceable scenic beauty would also be lost.
 - 4) **Pollution.** There would be an increase in air, noise, and water pollution.
 - 5) **Seismic safety.** Because of the geology of the land and its proximity to major earthquake faults, development would result in a threat to life and property in the event of an earthquake.
- d) Title 7, Article 10.5 of the California Government Code, "Open Space Lands," hereby incorporated into this ordinance by reference, mandates that cities make and carry out plans "for the preservation of valuable open-space land."

Section 3. Policies.

- a) Those areas of the Berkeley waterfront west of I-80, south of Virginia Street and the North Basin (including the City's Virginia Street easement), and east of the Berkeley Marina (commonly known as the Berkeley Beach, the Brickyard, and the Meadow, including the East Meadow) shall remain in

open space in perpetuity. Except as specified in this ordinance, no development shall be permitted in these areas. The Berkeley Beach is the seven (7) or more acres of shoreline west of I-80 and extending from the Emeryville city limits to the Brickyard. The Brickyard is the approximately 29 acres of land west of I-80 and south of University Avenue. The Meadow is the approximately 72 acres of land west of I-80, north of University Avenue (and including the strip of land immediately south of University Avenue), south of Virginia Street and the North Basin (and including the City's Virginia Street easement), and east of the Berkeley Marina. A nature interpretive center no more than one (1) story, not to exceed a height of 20 feet and containing no more than 5,000 gross square feet of floor space shall be permitted on the Brickyard subject to a use permit. An appropriate number of public restroom facilities shall be permitted on the Meadow, Brickyard, and Berkeley Beach.

- b) Development shall be permitted on those areas of the waterfront not covered by Section 3.(a) of this ordinance, subject to policies contained in the Berkeley Master Plan, Berkeley Zoning Ordinance, Berkeley Waterfront Specific Plan, and any other relevant policies that may be adopted by the Berkeley City Council and any policies that may be adopted by the citizens of Berkeley in an initiative ordinance.

Section 4. Programs and Time Limits.

Within six (6) months of the effective date of this ordinance, the City of Berkeley's Master Plan, Zoning Ordinance and Waterfront Specific Plan shall be amended to incorporate the policies contained in this ordinance. However, the policies contained in this ordinance shall be in force as soon as the ordinance takes effect.

Section 5. Constitutionality.

This ordinance is not intended, and shall not be construed as authorizing the City of Berkeley to exercise its power in a manner which will take or damage private property for public use. This ordinance is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

Section 6. Severability.

If any portion of this ordinance is hereafter determined to be invalid, all remaining portions of this ordinance shall remain in full force and effect, and to this extent the provisions of this ordinance are separable.

Section 7. Amendment.

No part of this ordinance shall be amended or repealed, except by a vote of the people.

Section 8. Effective date.

This ordinance shall take effect immediately upon its passage by the voters of the City of Berkeley.

BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE P

The proposed ordinance, if adopted, would regulate development on certain areas of the Berkeley waterfront currently owned by Santa Fe Land Improvement Company in the following manner.

1. Prohibit any development, other than public restrooms and a nature interpretative center of no more than one 20 foot story, containing no more than 5000 square feet, on certain areas of the Berkeley Waterfront, currently owned by Santa Fe Land Improvement Company, located west of I-80, south of Virginia Street and the North Basin (including the City's Virginia Street Easement) and east of the Berkeley Marina. The areas in which such development is prohibited are commonly known as the Meadow (72 acres of land west of I-80 and north of University Avenue, including a strip south of University Avenue), the Brickyard (approximately 29 acres of land west of I-80 and south of University Avenue) and the Berkeley Beach (7 acres of shoreline west of I-80 extending from Emeryville to the Brickyard).
2. Require that the Meadow, Brickyard and Berkeley Beach remain in open space in perpetuity, but authorize development on the remaining Santa Fe land at the waterfront located in the North Basin, north of Virginia Street.
3. Require, within six months of passage of the ordinance, that the City's Master Plan, Zoning Ordinance and Waterfront Specific Plan be amended to incorporate the policies contained in the ordinance. Under

the City Plan in effect on August 1, 1986, the waterfront is designated as "unclassified" and, thus, any development may be approved upon a finding of no detriment by the Board of Adjustments or the City Council on an appeal. As of August, 1986, the date this analysis was prepared, the City is completing a three year planning process in which it has tentatively approved a plan for the waterfront and is in the process of receiving public comments on the Environmental Impact Report which the City commissioned regarding the proposed plan. This ordinance differs from the current proposed plan in three respects: Firstly, the current proposed plan calls for public acquisition of the Brickyard, the Berkeley Beach and 50 acres of the Meadow, whereas this ordinance requires that these areas, including the entire 72 acre Meadow remain as open space in perpetuity, irrespective of whether the City actually buys the land from Santa Fe. Secondly, the current proposed plan would permit development of a hotel and conference center in the East Meadow, if Santa Fe's lease with the racetrack at Golden Gate Fields precludes development in the North Basin until 1997, whereas this ordinance would prohibit all development in the East Meadow whether or not Santa Fe's lease precludes it from development in the North Basin. Thirdly, the current proposed plan calls for public acquisition of the East Meadow if the lease does not preclude development in the North Basin, whereas this ordinance requires that the East Meadow remain open space in perpetuity, irrespective of whether the City does not actually buy the land. Public acquisition of any of the land required to remain open space would be permissible.

This ordinance differs from the other measure regarding the waterfront in two major respects:

- a) This measure prohibits construction of any structure in any portion of the meadow, whereas the other measure would permit development on no more than twelve acres of the 72 acre Meadow if development in the North Basin strip is legally and financially infeasible because of a lease existing as of January 1, 1986, between Santa Fe and Pacific Racing Association.
- b) This initiative ordinance specifies that development on the North Basin Strip shall be based on the City's planning process which as of August 8, 1986, fixes development at 565,000 sq. ft. However it does not attempt to bar the City Council from making changes in the development to be allowed on the North Basin Strip at a later date.

If both measures pass, the one which receives the most votes will supersede any conflicting provision of the other.

Financial Implications

Additional administrative costs to revise the City's plans and zoning ordinance in an amount unknown at this time.

ARGUMENT IN FAVOR OF MEASURE P

Measure 'P', the citizens' initiative, will save our waterfront from massive development. Because Berkeley residents are so concerned about the preservation of their magnificent open space bayfront, in just eight days over 3,600 of them signed a petition to put Measure 'P' on the ballot.

Measure 'P' protects the waterfront "Meadow" (the open field between the Marina and Interstate 80), the Brickyard (the peninsula just south of University Avenue), and the Berkeley Beach. These are the most ecologically sensitive areas of our waterfront. The Environmental Impact Report on the waterfront identifies 17 acres of seasonal ponds on the Meadow as a migratory bird habitat. Numerous species of waterbirds, including the endangered brown pelican and the California least tern, frequent the site.

The greatest concentration of these ponds is on the Meadow's east end, exactly where the pro-development Measure 'Q' on this ballot would build a huge hotel twice the size of the Golden Bear complex at University and Milvia. These ponds would be destroyed and a critical migratory bird habitat would be lost forever. This hotel would also have disastrous traffic and pollution impacts throughout the waterfront and in West Berkeley. The hotel would also make the remaining open space less accessible to local residents. And it would threaten Bay water quality.

Measure 'P' respects the property owner's rights by allowing some development north of Virginia Street. However, any development would have to be compatible with the environment.

Every year the Bay Area becomes more densely developed and open space harder to find. It is therefore crucial that we preserve as much of our waterfront as possible so that we and future generations will be able to enjoy the bayfront's unparalleled views and its calming and restorative qualities.

Save our irreplaceable waterfront. Vote YES on 'P'. Vote NO on 'Q'.

s/City Councilmember John Denton, Chair Council Waterfront Committee
s/Albert Lepawsky, President Berkeley Bayfront Conservancy Fund
s/Gerda Miller, Convenor Berkeley Gray Panthers
s/Irv Rautenberg, Director Berkeley Bayfront Conservancy Fund
s/Erna P. Harris

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE P

"Measure P won't protect the waterfront from massive development—not the Meadow, not Berkeley Beach, not the Brickyard, not the seasonal ponds, not the migratory birds—if it's thrown out of court."

—Norman La Force, Director, Berkeley Bayfront Conservancy Fund

The authors of Measure P are our friends. We share the same goals and vision for the waterfront. But experienced environmental attorneys have repeatedly issued the same warning: the legally sloppy approach of Measure P may not stand up in court.

Measure P makes two other major mistakes:

- It fails to place height and square-footage limits on buildings located north of the Meadow. Possible result: massive highrises along I-80.
- It fails to restrict development on the East Meadow to the minimum, should the city be legally required to allow it. Possible result: massive development on the Meadow.

It's for these reasons that the Sierra Club waterfront taskforce drafted Measure Q. It plugs gaps. It corrects errors. It provides backup protections. It gives Berkeley's lawyers the strongest possible legal basis for defending its environmentally sound waterfront plan against Santa Fe.

In the best of all possible worlds, Santa Fe would join with the city in protecting the environment, and Measure P would be adequate. In the real world, where Santa Fe wants only to maximize its profits, the waterfront needs strong, legally tight protection.

Measure P doesn't do the job. Measure Q, written by the Sierra Club waterfront taskforce, does.

PLEASE VOTE NO ON P AND YES ON Q.

s/Maudelle Shirek, City Councilmember
s/Helen King Burke, Director, EBMUD
s/Luis Reyna, Vice-Chair, Waterfront Commission
s/Curt Manning, West Berkeley Project Area Committee
s/Steve Bedrick, Land Use and Environmental Attorney

ARGUMENT AGAINST MEASURE P

DANGER: LOW PROTECTION

Though well-intentioned, this initiative is dangerous to the City. It does not offer the City sufficient legal protection in a lawsuit by the landowner, Santa Fe. This greedy company, the biggest private landowner in the State of California, has continually tried to bully the City with lawsuits. We must be prepared for more. We cannot afford to weaken the City's legal defense by voting for this initiative.

DANGER: NO PLANNING

What's wrong with it? The initiative does not draw upon the reports and studies produced during the three year planning process that supports the City's case for low-density development and environmental protection.

DANGER: HIGH DENSITY

This initiative does not restrict development on the North Basin Strip, the stretch of land along I-80 where tall buildings could block our beautiful bay views. Citizens have worked for three years to insure height and density limits on the Waterfront. This measure removes those protections.

SAVE THE WATERFRONT

Fortunately, you have a better choice—the Waterfront Conservation and Planning Act sponsored by the Sierra Club. This alternative measure is designed to stop Santa Fe's legal abuses and to protect our Bayfront environment with its irreplaceable shoreline open space.

PROTECT THE WATERFRONT

VOTE NO ON MEASURE Q AND YES ON MEASURE P

s/Jim Liljenwall, Chair, Waterfront Commission
s/Curt Manning, West Berkeley Project Area Committee
s/Ramsey Miller, Planning Commission
s/David Taylor, Chair, Board of Adjustments

REBUTTAL TO ARGUMENT AGAINST MEASURE P

Measure P, the Citizens' Initiative, is the only ballot measure that preserves the entire Berkeley waterfront Meadow as open space. The Meadow is the most ecologically fragile area of the waterfront. The counter waterfront measure on the ballot, Measure Q, allows a massive hotel and convention center to be built on the Meadow, destroying wetlands and a migratory bird habitat.

Measure P is legally sound. The allegations made by the opponents of Measure P are unsubstantiated. Measure P protects waterfront open space while respecting the landowner's rights.

Measure P respects the planning process. It fulfills the community's desire to preserve the Meadow, Brickyard, and Beach and allows the community to determine how much development will be allowed on the waterfront's North Basin Strip. Measure Q, however, abuses the planning process by permitting 565,000 square feet of development (equal in size to the Transamerica Pyramid) to be built on the Meadow and North Basin Strip, even though this is far more development than the community wants. The waterfront Environmental Impact Report says that this level of development would have disastrous environmental and traffic impacts.

SAVE OUR BAYFRONT

As the San Francisco Bay Area continues to grow outward in every direction, open space becomes ever more difficult to find. To protect our physical and spiritual well-being in an overdeveloped Bay Area megalopolis, we must preserve our open space bayfront. Measure P will protect our unique and irreplaceable waterfront for present and future generations. **Join leading environmentalists in voting YES on P.**

s/Councilmember John Denton, Attorney, Chair Council Waterfront Committee.
s/David Brower, Board Member National Sierra Club, Berkeley Native.
s/Albert Lepawsky, President Berkeley Bayfront Conservancy Fund.
s/Dona Spring, Convenor East Bay Defenders of the Environment.
s/Alan Goldfarb, Member Berkeley Planning Commission.

CITY OF BERKELEY PROPOSED ORDINANCE



MEASURE Q: Shall an ordinance be adopted which requires zoning to limit development on the entire waterfront and which protects its ecology and open-space in accordance with the Community Planning Process of 1984-86?

YES

NO

Financial Implication: Administrative costs; amount unknown.

FULL TEXT OF MEASURE Q

BE IT ORDAINED by the People of the City of Berkeley as follows:

That the following policies be incorporated into the Master Plan, the Waterfront Specific Plan, and the Zoning Ordinance.

Section 1: Findings

The People of the City of Berkeley find that it is in the public interest to preserve and protect the open space, views, wetlands, tidal mudflats, seasonal ponds, wetlands-type environment, creeks, meadows, beaches and the low density character of the unique and irreplaceable waterfront area of the City, being all that land in the City of Berkeley generally adjacent to San Francisco Bay and lying west of Interstate Highway 80 and east of Marina Boulevard.

The People of Berkeley further find, based on numerous scientific studies and data, including those developed during the Waterfront Planning Process of 1984-86, and in the draft Environmental Impact Report of June 1986, that the portion of the waterfront area south of the northern edge of Virginia Street (as extended westward), and including School House Creek, constitutes environmentally sensitive, irreplaceable, and unique wetlands, marshes, seasonal ponds, meadows, wildlife habitat, and other features of the natural ecology; and that it is in the public interest to preserve, protect, reclaim, and/or restore all said portion of the waterfront in a natural, open, and undeveloped form.

These actions are necessary to protect the public health, safety, and welfare and to avoid unnecessary conversion of open space land to high density urban uses, thereby protecting against the resultant adverse impacts, such as: disturbance of wetlands and wetlands-type environment; destruction of wildlife habitat, including that of endangered and protected species; diminishing the ecological health of San Francisco Bay; hazards relating to geology, landfill, flooding, and earthquakes; destruction of scenic beauty; air, noise, and water pollution; increases in traffic on freeway, city streets, and intersections to unacceptable levels; rise in housing costs and subsequent displacement of low-income people from contiguous neighborhoods in West Berkeley; and other demonstrated consequences of overly dense urban development.

Section 2: Purpose

The purpose of this ordinance is to establish policies and uses which:

- provide special protection to the unique and irreplaceable San Francisco Bay shoreline ecology, including, but not limited to, seasonal ponds, wetlands, mudflats, meadows, beaches, marshes, creeks, and tidelands;
- protect the open space and enhance the recreational uses and low density character of the entire waterfront area;
- protect and preserve views from the waterfront to the rest of the city, and from the rest of the city to the waterfront;
- guarantee and maximize access to the shoreline area by citizens of Berkeley and the State of California and guarantee that a continuous shoreline corridor or esplanade at least 100 feet wide shall be dedicated to the public for access by pedestrians, the disabled, and bicyclists; provided, however, that such access shall not damage the delicate ecology of the area; and
- ensure that any development in the waterfront area occurs in a prudent manner, while protecting the City's residents from overly dense urban development in areas which are ecologically fragile and/or irreplaceable.

Section 3: Policies

a) Meadow.

That area of the Berkeley Waterfront bounded by the freeway on the east, by the south sailing basin on the south, by Marina Boulevard on the west, and by the north sailing basin and by the northern edge of Virginia Street (as extended west to the Bay) on the north, commonly known as the Meadow, shall be retained as open space, except as provided in Section 3(c)(4) below. Open space uses which do not require the construction of structures on the Meadow may be allowed on the Meadow, provided that such uses are consistent with the findings, purposes, and policies stated above, and provided further that any adverse environmental impacts be satisfactorily mitigated on site.

b) Brickyard and Beach.

That peninsular portion of the Berkeley Waterfront south of the Meadow to Emeryville, commonly known as the Brickyard, and that the water's-edge portion of the waterfront south of University Avenue, commonly known as the Berkeley Beach, shall be retained as open space, except that a nature interpretive center of no more than one story, with a height of no more than 20 feet above current ground level, and with an area of no more than 5,000 square feet of floor space may be constructed on the Brickyard. Open space uses which do not require the construction of structures on the Brickyard and Beach may be allowed on the Brickyard and Beach, provided that such uses are consistent with the findings, purposes, and policies stated above, and provided further than any adverse environmental impacts be satisfactorily mitigated on site.

c) North Basin Strip and Horse Barns.

(1) That portion of the Berkeley Waterfront north of the Meadow, east of the Bay, and south of Gilman Street, commonly known as the North Basin Strip, and that portion of the Berkeley Waterfront north of Gilman Street, east of the Bay, and south of the Albany city line, commonly known as the Horse Barns area, shall be designated for development.

(2) The total amount of development allowed in this area may not exceed 565,000 square feet. No building may be constructed which exceeds two stories, or which exceeds 25 feet in height above the current (1986) ground level, except that up to 50,000 square feet of this amount of development may be placed in a third story, in a building or buildings not to exceed 35 feet in height above the current (1986) ground level, if the appropriate city design review board determines that a plan which includes such increase in height is desirable both for aesthetic reasons and to carry out the policies set forth above. Permitted uses in this area are limited to the categories of uses for this area set forth in the draft Waterfront Specific Plan of May 9, 1986, (which categories include lodgings, conference center, restaurants, retail shops, recreational uses, and open space uses) plus buildings appurtenant to any open space use of the Meadow or Brickyard.

(3) The above-described development may be allowed only if the landowner or developer establishes that any adverse environmental impacts, including, but not limited to, those described in the June 1986 draft Environmental Impact Report, including, but not limited to, traffic, geology, wetlands, and endangered-species problems, will be satisfactorily solved or mitigated. Any adverse impacts as to wetlands shall be mitigated on property within the Berkeley waterfront, as defined above.

(4) If the landowner or developer demonstrates to the City's satisfaction that it is economically and legally infeasible to place all the development described in Section 3(c)(2), above, in a location north of Virginia Street (as extended westward), then the City may permit some of that development to be situated south of Virginia Street (as extended westward) provided: (1) that the amount of development (including structures and parking) located south of Virginia Street shall be kept to a minimum; (2) that any such development south of Virginia Street may occupy a site of no more than 12 acres of land; (3) that this development shall be located as far north and as far east on the Meadow as possible, and shall not encroach on that portion of the Meadow which is west of the North Basin Strip shoreline, if that line were extended due south to University Avenue; and (4) that the above-described development may be allowed only if the landowner or developer establishes that any adverse environmental impacts, including, but not limited to, those described in the June 1986 draft Environmental Impact Report, including, but not limited to, traffic, geology, wetlands, and endangered-species problems, will be satisfactorily solved or mitigated. Any adverse impacts as to wetlands shall be mitigated on property within the Berkeley waterfront, as defined above.

"Economically and legally infeasible" is defined as follows: the landowner or developer must establish that there was a lease between it, and the Pacific Racing Association which existed as of January 1, 1986: that

said lease did and does render it legally and financially infeasible to construct the approved development on the North Basin Strip north of Virginia Street, that the lease represents the sole reason for any inability to develop prior to the lease's expiration date, and that said lease cannot reasonably be modified at a reasonable cost. "Reasonable cost" means that the cost or fair market value of modifying the lease, as determined by the City, is such that it would not make the contemplated construction north of Virginia Street financially infeasible.

"To the City's satisfaction", as used in this subsection, is defined as follows: the City Council must find, by a vote of more than 2/3 of the Council members, based on a preponderance of the evidence, that such development in this location is necessary to carry out the purposes and policies of this ordinance.

Section 4: Programs and Time Limits

Within six (6) months of the effective date of this ordinance the City of Berkeley's Master Plan, Zoning Ordinance, and Waterfront Specific Plan shall be amended to incorporate and conform to the policies contained in this ordinance. However, the policies contained in this ordinance shall be in force as soon as the ordinance takes effect. These policies shall be implemented in a manner which advances the findings and purposes listed above.

Section 5: Constitutionality

This ordinance is not intended to authorize, and shall not be construed as authorizing, the City of Berkeley to exercise its power in a manner which will take or damage private property for public use. This ordinance is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

Section 6: Severability

If any portion of this ordinance is hereafter determined to be invalid, all remaining portions of this ordinance shall remain in full force and effect, and to this extent the provisions of this ordinance are severable.

Section 7: Amendment

No part of this ordinance shall be amended or repealed, except by a vote of the people.

Section 8: Effective Date

This ordinance shall take effect immediately upon its passage by the voters of the City of Berkeley.

BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE Q

The proposed ordinance, if adopted, would regulate development on certain areas of the Berkeley Waterfront currently owned by Santa Fe Land Improvement Company ("Santa Fe") in the following manner:

1. Prohibit the construction of any structures on the area commonly known as the Meadow bounded by the freeway on the east, by the South sailing basin on the south, by Marina Boulevard on the west and by the north sailing basin and the northern edge of Virginia Street (as extended West to the Bay) on the north unless the City Council determines, by a two-thirds vote, based on a preponderance of the evidence, that development north of Virginia Street is legally and financially infeasible because of the existence of a lease entered into between Santa Fe and the Pacific Racing Association as of January 1, 1986, which may preclude any such development until 1997. In such case the City may permit the minimum development necessary to address any such legal constraints imposed by the lease as long as any such development is located as far as possible to the north, does not encroach west of the North Basin Strip shoreline if that line were extended due south to University Avenue and does not occupy more than twelve acres of land.
2. Prohibit the construction of any structures on the peninsula area commonly known as the Brickyard south of the Meadow and on the water's edge area commonly known as the Berkeley Beach except for a nature interpretive center of no more than one 20-foot story containing no more than 5,000 square feet of floor space.
3. Require that, except as provided for, the Meadow, Brickyard and Berkeley Beach be retained as open space. Open space uses which do not require construction of structures are permitted to the extent they are consistent with the purposes of the ordinance such as the protection of San Francisco Bay Shoreline ecology.

4. Authorize up to 565,000 square feet of development in the area north of the Meadow, east of the Bay, south of Gilman Street, commonly known as the North Basin Strip and that area north of Gilman Street, east of the Bay, and south of the Albany City line commonly known as the Horse Barns area. The development must be limited to the categories of uses set forth in the draft Waterfront Specific Plan of May 9, 1986 (e.g. lodgings, conference center, restaurants, retail shops, recreational uses and open space uses) and the buildings are limited to two stories unless a third story is permitted by a City design review board for aesthetic reasons or to carry out the purposes of this ordinance.

5. Require, within six months of passage of the ordinance, that the City's Master Plan, Zoning Ordinance and Waterfront Specific Plan be amended to incorporate the policies contained in the ordinance.

Under the City Plan in effect on August 8, 1986, the waterfront is designated as "unclassified" and, thus, any development may be approved upon a finding of no detriment by the Board of Adjustments or the City Council on an appeal. As of August 8, 1986, the date this analysis was prepared, the City is completing a three-year planning process in which it has tentatively approved a plan for the waterfront and is in the process of receiving public comments on the Environmental Impact Report which the City commissioned regarding the proposed plan. This ordinance differs from the current proposed plan in one major respect. The current proposed plan calls for public acquisition of the Brickyard, the Berkeley Beach and 50 acres of the Meadow, whereas this ordinance requires that these areas remain as open space, irrespective of whether the City actually buys the land from Santa Fe. Public acquisition of any of the land required to remain open space would be permissible.

This ordinance differs from the initiative ordinance on the waterfront in two major respects:

- (a) it allows construction of structures on up to twelve acres of the Meadow east of the North basin shoreline extended due south if the City determines that development in the North Basin Strip is legally and financially infeasible because of a lease existing as of January 1, 1986 between Santa Fe and the Pacific Racing Association;
- (b) it limits development in the North Basin Strip to 565,000 square feet, imposes a height limit on buildings constructed, and limits the category of uses permitted to those set forth in the City's draft waterfront specific plan of May 9, 1986. The initiative ordinance leaves these issues to be decided by the City Council. As of August 8, 1986, the City Council proposes to authorize a level of development which is within the limits imposed by this ordinance.

If both measures pass, the one which receives the most votes will supersede any conflicting provisions of the other.

Financial Implications

Additional administrative costs to revise the City's plans and zoning ordinance in an amount unknown at this time.

ARGUMENT IN FAVOR OF MEASURE Q

Measure Q preserves maximum open space and the natural environment of our Waterfront. This measure supports the waterfront plan which was developed over a two year planning process involving extensive community participation. The SIERRA CLUB and leading environmentalists support the plan which is sensitive to the natural features of the site and which encourages the creation of an East Bay Shoreline Park.

Measure Q:

**Requires permanent open space zoning for the irreplaceable natural resources of the Brickyard, Beach and Meadow.

**Assures public access and increased recreational opportunities.

**Limits traffic congestion on I-80 and West Berkeley streets by restricting development on the Waterfront.

In addition, Measure Q is the ONLY waterfront plan on the ballot that:

**Places an absolute cap on all development on the privately owned lands at the waterfront.

**Limits heights of new structures to protect views of the Bay and the Berkeley Hills.

**Assures design review of any new structures on the Waterfront.

**Is supported by the SIERRA CLUB.

Measure Q is the **legally defensible** plan for assuring that a maximum amount of open space will be preserved on the Waterfront, now and forever.

Santa Fe Land Improvement Company, the waterfront owner, has repeatedly sued the City of Berkeley to force approval of its plan for FOUR AND A HALF MILLION SQUARE FEET of building, up to TEN STORIES IN HEIGHT. Overdevelopment by Santa Fe would result in massive traffic jams, destruction of the natural ecology and views, and displacement of low and moderate income residents and community business people from West Berkeley. Measure Q offers the best legal defense against Santa Fe's well financed assault on our waterfront environment and the wishes of the citizens of Berkeley. **Please join the SIERRA CLUB and other leading environmentalists in supporting Measure Q.**

s/Veronika Fukson, Vice-Mayor

s/Jim Liljenwall, Chair, Waterfront Commission

s/Toni Mester, Berkeley Coordinator, Sierra Club East Bay Shoreline Park Task Force

s/Loni Hancock, Waterfront Commission

s/Edward Bennett, Exec. Comm. Bay Chapter of the Sierra Club

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE Q

Measure Q allows Santa Fe to build a giant hotel and conference center, twice the size of the controversial Golden Bear complex, on Berkeley's waterfront Meadow. The restrictions in Measure Q are not enforceable. If Q passes, this hotel can be built.

Measure Q is an environmental disaster. This 450-room hotel will occupy 12 acres of the Meadow's east end, the most ecologically sensitive area of the waterfront. An irreplaceable wetland habitat will be destroyed. Traffic congestion on the waterfront and in West Berkeley will worsen dramatically. Panoramic views of the Bay will be obstructed.

With a 450-room Santa Fe hotel on one side and the 400-room Marriott Inn on the other, development advocates will want to commercialize the remaining Meadow. Any open space left could end up a private park for hotel guests. Berkeley residents will lose access to their own shorefront.

Measure Q allows more development and taller buildings than the public wants. It locks in the large-scale development sought by pro-development planners, consultants, and politicians and ignores the community's desires. If passed, Measure Q could only be undone by a future ballot measure, no earlier than 1988.

Don't be deceived. Measure Q was placed on the ballot to allow large-scale development on the Meadow. Don't let pro-development politicians and planners turn our magnificent open space waterfront into a Miami Beach-by-the-Bay. **Vote NO on Q.**

Measure P, the citizens' initiative, will preserve our open space bayfront. **Vote YES on P.**

s/Councilmember John Denton, Attorney, Chair Council Waterfront Committee

s/Rosalind Lepawsky, Executive Director of Urban Care

s/Ruth Boyden, Early member of Berkeley Waterfront Advisory Board

s/Francis Violich, Professor of City Planning Emeritus UC Berkeley

s/Irv Rautenberg, Director Berkeley Bayfront Conservancy Fund

ARGUMENT AGAINST MEASURE Q

Measure Q gives Santa Fe the right to build a hotel and conference center, twice the size of the controversial Golden Bear complex, on Berkeley's waterfront "Meadow," the open field between the Marina and Interstate 80. Such a giant development would be an environmental disaster, would increase traffic congestion and pollution, and would obstruct panoramic views of the Bay.

The City's waterfront Environmental Impact Report identifies the seasonal ponds on the Meadow as a migratory bird habitat. Numerous waterbirds frequent the site, including the endangered brown pelican and the California least tern. Most of these ponds are on the Meadow's east end, exactly where Measure Q would allow Santa Fe's real estate corporation to build its hotel. This ecologically sensitive habitat cannot be replaced, nor its loss mitigated. If Measure Q passes and the hotel is built, this wildlife habitat would disappear. So would the panoramic views and the waterfront's calming and restorative qualities.

Under Measure Q, development could cover 12 acres of the Meadow. More land would be eaten up by parking lots and roads. Eventually there would be pressure to make the hotel even larger. (The Marina Marriott recently was allowed to build a four-story addition.) Any remaining Meadow open space would end up a private park for hotel guests, and local residents would lose access to the bayfront.

Don't be fooled. Measure Q was placed on the ballot to deceive voters and to defeat Measure P, the citizens initiative that preserves the entire Meadow. 3,600 Berkeleyans placed Measure P on the ballot to protect the waterfront. Don't give away the beauty and integrity of Berkeley's waterfront. Vote No on 'Q'. Vote YES on 'P'.

s/City Councilmember John Denton, Chair Council Waterfront Committee
s/Albert Lepawsky, President Berkeley Bayfront Conservancy Fund
s/Gerda Miller, Convenor Berkeley Gray Panthers
s/Irv Rautenberg, Director Berkeley Bayfront Conservancy Fund
s/Charles "Ozzie" Osborne, Elmwood Preservation Activist

REBUTTAL TO ARGUMENT AGAINST MEASURE Q

Measure Q was written by the Sierra Club waterfront taskforce to fix the mistakes of Measure P. The Sierra Club taskforce **originated** the plan to preserve the Meadow and the Brickyard as open space and place all development along the freeway north of the Meadow; to claim that it wants to deceive voters is ridiculous.

Measure Q no more allows Santa Fe to build a hotel-conference center on the Meadow than does Measure P. Both measures oppose any such development. If Santa Fe is able to build or restrict access on any part of the Meadow, it will be in spite of these measures and only if court decisions, unwisely, require it.

Measure Q faces up to the fact that Santa Fe and its team of lawyers will continue to try to pressure the city into allowing massive waterfront development—up to 4½ million square feet of it, with buildings ten stories high. Measure Q enacts the strongest possible legal defense to such pressure.

Measure Q repairs another defect in Measure P by placing an absolute limit on the extent and height of buildings. Without such limits, the section along I-80 north of University Avenue could someday look like another Emeryville.

It's too bad that environmentalists disagree on the best way to preserve our waterfront. The Sierra Club taskforce would not have written this ballot measure unless it was necessary.

IT IS NECESSARY. VOTE YES ON MEASURE Q.

s/Edward Bennett, Executive Committee, San Francisco Bay Chapter, Sierra Club
s/Don Forman, Conservation Chair, San Francisco Bay Chapter, Sierra Club
s/Helen King Burke, Director, EBMUD
s/Jerry Fillingim, Labor Activist, City Council Candidate
s/Matt Crawford, Member, Waterfront Commission

CITY OF BERKELEY PROPOSED ORDINANCE

R

MEASURE R: Shall an amendment to Ordinance 4412-N.S. be adopted which would allow an exception to the Dog Leash requirement for "dog parks"?

YES

NO

FULL TEXT OF MEASURE R

AMENDING ORDINANCE NO. 4412-N.S. ENTITLED "RUNNING AT LARGE PROHIBITED."

BE IT ORDAINED by the People of the City of Berkeley as follows:

SECTION 1. That Ordinance No. 4412-N.S., as above entitled, is hereby amended to read as follows:

"SECTION 9. RUNNING AT LARGE PROHIBITED.

Except in an area specifically set aside and designated by the City Council as a "dog park", no owner or keeper of a dog shall allow or permit such dog, whether licensed or unlicensed, to be or run at large in or upon any public place or premises, or in or upon any private place or premises other than those of said owner or keeper except with the consent of the person in charge of said private place or premises, unless such dog is securely restrained by a substantial leash not to exceed six feet in length and is in charge and control. An obedience-trained dog under effective charge and control within six feet of his master shall be deemed to be on a leash. For the purposes of this section, any dog in or upon any motor vehicle shall be deemed to be on the premises of the operator thereof."

BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE R

This proposed ordinance, if adopted, would have the following effect:

1. Amend an ordinance passed by the voters in 1969, which requires dogs to be on leashes in public places or premises, to provide that dogs may be allowed off-leash in certain limited areas designated by the City Council as a dog park.
2. Enable the 'experimental' status of the Martha Scott Benedict Memorial Dog Park within Ohlone Park to become permanent.

The proposed ordinance, if adopted, does not repeal nor substantially change the existing requirement that dogs be leashed in public places, including parks.

Financial Implications.

None

ARGUMENT IN FAVOR OF MEASURE R

Measure R is a basic City housekeeping item.

In 1969, the voters of Berkeley approved an ordinance which requires that dogs be kept on leash in all public places and premises.

In the interim, an innovative and decidedly Berkeley park use was authorized by the City Council—the establishment of the Ohlone "Experimental" Dog Park.

The Dog Park is a fenced area of roughly one-half acre within the 9+ acre Ohlone Park. Owners bring (and stay with) their dogs to exercise in a secured environment. Owners are responsible for controlling their dogs and cleaning up after them.

Last year, when Council renamed the Dog Park in honor of the late Martha Scott Benedict, former Citizens Humane Commissioner, a 'glitch' was discovered by the City's legal staff. Once the Dog Park was no longer 'experimental,' the Leash Law would apply. While the experimental nature of the Dog Park fell within the guidelines of the Leash Law, an ongoing use requires voter-approval of an exception for a Dog Park use.

That is why this Measure is before you now, and is not simply being approved by the Council.

Measure R amends the Leash Law to allow dogs to be off-leash only in a public area specifically designated as a Dog Park.

Measure R does not repeal nor change the requirement that dogs be leashed in public places, including parks.

PLEASE VOTE YES ON MEASURE R.

s/Doris E. Richards, President Ohlone Dog Park Association, Inc.

s/Veronika Fukson, Vice-Mayor

s/Kathleen Sullivan, Citizens Humane Commissioner

s/Ann Chandler, Berkeley City Council

No argument submitted against Measure R.

CITY OF BERKELEY ADVISORY MEASURE Advisory Vote Only

S MEASURE S: Shall a measure be adopted which advises the Berkeley City Council to establish maximum peak traffic levels as a standard for determining the level of commercial development and to provide funding for transportation management, traffic studies and transportation alternatives, from the commercial business sector and other employers? Financial Implication: Additional administrative costs to revise the City's plans in an amount unknown at this time.	YES
	NO

FULL TEXT OF MEASURE S

BE IT ORDAINED by the people of the City of Berkeley as follows:

Section 1. TITLE

This measure shall be called the Traffic and Development Capacity Advisory Measure.

Section 2. PURPOSE

The purpose of this measure is to alert the City Council that commuter traffic levels have risen considerably in the past 5 to 10 years to the detriment of the quality of life in Berkeley, and to advise the Council to 1) set a measurable traffic ceiling goal for key intersections and major collector streets during rush hours, 2) amend the zoning ordinance so that development intensity does not exceed the carrying capacity of Berkeley's

streets, and 3) provide needed funding, to be derived from the commercial business sector and other employers, to engage in traffic studies, transportation management, and to provide for the creation of transit alternatives.

Section 3. FINDINGS

(a) IMPACT OF HIGH LEVELS OF TRAFFIC ON OUR STREETS:

The quality of life in Berkeley is significantly and adversely affected by the traffic and parking demands of commuters on Berkeley's streets. High levels of traffic threaten public health, safety, and welfare. Specifically, increases occur in air and noise pollution, traffic accidents, and injuries to cyclists, pedestrians, and the handicapped. The response time of emergency vehicles slows, as does commute time for residents. Parking problems increase and shoppers and users of services avoid doing business in Berkeley. During rush hours, many intersections along major arterials and collector streets are at or above "Level D". Level D is the maximum traffic a street can handle without back-up. At Level E, back-up occurs. Cars have to wait through more than one traffic light cycle to enter an intersection. At Level F gridlock occurs and traffic stands still.

(b) BERKELEY'S OUTDATED ZONING ORDINANCE AND DEVELOPMENT TRENDS:

The recent and impending increase in commercial development, particularly office development, will create a significant threat to traffic flow and residential quality of life throughout the City in the near future. Berkeley's current commercial zoning is outdated. It is based on a Master Plan which does not recognize the necessity of having the land use element and the transportation element in balance with one another. The current zoning ordinance, therefore, permits development intensities which far exceed the traffic volume capacities of Berkeley's major intersections, arterials and collector streets.

The liveability of a city depends in large measure on achieving a balance between the intensity of land use permitted by the zoning and the traffic carrying capacity of the street system. In the years since the adoption of the 1955 Master Plan the intensity of residential zoning in the city has been reduced to maintain the generally open and uncrowded character of Berkeley. There has not, however, been a corresponding reduction of the commercial zoning of the city. The commercial zoning allows an intensity of land-use that will generate traffic far beyond the carrying capacity of Berkeley's transportation system. The land use permitted must be brought into balance with the carrying capacity of the circulation system. Other cities (San Francisco, Walnut Creek, Pleasanton, and Sausalito) have recently enacted changes in zoning and transportation management based on street carrying capacity.

(c) DEFICIENCIES AND NEEDS IN TRANSPORTATION PLANNING AND MANAGEMENT

Berkeley lacks a traffic volume standard (a determined maximum tolerable traffic volume level), a current Transportation Plan, and an integrated approach to transportation management. The funding for transportation management, the required traffic studies, and transit alternatives is scanty and not stable. In addition, voluntary efforts by individual employers to reduce traffic (bus passes for employees, the encouragement of car and van pooling for employees, etc.) have not been successful in reducing traffic volume.

A well-funded transportation management program is needed to provide over-all transportation management: monitoring and reports of traffic volume, and the creation of convenient, attractive transit alternatives such as shuttles, ridesharing, park and ride lots, van pools, etc. Funding for these efforts should be provided by the private commercial sector and other employers and not from general fund monies.

Section 4. RECOMMENDATIONS FOR ACTION

a) By January, 1988, complete the Transportation Plan for the City and establish traffic volume standards which set goals for maximum tolerable levels of traffic volume during rush hours for Berkeley's major arterials and collector streets, and key intersections. Thereafter, conduct an annual count of traffic volumes and prepare an annual report of the success in meeting established traffic volume standards.

Establish traffic generation and mode share standards to be used in all planning and analyses.

Abutting and nearby land uses and street design are to be considered in establishing traffic volume standards.

b) Proceed immediately with a Master Plan review process of the land use and transportation elements to create the framework for new commercial zoning regulations for all commercial districts which establish development ceilings based on the transportation capacity of the City's streets and which encourages mixed residential and commercial uses.

- c) By January, 1988, ensure that stable and adequate funding exists to provide for integrated transportation management, to implement traffic reduction programs, and to monitor traffic volume. This funding should be provided by all businesses and employers and could be generated by fees based on number of employees.
- d) Immediately thereafter, implement traffic reduction programs to include ridesharing, transit, paratransit, bicycling, and walking as the preferred modes of travel. Plans and programs should discourage the widening of streets, or the loss of pedestrian walkways, bicycle or parking lanes to increase automobile traffic flow.
- e) Should traffic capacity permit new development, give priority for new development to neighborhood commercial uses and small businesses which do not generate a high volume of commuter trips.
- f) Require that new and existing off-street parking constructed within the City give priority to: disabled persons, vanpools and carpools of 3 or more persons, and short-term parking.
- g) Establish a parking rate structure for all new and existing City parking lots and garages, and for all other parking lots and garages requiring City permits, wherein the daily, weekly, and monthly rates are not less than the equivalent cost of commuting by public transit available in the area.

BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE S

This is an advisory measure which recommends that the Council take the following actions:

1. Complete preparation of a Transportation Plan by January, 1988, which sets standards for maximum levels of traffic volume capacity for rush hour street use;
2. Begin immediate review of the land use and transportation elements of the Master Plan to establish a commercial development ceiling tied to City street capacity to encourage mixed use and neighborhood serving development over commuter oriented commercial development;
3. Establish funding mechanisms by January, 1988, to pay for transportation management and traffic reduction programs through means such as fees to be paid by businesses and employers;
4. Implement traffic measurement, reduction and management programs to reduce commuter traffic and provide priority for use of off-street parking to the disabled, short-term parkers, and carpools; and
5. Establish fee structures for all City parking lots and garages which are no less than the cost of commuting through public transit.

Financial Implications

Additional administrative costs to revise the City's plans in an amount unknown at this time.

ARGUMENT IN FAVOR OF MEASURE S

It is not news to most residents that **traffic has worsened** during recent years. The latest spate of office development has brought with it a high volume of commuter traffic, and attendant parking problems, noise, fumes and safety hazards. Voluntary efforts to reduce traffic volume have not worked.

Transportation analysts use a scale for measuring traffic volume. Level "D" on this scale is the maximum traffic a street can handle without back-up. At "E" traffic backs-up frequently. At "F" gridlock occurs—traffic stands still. Many Berkeley intersections are already at level "D" during commute hours. As more development is approved traffic problems will increase.

Measure S offers an **integrated approach** to our traffic problems based on the latest thinking in transportation and land-use planning. It introduces an important new element into land-use decisions: the traffic capacity of our streets. It's hard to believe, but Berkeley currently lacks such a standard. Once determined, the standard will provide a **sound and measurable criterion** to use when making development decisions, and will be incorporated into the two documents which express Berkeley's land-use and transportation goals: the Master Plan and Zoning Ordinance.

As we set traffic capacity standards, we must do all that we can to **lower traffic volume** so that needed economic development can occur. Because transportation management is a serious issue, we must conduct traffic studies and create reliable, convenient alternatives to the automobile, i.e., shuttles across town, well-designed bicycle routes, and park-and-ride lots at strategic entry points to Berkeley. An **effective transit program** will lighten commute traffic, encourage commerce, and add to Berkeley's economic vitality. The business community and other employers will benefit from this effort.

Measure S makes good sense. Please join in supporting a responsible approach to dealing with Berkeley's traffic problems.

VOTE YES ON MEASURE S.

s/Linda Veneziano, Co-author, Neighborhood Commercial Preservation Ordinance
 s/Jerome G. Wiggins, Boardmember, AC Transit
 s/Ann Chandler, City Council
 s/Tom Hunt, Chair, Transportation Commission
 s/Elizabeth Deakin-Harvey, Transportation Planner

No argument submitted against Measure S