



League of Women Voters Eden Area

VOTER

Vol. 51 No. 6 *Political Responsibility Through Informed and Active Participation* June 2008

REMINDER

WHO REALLY CHOOSES THE PRESIDENT?

Electoral System, Super Delegates, Conventions

Speaker – Oakland City Attorney John Russo

Saturday, May 31, 2008

San Leandro Library, Estudillo Room
300 Estudillo Ave., San Leandro

LEAGUE OF WOMEN VOTERS EDEN AREA CALL TO 2008 ANNUAL MEETING

9 a.m. - Registration and Breakfast

9:30 - Speaker

10:45 Annual Meeting to take care of
important League Business and Set Direction for 2008-2009

Please bring the Annual Meeting Kit was published
in last month's VOTER.

Please RSVP if you will be attending. We will be serving a complementary breakfast, thus, we would like to estimate how many people will be attending.

Email lwvea@aol.com or
call Marian Handa 577-3367

VOTER SPECIAL EDITION

To assist League members in sorting out information on the June 2008 ballot, this Special Edition of the VOTER includes the Pros and Cons for Measure F developed by the LWV-ACC (Alameda County Council). The LWV-ACC also voted to support Measure F.

LWV ALAMEDA COUNTY COUNCIL PROS AND CONS FOR MEASURE F

BALLOT TITLE : MEASURE F, UTILITY USERS TAX EXTENSION



THE QUESTION: Shall an ordinance be approved to extend until June 20, 2021 the existing Utility Users Tax, collected only in the unincorporated areas (e.g.

Ashland, Castro Valley, Cherryland, Fairview, San Lorenzo, Sunol), which may fund County services (Sheriff, Library, Planning and Code Enforcement) establishing the rate of 6.5%, and further amending the tax to include video and cable services, repeal limitations on taxes paid by nonresidential users and making clarifying and administrative changes?

THE WAY THINGS ARE NOW

The Utility Users Tax (UUT) of 5.5% was approved by the Board of Supervisors in December 1992. It was later approved by voters in November 1996 and November 2000 and is to sunset June 2009. The UUT generates approximately \$9.1 million annually distributed to: \$5.6 million – Sheriff; \$2.2 million – Libraries; and \$1.3 million – Planning and Code Enforcement. The tax is levied on gas, electric and interstate telephone bills of utility users in the unincorporated area of the County.

WHAT THIS MEASURE WILL DO

The measure will increase the UUT rate from 5.5% to 6.5% beginning July 1, 2009; add the tax to video and cable services; eliminate the \$16,500 cap for four nonresidential users; and establish a new sunset date of twelve (12) years, to ending in June 2021. The tax applies only to utility users in unincorporated areas of the County.

FISCAL IMPACT

The increased tax rate 6.5% would bring in an additional \$1.5 to \$2.5 million per year. The elimination of the cap of \$16,500 for four nonresidential users will add approximately \$770,000 to the UUT income per year. The proposal continues the exemptions for low income users, lifeline utility users or agricultural users.

WHY DOES EVERYONE IN THE COUNTY VOTE ON THIS MEASURE?

If this tax only applies to utility users in the unincorporated areas, why does everyone in Alameda County vote on it?

Everyone votes on this measure because it is a tax that is levied by the Board of Supervisors, who are responsible to the whole County. This type of tax, a general tax, which is voted on by all the residents of the County, and in which the money goes into the General Fund, requires a simple majority vote to pass.

Alternatively, the Supervisors could set up a special assessment district for the purposes listed and have the tax voted on only by the residents of the unincorporated areas of the County. This tax would be a special tax and would require a 2/3 vote to pass.

WHAT A YES VOTE MEANS -- WHAT A NO VOTE MEANS

A **YES** vote means that utility users in the unincorporated areas of Alameda County will continue to pay the UUT, increased from 5.5% to 6.5%, until June 2021 to be spent on unincorporated area government services— such as law enforcement, libraries, and land use planning.

A **NO** vote means that the UUT will sunset in June 2009 and unincorporated area government services—law enforcement, libraries, and land use planning—will have their budgets reduced accordingly.

ARGUMENTS IN FAVOR OF APPROVING MEASURE F

Proponents say:

- A YES vote will preserve vital services that affect residents in the unincorporated area of Alameda County.
- This tax, which is still one of the lowest in the East Bay, has been in effect since 1992 and supports law enforcement, library services and land use planning in the unincorporated area—all of which are essential government services.
- If the proposed UUT were eliminated, there would be serious cuts to school violence programs, drug abuse education for students, crime prevention and community policing.
- Reductions to library funding would affect hours of operation and materials.
- The business community would suffer from major cuts in code enforcement, environmental review, and permit and plan preparation
-

Those signing the official ballot arguments in favor are:

Wulf Bieschke, Board President,
San Lorenzo Village Homes Association
Patrick O’Connell, Auditor-Controller
Nancy O’Malley, Chief Assistant District Attorney
Kenneth Carbone, Alameda County Planning Commissioner

Gregory Ahern, Sheriff-Coroner
Charles Plummer, Sheriff Emeritus
Sheldon Gilbert, Alameda County Fire Chief
Kathy Gil, West County Board of Zoning Adjustments
Thomas Orloff, District Attorney
Mary Ann McMillan, Homeowner

ARGUMENTS AGAINST APPROVING MEASURE F

Opponents say:

- Measure F is unfair to unincorporated area taxpayers because voters in all of Alameda County get to vote for it, but only unincorporated area taxpayers pay.
- A fair approach would be for the Board of Supervisors to establish a special utility tax district for only unincorporated area residents and let people who actually pay the tax decide.
- There is no language in the measure that says the funds raised have to be used for the stated government services.
- We are already paying increased UUT because our utility rates have increased and usage has increased as our population grows. That means that more taxes are already flowing into County coffers.
- In addition to raising the tax rate, the County is even expanding the UUT to include video and cable services.

Those signing the official ballot arguments against are:

Peter Kavalier
Steven Rosenberg
Oran Barlow, Tax payer, Pleasanton Resident
James Eyer, Oakland Resident

Tue, June 3	<p style="text-align: center;">ELECTION DAY Polls are open from 7 a.m. to 8 p.m. Go to SmartVoter.org to find your polling location and info about contests (as available)</p>
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LWVC Positions on the June 2008 Ballot Measures

What is Eminent Domain?

Editor's Note: Both Proposition 98 and Proposition 99 deal with the subject of "eminentdomain" as it pertains to the California Constitution. To better understand the issue, we are providing the following overview of the definitions and principles behind the use of eminent domain in California.

California's state and local governments sometimes purchase private property in order to build public transportation, schools, parks and other public facilities. Most of these purchases are negotiated between private property owners and public agencies. But, when the owner does not want to sell or does not agree with the price offered, the public agency may use eminent domain to acquire the property.

Eminent domain is the power of governments to take private property for a public use as long as the government provides fair compensation to the property owner. In addition to building facilities for public use, governments occasionally take property for a variety of other public purposes—for example, to address "public nuisances" (such as hazardous buildings and criminal activity), to correct environmental problems, or to enhance tax revenues by developing new businesses in an economically depressed area. Current law does not restrict how a public agency may use property acquired through eminent domain or require the agency to return property to its previous owner if it no longer uses the property for its original purpose. Although owners can challenge the government's right to take their property, it is difficult for them to win and keep their land, in part because the courts give deference to a public agency's eminent domain findings and usually limit their review to the information in the administrative record.

PROPOSITION 98 - The first, Proposition 98 is similar to Proposition 90, which the LWVC opposed on the November 2006 ballot. However, it goes much farther in limiting the ability of public agencies to acquire land to provide water resources, to regulate land use, to protect natural resources. It contains provisions that would eliminate rent control and other renter protection laws, such as laws requiring the fair return of rental deposits and laws requiring 60-day notice before forcing tenants out of their housing. Although its proponents claim it is about eminent domain reform, its hidden agendas and flaws in drafting would actually hurt Californians.

The League **OPPOSES Proposition 98**, and has signed the ballot argument against the measure.

PROPOSITION 99 - The Homeowners Protection Act, simply addresses a recent U.S. Supreme Court decision by clarifying that single-family occupied properties may not be condemned for transfer to other private parties. It recognizes the right of local governments and others to regulate land use and to acquire property for valid government purposes.

The League **SUPPORTS Proposition 99**, and signed the ballot argument in favor of the measure. For more information visit our at www.ca.lwv.org.

The next two pages present the Pro and Con analysis of both propositions which are researched and developed by the League of Women Voters of California Education Fund. They are an *unbiased* presentation of the measures on the June 3, 2008 California Statewide Election ballot

Eminent Domain. Limits on Government Authority.

THE QUESTION

Should the California constitution be amended to restrict state and local governments' authority to take private property through eminent domain, as well as phase out local rent control regulations?

THE SITUATION

The power of eminent domain allows governments (local, state or federal) to take property for public use, even from an unwilling seller, as long as they pay a fair price for it. Typical public uses include parks, roads, and schools. Public use may also include goals such as downtown redevelopment, affordable housing, or crime reduction. Governments usually build and operate public projects, but they sometimes transfer property to private businesses or nonprofit organizations for redevelopment projects.

State law allows local governments to place limits on how much a landlord may increase a tenant's rent each year, commonly referred to as "rent control." Over a dozen California cities currently have some form of rent control for apartments, and about 100 cities and counties limit the rent that mobile home park owners may charge for space in their park.

THE PROPOSAL

Proposition 98 would amend the state Constitution in two major ways. This proposition would restrict state and local government authority to take private property through eminent domain by prohibiting the following:

- Taking property and transferring it to another private person or organization, for any reason other than public safety.
- Taking property to use it in the same way as its previous owner had used it, or reselling property that was taken or changing its intended public use, without first giving the previous owner a chance to buy it back at the price paid.

Additionally, in the event that an owner challenges the government's right to take the property, Proposition 98 would require the court hearing the case to exercise independent judgment, rather than defer to the public agency's findings.

Proposition 98 would not prevent state and local governments from continuing to own and take private property for public works and public facilities.

This proposition would also prohibit rent control laws. However, tenants currently affected by rent control protections adopted prior to 2007 would continue to have their rent increases limited

by those regulations until they move from their current apartment or mobile home park space.

FISCAL EFFECT

According to the Legislative Analyst, while individual governments may face increased costs to acquire land for public use, the net statewide fiscal effect probably would not be significant.

WHAT A "YES" VOTE MEANS

Government authority to take private property in order to transfer it to another private person or organization would be greatly reduced, and rent control laws would be phased out.

WHAT A "NO" VOTE MEANS

Government could continue to take property for a public purpose as long as the owner is paid for its value, and government jurisdictions could continue to implement and adopt rent control measures.

SUPPORTERS SAY

- ★ Proposition 98 makes it illegal for government to seize homes, small businesses, family farms and places of worship and then transfer them to private parties for their private use or profit.
- ★ This proposition makes it illegal for city and county governments to force owners to rent their properties at below fair market value.

OPPONENTS SAY

- ★ Proposition 98 is a deceptive scheme by wealthy landlords to abolish rent control and other protections, such as laws requiring fair return of deposits and prohibiting unfair eviction.
- ★ This proposition contains hidden provisions that would hurt communities by making it harder to ensure our supply of drinking water and our ability to protect public safety.

FOR MORE INFORMATION

Supporters:

916 556.1110 ★ Californians for Property Rights Protection
www.YesProp98.com

Opponents:

888 362.2337 ★ Stop the Landlords' Hidden Agendas Scheme
www.NoProp98.org

Eminent Domain. Limits on Government Acquisition of Owner-Occupied Residence.

THE QUESTION

Should the California constitution be amended to restrict state and local governments' authority to take owner-occupied dwellings through eminent domain?

THE SITUATION

The power of eminent domain allows governments (local, state or federal) to take property for public use, even from an unwilling seller, as long as they pay a fair price for it. Typical public uses include parks, roads, and schools. Public use may also include goals such as downtown redevelopment, affordable housing, or crime reduction. Governments usually build and operate public projects, but they sometimes transfer property to private businesses or nonprofit organizations for redevelopment projects.

THE PROPOSAL

Proposition 99 would change the state Constitution to limit governments' use of eminent domain in certain circumstances. Specifically, Proposition 99 would prohibit state and local governments from taking an owner-occupied dwelling (including a condominium) in which the owner has resided for a year or longer, for the purpose of transferring it to another private party such as a person, business, or association.

Proposition 99 would also require that if it passes by a greater number of votes than Proposition 98, none of the provisions of Proposition 98 would become law.

FISCAL EFFECT

According to the Legislative Analyst, since the kind of taking prohibited by this proposition is uncommon, Proposition 99 will have little effect on eminent domain proceedings in California. Individual governments may face increased costs to acquire specific property for public use, but the net statewide fiscal effect probably would not be significant.

WHAT A "YES" VOTE MEANS

Governments would no longer be able to use eminent domain to take an owner-occupied residence for the purpose of transferring it to a private party.

WHAT A "NO" VOTE MEANS

There would be no change in government authority to take an owner-occupied residence for a public purpose as long as the owner is paid for its value.

SUPPORTERS SAY

- ★ Proposition 99 prohibits government from using eminent domain to take someone's home to transfer it to a private developer.
- ★ Proposition 99 is straightforward: it is the best way to protect homeowners, without hidden agendas..

OPPONENTS SAY

- ★ Proposition 99 looks like it protects homeowners, but it does almost nothing.
- ★ The politicians and developers who paid more than \$4 million to put Proposition 99 on the ballot are trying to defeat Proposition 98 by confusing voters with a similar, weaker measure.

FOR MORE INFORMATION

Supporters:

888 362.2337 ★ Protect Homeowners from Eminent Domain
www.YesProp99.com

Opponents:

916 556.1110 ★ Californians for Property Rights Protection
www.NoProp99.org

Important Information about "Decline-to-State" Voters

If you are a voter who has "declined-to-state" an affiliation with a political party, your June ballot will not have any candidates for U.S. Representative, State Assembly or State Senate on it. However, the **American Independent Party**, **Democratic Party** and **Republican Party** are allowing decline-to-state voters to request and vote their party's ballot (with the exception of county central committee candidates) in the June 3, 2008, Statewide Direct Primary Election.

IF YOU VOTE IN PERSON

If you are registered "decline-to-state" and want to vote for candidates from one of the above parties, you must ask for that ballot when you go to your polling place on Election Day.

IF YOU VOTE-BY-MAIL

If you are a vote-by-mail voter and you would like to vote for candidates from one of these parties, you must request that party's ballot prior to being issued a vote-by-mail ballot. Each County Elections office is required to mail to all decline-to-state voters who are registered as permanent vote-by-mail voters a notice and application regarding voting in the primary election. The notice will inform you that you may request a vote-by-mail ballot for the **American Independent Party**, **Democratic Party** and **Republican Party** for the June 2008 Primary Election.

If you have already been issued a nonpartisan ballot but would like to request a party ballot, contact your County Elections office.

INTERVIEW WITH LEGISLATORS

Each year, Leagues are assigned a Legislator in their area to interview about their position on current issues in the state. The Eden Area League shares Senator Ellen Corbett with the Fremont, Newark, Union City League and was invited to participate in this interview. Answers to the questions posed by the LWVC are then forwarded to the state League to be used in establishing its legislative agenda.



April 16, 2008 --Interview with State Senator Ellen Corbett

Q.2. - The Governor's budget proposed 10 percent across-the-board cuts to all programs on the grounds of fairness. The Legislative Analyst (LAO) and others have argued that it would be better to set priorities and identify the most critical needs. How do you view these choices, and what would be your own funding priorities or areas of greatest concern?

A.1. - The Governor is still maintaining the 10% across the board cuts. Senator Corbett feels this is a "lazy" way to address the budget deficit. She agrees with LAO's approach by first assessing priorities. Her funding priorities in order

- **Education – She does not want to see Proposition 98 suspended. She believes that the Governor's proposal would be devastating to our K-12 and Community College system as there are in some cases matching Federal grants which would be lost with funding cuts..**
- **Disabled community – She would like to see services preserved for them.**
- **The Disenfranchised who do not have anyone to provide them with a voice.**

Q 2 - The Governor proposes to address the state budget deficit through borrowing and spending reductions, with only minimal revenue-raising proposals. The LAO and others, including the California Budget

Project, the California State PTA, the League, and many other public interest organizations, have called for a balance between spending cuts and revenue increases. Would you support any new revenues, and if so, what kinds would you suggest?

- **She supports new revenue.**
- **She would like to address shortfall, for example in education by finding additional money in the following areas: 1) Closing tax loopholes (tax expenditures), 2) Putting back the Vehicle License fees 3) Have a split roll to reassess commercial property valuations**

Q.2.1. - Would you consider reducing or eliminating any tax expenditures to realize more revenue for the state? If so, which ones would you suggest?

A.2.1. - Yes – she would, there are \$30 billion dollars worth of such tax expenditures and she would go over categories to see which would be eliminated (Yacht Tax for example) It has been pointed out that commercial property is only reassessed when there is an outright sale of the property, but not when more than half of the actual ownership of that property has changed hands.

Q.2.2. - Would you consider changes in the way commercial property is assessed to trigger reassessment when such changes in ownership occur?.

A.2.2. - Yes – she supports reassessment.

Q.3. - The Governor is proposing a Budget Stabilization Act which would include such provisions as automatic reductions by a formula whenever the administration projects a deficit in the budget and would give the Governor added authority to enforce reductions. Would you support such a measure?

A.3. - NO she would not for the following reasons: This suggestion is very much like the Governor's across the board 10% budget cuts and demonstrates a lack of leadership, shows that he is not listening to constituents and disenfranchises people.

Q.4. - The Governor has directed the sale of, and the Treasurer has sold, the remaining authorized \$3.3 billion of Economic Recovery Bonds (ERBs), and early repayment of some of the bonds that have already been sold will be suspended. Repayment of the bonds comes from the state General Fund (GF), and, coupled with debt service on other bonds the state has sold, this is an increasing percentage of the GF. Are there any circumstances under which you would consider any further borrowing?

A.4. - Borrowing may be necessary on a long term basis but in general too much bonding will adversely impact Californians – the bonds are becoming due and we will end up paying more in the short and long term.

Q.5. - The Governor has proposed \$48 billion in infrastructure bonds for transportation, water, schools and other projects over the next two election cycles. Given our existing debt, would you support any of these bonds, and if so, which ones?

A.5. - No would generally speaking not support.

Q.6. - What other major issues do you think the Legislature must deal with in 2008? What are your personal priorities?

A.6. - The Legislature will need to deal with the budget and financial stability.

Her primary priorities are:

- **Education**

- **Services for the disabled**
- **Environment**
- **Consumer Legislation – especially for such things as “Payday Loans” which charge usurious interest rates.**
- **Judiciary – Our Justice systems enables equalization and perhaps is the only means of recourse for many those who do not have much financial means. Budget cuts would adversely impact Law Libraries, Domestic Violence related funding and dispute resolution.**

Written by Syeda R. Yunus, President LWV Fremont, Newark, Union City

SMARTVOTER.ORG THE PLACE TO GO FOR INFO



If you haven't visited the League of Women Voters SMARTVOTER.org yet, you should. The site provides voters with comprehensive nonpartisan information about the election, ballot measures and candidate information. It also has helpful links to other sites to learn about ballot measures that are being circulated now in order to get on the next ballot—November 4, 2008.

It provides a means for candidates to publish information about themselves and their candidacy directly to voters without charge.

SmartVoter allows users to find their custom ballot and polling place by entering their street address and zip code. Users may access “home pages” of each participating candidates that include their biography, endorsements, top priorities if elected, and position papers. Each page about a contest includes links to relevant news or analysis articles written by online local media organizations or other nonpartisan information.

LWVC SUPPORTS SB840 – SINGLE PAYER HEALTH SYSTEM

The LWVC released the following letter to newspapers throughout the state in support of Senator Sheila Keuhl's SB840 – Single Payer Health System.

Dear Editor,
Frontline's "Sick Around the World," aired on PBS April 15, brings America's health care crisis to the forefront. Five highlighted countries that consider health care essential, directly control charges from medical service providers or allow insurance companies to participate in funding provided care. However, unlike American for-profit insurance companies, in these systems insurers are required to cover everyone and are restricted by law from profiting on basic medical care.

Americans pay twice as much per capita for a system that is ranked 37th in health outcomes by the World Health Organization. More than half of bankruptcies are filed as a result of high medical bills. Over-crowded emergency rooms often are the last resort for patients.

Many who have insurance and good health may feel secure, but they could be a job lay-off or a catastrophic illness away from becoming a health system victim. It is critical that we bring our health system up to the standards of other developed nations. The governor vetoed Senator Kuehl's SB 840 in 2007, which provided comprehensive coverage and could have saved the state millions of dollars.

Groups like the California Nurses Association, California Physicians Association, California School Employees Association, Health Care for All- California, League of Women Voters of California and many others continue working to pass SB 840. It has been reintroduced, passed by the Senate and is now moving through the

Assembly. The governor and our legislators need to hear we want affordable single payer health insurance enacted in 2008.

Barbara Storey
League of Women Voters of California
Program Director for Health Care

REDISTRICTING MEASURE WILL BE ON NOVEMBER BALLOT

The coalition which includes LWVC indicates that it has turned over more than a million petition signatures (694,354 required) to get a Redistricting measure on the ballot in November 2008.

Briefly, the measure creates 4-member redistricting commission responsible for drawing new district lines for State Senate, Assembly, and Board of Equalization districts. Requires State Auditor to randomly select commission members from voter applicant pool to create a commission with five members from each of the two largest political parties, and four members unaffiliated with either political party. Requires nine votes to approve final district maps.

Establishes standards for drawing new lines, including respecting the geographic integrity of neighborhoods and encouraging geographic compactness.

Permits State Legislature to draw lines for congressional districts subject to these standards. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Probably no significant increase in state redistricting costs. (Initiative 07-0077.) **(Full Text)**

Thanks to the many local League members who circulated petitions during the past four months to ensure that the measure would be on the November ballot.

League of Women Voters of Eden Area

P. O. Box 2234 – Castro Valley, CA 94546 • 510/538-9678

Representing cities of Hayward and San Leandro
and unincorporated areas of Ashland, Castro Valley,
Cherryland, Fairview, Hillcrest Knolls and San Lorenzo

IT'S EASY TO JOIN THE
LEAGUE OF WOMEN VOTERS
Just cut out and mail this coupon with your check to:
League of Women Voters of Eden Area
Treasurer, P.O. Box 2234, Castro Valley, CA 94546

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Dues: Regular \$50 Same Household \$25, Student \$20

*The League of Women Voters, a
nonpartisan political organization,
encourages the informed and active
participation of citizens in government
and influences public policy through
education and advocacy.*

LWVEA Officers

Co-President - Alison S. Lewis (538-3692)

Co-President - Angelina Reyes (792-9545)

1st Vice President, Program – Marian Handa (577-3367)

2nd Vice President, Membership – Jo Murdach (581-6794)

Treasurer - Pat Piras (278-1631)

Secretary – Open

VOTER Editor: Suzanne Barba

DATE	TIME	CALENDAR OF COMING EVENTS
May 17-18		LWVC Leadership Council, Sacramento
May 31	9 a.m. to noon	LWVEA Annual Meeting
June 3		<u>ELECTION DAY</u>
June 13-17		LWVUS Convention – Portland Oregon

Please visit our website for up-to-date event information - www.lwvea.org