

## PERMANENT ABSENT VOTER STATUS

The attached APPLICATION FOR ABSENT VOTER'S BALLOT on the back cover of this Sample Ballot pamphlet may be completed by any registered voter desiring to vote by Absentee Ballot at the election specified thereon. Voters with certain types of physical disabilities (described below) may qualify for permanent absentee voter status. If you meet the qualifications for permanent absent voter status, you may request an application form by calling (510) 272-6973 or writing to:

**Registrar of Voters**

P.O. Box 23340

Oakland, California 94623-2334

Attn: Absentee Voting

Persons who qualify for permanent status will be automatically mailed absentee ballots for all elections without having to file a separate application at each election.

The following excerpt from the California Elections Code describes the qualifications needed to apply for the status of Permanent Absentee Voter:

3201. (a) Any voter who has any of the following impairments or conditions may apply for permanent absent voter status:

- (1) Has lost one or more limbs or the use of one or more limbs.
- (2) Has lost both hands or the use of both hands.
- (3) Is unable to move about without the aid of an assistant device (e.g., canes, crutches, walker, wheelchair).
- (4) Is suffering from lung disease, blindness, or cardiovascular disease.
- (5) Has a significant limitation in the use of the lower extremities.
- (6) Is suffering from a diagnosed disease or disorder that substantially impairs or interferes with his or her mobility.

(b) The following voters may also apply for permanent absent voter status:

- (1) A spouse who resides with, and is the primary caregiver to, a voter described in subdivision (a).
- (2) A nonspousal primary caregiver to a voter described in subdivision (a) who resides with the voter. As used in this subdivision, "nonspousal primary caregiver" means a blood relative or family member related by marriage who has primary responsibility for the care of the voter.

**SEE LABEL ON BACK COVER FOR LOCATION OF YOUR POLLING PLACE.**

**TO AVOID DELAY AT THE POLLS, PRE-MARK THIS BALLOT  
AND TAKE IT WITH YOU ON ELECTION DAY.**

PERM AV

## CITY OF OAKLAND

**PROPOSED INITIATIVE CHARTER AMENDMENTS,  
PROPOSED ADVISORY MEASURE AND PROPOSED ORDINANCE**

**TO BE VOTED ON AT THE GENERAL MUNICIPAL ELECTION  
(RUN-OFF) CONSOLIDATED WITH THE STATEWIDE GENERAL  
ELECTION TO BE HELD IN THE CITY OF OAKLAND  
ON TUESDAY, NOVEMBER 3, 1998**

**THE TEXT OF THE PROPOSED AMENDMENTS TO THE CHARTER  
OF THE CITY OF OAKLAND, PROPOSED ADVISORY MEASURE  
AND PROPOSED ORDINANCE TOGETHER WITH LEGAL ANAL-  
YSES OF EACH MEASURE PREPARED BY THE CITY ATTORNEY  
AND FINANCIAL ANALYSES OF EACH MEASURE PREPARED BY  
THE CITY AUDITOR. ARGUMENTS IN SUPPORT OF ADOPTION  
AND ARGUMENTS IN OPPOSITION OF ADOPTION AND REBUT-  
TALS TO ARGUMENTS IN SUPPORT OF ADOPTION AND REBUT-  
TALS TO ARGUMENTS IN OPPOSITION OF ADOPTION ARE THE  
OPINIONS OF THE AUTHORS.**

The Council of the City of Oakland does hereby submit an initiative charter amendment to be voted upon by the qualified electors of the City of Oakland at the General Municipal Election (Run-Off) consolidated with the Statewide General Election to be held in the City of Oakland on Tuesday, November 3, 1998

### PROPOSED CHARTER AMENDMENT

**A MEASURE TO AMEND THE OAKLAND CITY CHARTER  
TO CREATE A MAYOR-COUNCIL FORM OF GOVERNMENT,  
PROVIDE A TWO-TERM LIMIT FOR THE MAYOR,  
REQUIRE VOTER APPROVAL FOR INCREASES TO  
CITY COUNCIL COMPENSATION, AND PROVIDE FOR  
AN ELECTED CITY ATTORNEY**

#### CITY OF OAKLAND MEASURE

**X MEASURE X:** Shall the City Charter of the City of Oakland be amended at Sections 200, 202(d), 216, 302, 305(e), 400, 401, 500, 501 and 1213 to create a mayor-council form of government, provide a two-term limit for the mayor, require voter approval for increases to city council compensation, and provide for an elected city attorney?

**YES**

**NO**

## FULL TEXT OF MEASURE X

**WHEREAS**, the City Clerk of the City of Oakland has certified to the Oakland City Council that petitions for a proposed initiative charter amendment entitled "**MAYOR-COUNCIL FORM OF GOVERNMENT**" has been accompanied by verified signatures in excess of fifteen (15%) percent of the registered electors of the City; and

**WHEREAS**, consistent with the Elections Code and the Oakland City Charter, the City Council may submit the certified petitions without alteration to the City's voters at the next regular municipal election occurring not less than eighty-eight (88) days after the City Clerk certifies the results of the examination of the signatures; and

**WHEREAS**, the next regular municipal election at which this proposed initiative charter amendment can be voted upon will occur on Tuesday, November 3, 1998; and

**WHEREAS**, the City Council does hereby submit to the qualified electors of the City of Oakland a proposed initiative charter amendment entitled "**MAYOR-COUNCIL FORM OF GOVERNMENT**" to be voted upon at the General Municipal Election (Run-Off) consolidated with the Statewide General Election to be held on Tuesday, November 3, 1998, and

**WHEREAS**, Election Code Sections 10400 through 10403 allow for the City of Oakland General Municipal Election (Run-Off) to be held on Tuesday, November 3, 1998 to be consolidated with the Statewide General Election to be held on the same day; now therefore be it

**RESOLVED**: That the City Council of the City of Oakland does hereby request that the Board of Supervisors of Alameda County order the consolidation of the City of Oakland General Municipal Election (Run-Off) to be held on Tuesday, November 3, 1998 with the Statewide General Election to be held on Tuesday, November 3, 1998 consistent with the provisions of state law, and be it

**FURTHER RESOLVED**: That the proposed Charter amendment text shall read as follows:

The following sections of the Oakland City Charter are amended to read as follows:

Section 200. Composition of the Council. The Council shall consist of eight ~~Councilmen~~ Councilmembers, nominated and elected as hereinafter provided, ~~and the Mayor.~~ The Mayor shall not be a member of the Council, but he shall have a vote on the Council if the Councilmembers are evenly divided.

Section 202(d). No increase in compensation for Councilmembers shall take effect unless it has been approved by a vote of the people.

Section 216. Effective Date of Ordinance. An ordinance receiving upon final adoption the affirmative vote of at least six members of the Council shall be effective immediately, unless a later date is specified therein. All other ordinances, unless a different date is required by this Charter, shall be effective upon the seventh day after final adoption; provided, that within three days after said date of final adoption, the Mayor may file in the Office of the City Clerk written

notice to the Council that he has suspended the taking effect of the ordinance, stating in said notice the reason or reasons for his action, which notice the City Clerk shall forthwith deliver to the members of the Council. Such notification shall automatically cause the reconsideration of the ordinance by the Council at its regular meeting next following the sixth day after the aforesaid final adoption of the ordinance. If, upon reconsideration, the ordinance is ~~again~~ approved by the affirmative vote of at least ~~five~~ ~~six~~ members of the Council, it shall take effect immediately; and if not so approved, it shall be ineffective.

Section 302. Term of Office, the Mayor. The Mayor shall be elected to a term of four years beginning at 11:00 a.m. on the first Monday of January following his election. The Mayor elected to office to serve a term beginning in 1985 shall serve in office until 11:00 a.m. on the Monday following January 1, in 1991. In 1990 municipal elections will be held to select City Officers for four year terms, including the Office of Mayor. No person shall be elected to the office of Mayor more than twice, and no person who has held the office of Mayor, or acted as Mayor, for more than two years of a term for which some other person was elected Mayor shall be elected to the office of Mayor more than once.

Section 305(e). ~~Preside over meetings of the Council.~~ Appoint the City Manager and the City Attorney, subject to confirmation by the City Council, remove the City Manager and the City Attorney, and give direction to the City Manager. Beginning with the 2000 Municipal Election, the City Attorney shall be elected as provided in Section 401.

Section 400. Designation as Officer. In addition to the ~~Councilmen~~ Councilmembers and the Mayor, the Officers of the City shall be the City Manager, the City Attorney, the City Clerk, the City Auditor, and such department heads, members of board or commissions and executive officers of such boards and commissions as may be so designated by ordinance. The City Manager and the City Attorney may be hired by contract, for a term not to exceed ~~seven~~ ~~four~~ years, ~~notwithstanding the appointive and removal authority otherwise provided herein for the Council~~ but no such contract shall prevent the Mayor from removing the City Manager or the City Attorney from office at any time.

Section 401. City Attorney. The City Attorney shall be appointed by the ~~Council~~ Mayor, subject to confirmation by the Council. The Mayor ~~which~~ may at ~~its~~ ~~his~~ pleasure remove ~~him~~ the City Attorney from office or ~~reduce his salary in the same manner and subject to the same conditions as are prescribed for such actions affecting the City Manager.~~ Beginning with the 2000 Municipal Election, the City Attorney shall be nominated and elected in the same manner, and for the same term, and at the same election, as the Councilmember-at-large, and shall not be removable by the Mayor. The salary of the elected City Attorney shall be set by the Council and may not be reduced during the City Attorney's term of office, except as part of a general reduction of salaries of all officers and employees in the same amount or proportion. The City Attorney shall advise all officers, boards, commissions and other agencies of the City on legal matters referred to him and shall render written legal opinions when the same are requested in writing by ~~the Mayor or~~ a member of the Council or the City Manager or any other officer, board or commission of the City. He shall



draft such ordinances, resolutions, contracts, and other legal documents as directed by the Council or requested by the Mayor or City Manager or any official board or commission of the City. He shall act as counsel in behalf of the City or any of its officers, boards, commissions, or other agencies in litigation involving any of them in their official capacity. He shall pass on the form and legality of all contracts of the City before the same are executed. He shall not settle or dismiss any litigation brought for the City nor settle any litigation brought against the City which may be under his control unless upon his written recommendation he is authorized to do so by the Council. He shall administer the Office of the City Attorney, and shall have the power to appoint, discipline and remove all officers and employees of his office subject to the provisions of Article IX of the Charter. The Council may empower the City Attorney, at his request and without regard to the provisions of Article IX, to employ special legal counsel, and he shall have the power to appoint appraisers, engineers and other technical and expert services necessary for the handling of any pending or proposed litigation, proceeding or other legal matter. Upon the City Attorney's recommendation and the approval of the Council, when he has a conflict of interest in litigation involving another office of the City in his official capacity, such other officer may retain special legal counsel at City expense.

Section 500. Appointment. The ~~Council~~ Mayor shall appoint a City Manager, subject to the confirmation by the City Council, who shall be the chief executive administrative officer of the City. He shall be a person of demonstrated administrative ability with experience in a responsible, important executive capacity and shall be chosen by the ~~Council~~ Mayor solely on the basis of his executive and administrative qualifications. No member of the Council shall, during the term for which he is elected or appointed, or for one year thereafter, be chosen as City Manager.

Section 501. Compensation and Tenure. The City Manager shall receive the salary fixed by the Council. He shall be appointed for an indefinite term and shall ~~serve at the pleasure of the Mayor, be removable only upon the adoption of an ordinance by the affirmative vote of at least five members of the Council. He shall, upon demand, be given a written statement of the reasons for his proposed removal and the right to be heard publicly at a meeting of the Council prior to the final vote on the ordinance for his removal, but pending such hearing and action the Council may suspend him from office. The Council may not reduce the salary of the City Manager except upon the adoption of an ordinance and like opportunity to be heard. The action of the Council in suspending or removing the City Manager or reducing his salary shall be final.~~

Section 1213. Sunset Provision. At the general election to be held in November, 2004, the City Council shall cause to be placed on the ballot a proposed Charter amendment the sole effect of which, if passed, shall be to retain the changes made to the Charter in 1998 and 1999. If that proposed Charter amendment is put before the voters and not passed, then all of said changes to the Charter shall lapse and have no further effect.

## CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE X

### MAYOR-COUNCIL FORM OF GOVERNMENT CHARTER AMENDMENT

Oakland's current charter provides for a council-manager form of government. The city council is comprised of nine members, eight city councilmembers and the mayor. The council governs and sets policy for the City of Oakland. The mayor is the chief elective officer and the city manager is the chief executive officer.

The city manager runs the day to day affairs of the city and implements council policy. The city council has no administrative powers, except those reserved for the mayor. The mayor's administrative powers are limited mainly to proposing the city budget.

The council is forbidden by the charter's non-interference clause from directing the city manager's employees and other city officers' employees. The penalty for violating the non-interference clause is a misdemeanor.

The council appoints the city manager and the city attorney and has the power to remove the city manager and city attorney. The city manager and city attorney may have employment contracts not exceeding seven years.

If adopted, this measure would amend the Oakland City Charter to create a mayor-council form of government. It would remove the mayor from the city council by providing for an eight-member city council. The charter's non-interference prohibition would not apply to the mayor. The mayor could direct all city employees.

The mayor could vote on a city council matter if the councilmembers were evenly divided. The mayor would retain the power to suspend an ordinance. It would take six affirmative council votes to override the mayor's ordinance suspension. As under the current charter, the mayor would not have suspension power over resolutions or motions of the Council.

The mayor would appoint the city manager with council confirmation but the city manager would serve under the direction of and at the pleasure of the mayor. The city manager could be removed solely by the mayor. The city manager could be hired by contract for a maximum term of four years but the contract could not prevent the mayor from removing the city manager from office at any time. The city manager would no longer be the chief executive officer of the city but would instead be the chief administrative officer of the city.

Prior to 2001, the mayor would appoint the city attorney, subject to council confirmation but the city attorney could be removed solely at the pleasure of the mayor. The city attorney could be hired by contract for a maximum term of four years but the contract could not prevent the mayor from removing the city attorney from office at any time.

The city attorney would be elected beginning with the 2000 municipal election. Beginning in 2001, the city attorney could not be removed from office by the mayor.

The mayor would be subject to a two-term limit.

Increases in council compensation would require voter approval.

The charter amendments would expire if not readopted at the November 2004 general election.

s/JAYNE W. WILLIAMS  
City Attorney

**CITY AUDITOR'S IMPARTIAL FINANCIAL ANALYSIS OF MEASURE X  
A MEASURE TO AMEND THE OAKLAND CITY CHARTER  
TO CREATE A MAYOR-COUNCIL FORM OF GOVERNMENT,  
PROVIDE A TWO-TERM LIMIT FOR THE MAYOR,  
REQUIRE VOTER APPROVAL FOR INCREASES TO  
CITY COUNCIL COMPENSATION, AND PROVIDE  
FOR AN ELECTED CITY ATTORNEY**

The impact on the cost of City government with the adoption of Measure "X" is not determinable at this time. It would ultimately depend on whether the approved 1998-99 budgets for the Mayor and City Manager's offices will meet the administrative and operating needs of the Mayor and City Manager to fulfill their revised responsibilities as set forth in Measure "X." Any budgetary increases must be approved by Council.

**I. BUDGETS OF MAYOR AND CITY MANAGER: 1998-99 (Information  
Provided by Budget and Finance Agency)**

	<u>General Fund</u>	<u>All Funds</u>	<u>Full-Time Equivalents</u>
<b><u>Mayor</u></b>			
Administrative	\$ 781,502	\$ 975,905	12.5
Programs	217,000	217,000	0.0
Totals	<u>\$ 998,502</u>	<u>\$1,192,905</u>	<u>12.5</u>
 <b><u>City Manager</u></b>			
Administrative	\$ 911,492	\$1,054,301	10.0
Programs	1,325,004	1,325,004	15.0
Totals	<u>\$2,236,496</u>	<u>\$2,379,305</u>	<u>25.0</u>

- A. The 1998-99 budget is the second year of the 2-year budget adopted by Council on June 24, 1997. The 2-year budget process includes a mid-cycle review, which was held on June 23, 1998. On that date, Council approved the adjustments to the 1998-99 budget.
- B. In late 1997 and continuing into 1998, the City Manager's Office implemented some changes in its organizational structure. The City Manager's Office is presently restructuring its office in conjunction with the restructuring of other City agencies and department.

**II. SUMMARY OF MEASURE "X'S" AMENDMENTS TO CHARTER**

**A. Mayor**

- Can serve for 2 terms only
- Not a member of Council
- Does not preside at Council meetings
- Votes only if the 8 Councilmembers have a tie vote
- Appoints City Manager with Council confirmation
- Gives direction to City Manager
- May remove City Manager
- Until Year 2000 Municipal Election when City Attorney's position becomes elective:
  - ♦ Appoints City Attorney with Council confirmation
  - ♦ May remove City Attorney

**B. Councilmembers**

- Their pay increases to be approved by voters
- Confirm Mayor's appointment of City Manager
- Set salary of City Manager
- Until Year 2000 Municipal Election when City Attorney's position becomes elective:
  - ♦ Confirms Mayor's appointment of City Attorney
  - ♦ Set salary of City Attorney
- After City Attorney becomes an elected officer:
  - ♦ Set salary of elected City Attorney

**C. City Manager**

- Role of Chief Administrative Officer
- Salary set by Council
- Appointed by Mayor for indefinite term with Council confirmation
- Receives direction from Mayor
- Removable by Mayor
- May contract for a period not to exceed 4 years, but removable by Mayor

**D. City Attorney**

- Until Year 2000 Municipal Election when City Attorney's position becomes elective:
  - ♦ Appointed by Mayor with Council confirmation
  - ♦ Salary set by Council
  - ♦ Removable by Mayor
  - ♦ May contract for a period not to exceed 4 years, but removable by Mayor
- At Year 2000 Municipal Election:
  - ♦ Nominated and elected in same manner, same term and at the same election as the Councilmember-at-Large
  - ♦ Salary set by Council
  - ♦ Not removable by Mayor

#### E. Sunset Clause

- Measure "X" lapses if voters do not re-approve it at the November 2004 General Election

s/NORMA NG LAU  
City Auditor

#### **ARGUMENT IN FAVOR OF MEASURE X**

Politics today is discredited by its lack of accountability. Here is the pattern: promise the moon to get elected and achieve nothing. You elected me by 59% of the vote because you wanted city government administered with a new level of responsibility. Measure X is the first step.

The founders of this country believed that the legislative and executive branches of government should be independent of each other. In Oakland, this principle has been violated because the city manager has been made an employee of the city council. This in effect merges the executive into the legislative branch. Measure X corrects this by removing the mayor from the city council and making him responsible for the executive branch as an independently elected official.

The confusion of the executive and legislative departments of city government has led to serious problems of accountability. The Raiders Deal and the bankruptcy of the \$11 million city-financed ice rink are among the most visible of the irresponsible actions that have burdened Oakland with high taxes and a crushing debt.

Measure X was placed on the ballot by more than 53,000 people signing petitions in 29 days. This outpouring of public support occurred because people wanted the mayor to take executive responsibility as the representative of the whole city.

Measure X will give voters the power to approve all pay increases for the city council and elect the city attorney. It will enable the mayor to veto ordinances such as those which increase taxes or impose new restrictions on the people of Oakland.

Measure X is not written in stone because it terminates at the end of six years unless you re-approve its provisions.

Please vote for Measure X and give Oakland the balanced government it needs to become a truly great city.

For further discussion, e-mail me at [jb@jerrybrown.org](mailto:jb@jerrybrown.org).

s/Jerry Brown  
Mayor-Elect

#### **REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE X**

Mayor-elect Brown argues that Oakland's legislative and executive branches should be independent of each other because the separation of powers is important to the design of our national government. But the requirements for a federal government are quite different than the requirements for a local government. Council-manager government is more democratic, more responsive and more appropriate for cities like Oakland. That is why Council-Manager government prevails in almost all California cities including San Diego, San Jose, Sacramento and Long Beach.

Questionable Council decisions like the Raiders Deal and the Ice Rink are not the result of a faulty form of government. They represent mistakes in judgment by fallible human beings who have been elected to serve as Oakland's City Councilmembers or have been appointed to responsible positions in the City administration. These mistakes could have been made just as easily under a Strong Mayor form of government, particularly if the proposals were Mayoral initiatives.

Oakland voters have elected Jerry Brown as its Mayor, not its President or Governor. Our City is made up of many different communities, interest groups and individuals. We cannot rely upon the judgment of any one person, no matter how talented or charismatic, to govern our City in a manner that considers all of its varied interests.

Clever politics are again striving to influence voter behavior. By combining unrelated issues in one proposal (Strong Mayor and voter approval of Council salaries), the Mayor-elect hopes to sway enough votes to pass the ill-conceived Strong Mayor proposal.

Vote No on Measure X.

s/Arthur B. Geen, Executive Vice President

Alameda County Taxpayers Association

s/Henry L. Gardner

s/Gary Sirbu

s/Edward G. Schilling

s/Katherine A. Gueldner



## ARGUMENT AGAINST MEASURE X

Can you trust one man with all the power?

This proposal concentrates incredible political and administrative power in one politician, who, between elections, is completely unaccountable to the people of Oakland and their City Council. Concentrating power in a single person is an historically proven recipe for disaster.

Only four of the 471 cities in California have chosen the Strong-Mayor form of government. None provide nearly as much power to one politician as this does with its requirement for a 75% over-ride of any Mayoral veto.

The main function of a Mayor is to know and understand the will of the people; to be accessible to them. This proposal removes the mayor from weekly City Council meetings which are the main forum for citizens to express their opinions. Anyone wishing to address the Mayor would have to call for an appointment and hope it's scheduled.

This proposal intentionally neutralizes the power of the Council by creating an even number of seats requiring a tie-breaking vote from an absent Mayor. The Mayor won't have benefit of hearing issues debated in public before the City Council. Therefore, he will have the power to cast a tie breaking vote on issues on which he has not heard any debate or citizen input.

This ill-thought out and self-serving proposal is aimed at silencing the important voices of the neighborhoods and their elected district representatives. It undermines the value of district representation.

The Council recently selected an experienced and dynamic City Manager, and we elected an innovative Mayor with a strong mandate. Our present Charter provides for previously unused Mayoral power and allows a capable Mayor to have tremendous influence on the City.

The Mayor-elect can function well under the current system. Let's not make whimsical, poorly developed and harmful changes to our City's constitution.

s/Katherine A. Guedner

s/Susan A. Duncan, Trustee

Peralta Community College District

s/Henry L. Gardner

s/Leila S. Gough

s/Viola Gonzales

## REBUTTAL TO ARGUMENT AGAINST MEASURE X

The argument against Measure X is a deceptive piece of propaganda, riddled with factual misstatements.

It is untrue that Measure X makes the mayor "unaccountable." In fact, the mayor will be accountable every day to the city council which has total control of the city budget and final approval on all mayoral appointments. The press will keep tabs on an elected chief executive far more than on an unelected city manager.

It is true that most California cities use a city-manager but 98.5% of them are smaller than Oakland. Great cities demand a mayor with more than ceremonial responsibilities. There is no "previously unused mayoral power" in the current city charter as the opponents claim.

Ask who is responsible for:

- (1) Raiders Debacle (\$21 million this year alone),
- (2) \$52 million cost overrun on the new city administration buildings,
- (3) default on the \$11 million ice skating rink,
- (4) \$10 million loss on the sale of the old Merritt College

The answer always comes back, "not me."

There is an accountability problem in Oakland and everyone admits it except the insiders. Why should they? They are doing very well under the present system. For example, the former city manager who signed the argument against Measure X has a \$75,000 government consulting contract advising us how to reuse our local military bases.

Fix responsibility and demand clear accountability to the voters. Vote yes on Measure X

- to control city council pay raises,
- to elect the city attorney,
- to make the mayor responsible.

s/Henry Chang, Jr.

City Councilman

s/Hugh E. Bassette

American Government Teacher

s/Jerry Brown

Mayor-Elect

The Council of the City of Oakland does hereby submit on its own motion the following proposed advisory measure to be voted upon by the qualified electors of the City of Oakland at the General Municipal Election (Run-Off) consolidated with the Statewide General Election to be held in the City of Oakland on Tuesday, November 3, 1998

# **PROPOSED ADVISORY MEASURE**

## **MEASURE ADVISING THE CITY OF OAKLAND TO REQUEST THE METROPOLITAN TRANSPORTATION COMMISSION AND CALTRANS TO INCLUDE PASSENGER RAIL SERVICE ON THE BAY BRIDGE IN ORDER TO REDUCE REGIONAL TRAFFIC CONGESTION, PROMOTE REGIONAL MASS TRANSIT USE, AND PROTECT THE ENVIRONMENT.**

CITY OF OAKLAND ADVISORY MEASURE	
<b>Y</b> MEASURE Y: Shall it be the policy of the City of Oakland to request the Metropolitan Transportation Commission and CalTrans to include passenger rail service as part of the redesign of the Bay Bridge in order to reduce regional traffic congestion, promote regional mass transit use, and protect the environment?	YES
	NO

## **FULL TEXT OF MEASURE Y**

**WHEREAS**, the reconstruction of the Bay Bridge offers an opportunity for the Metropolitan Transportation Commission, and CalTrans to include effective passenger rail service on the bridge; and

**WHEREAS**, the Metropolitan Transportation Commission and CalTrans staff have rejected numerous requests to study the feasibility of passenger rail on the Bay Bridge from the public and numerous elected officials including Mayor Elihu Harris and Mayor Elect Jerry Brown; and

**WHEREAS** The additional capacity that would be provided to transport more people across the bay by passenger rail service on the Bay Bridge could result in reduced traffic congestion, protect the environment and promote mass transit; and

**WHEREAS**, the bridge corridor is currently approaching its functional limitation and CalTrans' proposed redesign has no additional transportation capacity; and

**WHEREAS**, the life expectancy of the retrofitted Bay Bridge is 150 years; and

**WHEREAS**, the design standards that CalTrans has adopted for the redesign of the Bay Bridge will not accommodate a heavy passenger rail system, if necessary; now, therefore, be it

**RESOLVED:** that an advisory measure shall be submitted to the voters asking the voters whether it shall be the policy of the City of Oakland to request the Metropolitan Transportation Commission and CalTrans to include passenger rail service on the Bay Bridge in order to reduce regional traffic congestion, promote regional mass transit use, and protect the environment.

## **CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE Y**

The Metropolitan Transportation Commission and CalTrans have undertaken a process for the redesign of the San Francisco - Oakland Bay Bridge. The proposed redesign does not include passenger rail service on the Bridge.

If adopted this measure would advise the City of Oakland to request the Metropolitan Transportation Commission and CalTrans to include passenger rail service on the new Bay Bridge in order to reduce regional traffic congestion, promote regional mass transit use, and protect the environment.

s/JAYNE W. WILLIAMS  
City Attorney

## **CITY AUDITOR'S IMPARTIAL FINANCIAL ANALYSIS OF MEASURE Y**

Adoption of Measure Y would not increase the cost of City government.

If Measure Y were adopted, it would show support for the proposed policy of the City of Oakland to request the Metropolitan Transportation Commission and CalTrans to include passenger rail service as part of the redesign of the Bay Bridge in order to reduce regional traffic congestion, promote regional mass transit use, and protect the environment.

s/NORMA NG LAU  
City Auditor

## ARGUMENT AGAINST MEASURE Y

### "A TRAIN TO NOWHERE"

That's how a Chronicle editorial righteously describes this proposal to add light rail tracks to the reconstructed Bay Bridge. The tracks would start from "nowhere," since there are no tracks for light rail trains to use on city streets.

The tracks would end "nowhere." They would end at Yerba Buena Island, unless commuters were willing to give up several auto lanes, each way, on the western Bay Bridge. Think of the massive traffic jams that would induce!

The facts are: With new controls, BART can increase its present capacity through the tube by 50% or more. The light rail proposal would cost between \$2-billion and \$10-billion, and delay the Bay Bridge quake-safety reconstruction by 5 to 10 years. Where would the money come from? Higher tolls?

The Bay Bridge must be made quake-safe. It's the major transportation link for the Bay Area, and that work must NOT be delayed further. Any available transit funding should be used to increase bus service across the span, since buses are part of existing transportation patterns and could accommodate increased ridership.

This last-minute "advisory" measure was not well-conceived, and deserves to be soundly defeated!

VOTE NO ON MEASURE Y!

s/Arthur B. Geen

**NO ARGUMENT IN FAVOR OF MEASURE Y WAS SUBMITTED.**

The Council of the City of Oakland does hereby submit on its own motion the following proposed ordinance to be voted upon by the qualified electors of the City of Oakland at the General Municipal Election (Run-Off) consolidated with the Statewide General Election to be held in the City of Oakland on Tuesday, November 3, 1998

## PROPOSED ORDINANCE

### ORDINANCE AMENDING CERTAIN PORTIONS OF THE OAKLAND MUNICIPAL CODE TO MODIFY THE BUSINESS LICENSE TAX BY CREATING A NEW "ELECTRIC BUSINESS LICENSE", AND RESERVING THE RIGHT TO REDUCE OR REPEAL THIS TAX

CITY OF OAKLAND MEASURE		
<b>Z</b>	<b>MEASURE Z:</b> Shall the Oakland Municipal Code be amended to maintain on "Electric Business" a higher tax rate of \$6 per \$1,000?	<b>YES</b>
		<b>NO</b>

## FULL TEXT OF MEASURE Z

**WHEREAS**, prior to January 1, 1995, and to the present, the City imposes a Business License Tax of \$1 per \$1,000 of receipts on businesses categorized as "Utilities;" and

**WHEREAS**, this modification is done in recognition and anticipation of deregulation of the electrical energy market, which allows increased competition and the entry of new vendors into the market; and

**WHEREAS**, the City of Oakland has historically charged lower total taxes and fees on electrical utilities than many of the surrounding communities, resulting in a de facto subsidy of other communities by Oakland residents and businesses; and

**WHEREAS**, this modification and increase is anticipated to increase general revenues of the City by \$1.2 million annually; and

**WHEREAS**, electric utilities may apply to the California Public Utilities Commission to pass any excessive tax on to Oakland ratepayers as a surcharge; and

**WHEREAS**, the City does not believe that the proposed tax is excessive, when compared with the total tax and fees imposed on other businesses or by other communities; and

**WHEREAS**, the City does not wish to have any surcharge passed onto the ratepayers, residents and business of Oakland, the Council declares its intent to repeal the tax if the California Public Utilities Commission approves a surcharge of the tax solely on Oakland's ratepayers; and