



# **PROS & CONS**

## **Local Measures**

NOVEMBER 3, 2020 GENERAL ELECTION

### **OUSD Measure Y**

Bond measure  
55% vote required for passage

#### **Oakland Unified School District Classroom Repair/Safety Improvement Measure**

##### **The Question**

Shall Oakland Unified School District's measure to issue \$735 million in bonds for classroom repair and school safety improvements including upgrading classrooms, science labs and technology; improving student safety and security; repairing bathrooms, electrical systems, and plumbing/sewers; and improving energy efficiency/earthquake safety; at legal rates, levying about \$60 per \$100,000 of assessed value, raising an average of \$48.5 million annually for approximately 30 years, with citizens' oversight, audits, and no money for administrator salaries be adopted?

##### **The Situation**

The OUSD's Facilities Master Plan (FMP) recently identified a total of \$3.4 billion in facilities needs throughout the district. The School Board is seeking authorization to fund capital projects through a new bond measure, which can be for no more than \$735 million.

OUSD can apply for state funds as another source for construction and improvement projects, but OUSD must have matching funds available to be eligible for those moneys.

##### **The Proposal**

Measure Y authorizes the Oakland Unified School District to issue \$735 million in bonds at legal interest rates. The bonds would raise an average of \$48.5 million annually for approximately 30 years,

Proceeds from the sale of bonds will provide financing for specific school facilities projects approved by the School Board and included in the measure. Funds can be used only for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities; they may not be used for any other purpose, including teacher and administrator salaries and other school operating expenses. The projects list includes site-specific improvements as well as district-wide projects to maintain and improve facilities throughout the city.

Measure Y includes accountability safeguards to ensure that proceeds from the sale of the bonds are expended only for the purposes outlined in the measure.

Measure Y calls for the establishment of a citizens' oversight committee consisting of at least seven members, and including a member active in a business organization representing the business community located in Oakland, a member active in a senior citizens' organization, a member active in a bona fide taxpayers' organization, a member that is a parent or guardian of a child enrolled in OUSD, and a member that is both a parent or guardian of a child enrolled in OUSD and active in a parent-teacher organization. Employees and officials of the district, as well as vendors, contractors, and consultants of the district cannot be appointed to the oversight committee. This committee is already established to oversee existing projects, and Measure Y will be added to its responsibilities. Under policies adopted by the Board this spring, the committee will review and advise on plans and projects prior to the expenditure of funds.

In addition, the measure requires annual independent financial and performance audits.

The Board must establish an account in which proceeds of the sale of bonds authorized by Measure Y will be deposited. As long as any proceeds of the bonds remain unexpended, the chief business officer is required to file a report each year stating the amount of funds collected and expended in that year, and the status of the projects required/authorized to be funded from bond proceeds.

### **Fiscal effect**

Bonds will be repaid from the proceeds of an annual *ad valorem* property tax. Bonds are sold in batches ("tranches") according to the scheduling of construction and repair projects. The property tax is levied at the time a tranche is sold, so the tax will increase with each new tranche. The best estimate of the highest tax rate that would be required to be levied to fund bonds issued under Measure Y is \$60 per \$100,000 of assessed valuation, and the bonds are expected to mature in 2049.

OUSD is currently servicing the debt and collecting taxes for four previous bond measures, which have maturity dates from 2025 to 2041. The aggregate tax for these four bonds is \$117 per \$100,000 of assessed valuation. When the bonds under a particular measure are paid off, the taxes related to that measure end, meaning taxes will decrease in 2025.

The best estimate of the total debt service for Measure Y, including the principal and interest, that would be required to be repaid if all the bonds are issued and sold is approximately \$1,400,000,000.

## **What a Yes or No Vote Means**

A YES vote means that OUSD will sell \$735 million in bonds to pay for school improvements, repairs, and equipment over the next several years, and that property taxes will increase to repay the bonds.

A NO vote means the school district will not issue new bonds to raise funds for planned projects.

### **Supporters say**

- Measure Y will provide funds for basic health and safety improvements. Our students need and deserve clean, safe learning environments.
- Some of the bond funds will help cool schoolyards, improve air quality, and make Oakland more resilient to climate change by converting parts of paved schoolyards into green spaces for recreation and school gardens.
- The list of projects was developed with community participation in town hall meetings and surveys, and with attention to meeting the needs of every part of the city.
- Measure Y provides robust accountability requirements, including a citizens' oversight committee and annual independent financial and performance audits, to ensure that funds are used only for prescribed purposes.
- Measure Y will ensure that OUSD will have money to provide the match necessary to secure available state funding.

### **Opponents say**

- OUSD cannot be trusted to manage the funds to ensure that they are spent and accounted for appropriately.
- The district should not use bond funds for the projects outlined in Measure Y because they are too expensive.
- Property taxes are already too high.

## **City of Oakland Measure QQ**

Charter Amendment

Requires simple majority (50% + 1) to pass

### **Youth Vote**

#### **The Question**

Measure QQ: Shall a measure amending the City of Oakland Charter to authorize the City Council, by adoption of an ordinance, to authorize persons aged 16 and above, who are otherwise eligible to vote under state and local law, to vote for the Office of School Board Director, be adopted?

#### **The Situation**

Currently only persons who are 18 years of age or older and who are otherwise eligible to vote in local and state elections may vote for the office of school board director.

## **The Proposal**

The Measure would amend the Oakland City Charter to authorize the City Council to adopt an ordinance permitting persons 16 years old or older to vote for the office of school board director provided such persons are otherwise eligible to vote in state and local elections.

## **Fiscal Effect**

There would be no immediate fiscal effect. Current estimates of the cost are \$7,000-\$10,000 in each cycle in which school board elections are held. However, the actual costs would depend upon the terms of any ordinance and the implementation of the ordinance. Oakland would probably bear the expense of any changes to the election procedures that differed from the standards of Alameda County.

## **What a Yes or No Vote Means**

A YES vote means that Oakland would revise the Oakland City Charter to include authorization for the City Council to pass an ordinance allowing persons 16 years old or older to vote in school board elections.

A NO vote means the current situation would not change and only persons at least 18 years old would be eligible to vote in school board elections.

## **Supporters Say**

- Oakland students are impacted by the policies and priorities set by OUSD and should have a say in choosing OUSD directors.
- Allowing youths to vote in school board elections will set lifelong patterns that will increase overall voter participation.

## **Opponents Say**

- Persons younger than 18 are not trained and have little experience with the policy and financial decisions that elected officials must make.
- There are other ways to improve voter participation among young adults.

## **City of Oakland Measure RR**

Charter Amendment

Requires simple majority (50% + 1) to pass

## **Removal of the \$1,000 Limit on Fines**

### **The Question**

Measure RR: Shall the Measure amending Oakland City Charter Section 217 to eliminate the \$1000 limit on fines for ordinance and code violations be adopted?

### **The Situation**

The Oakland City Charter sets a limit of \$1000 on fines for violations of the Oakland Municipal Code. Section 217 was introduced in 1911 when the limit was set at \$500; it was last amended in 1968 when the limit was raised to \$1000.

## **The Proposal**

The Measure proposes to delete the language in the Charter which sets a \$1000 limit on fines for violations of the Oakland Municipal Code. If the Measure passes, the City Council could enact a new limit after a public hearing.

## **Fiscal Effect**

Adoption of this measure would have no immediate fiscal effect. This measure would enable the City Council to set a new limit for violations of the Oakland Municipal Code. Until that City Council does so, there would be no fiscal effect.

## **What a Yes or No Vote Means**

A YES vote means that the City Council can enact an ordinance to eliminate the \$1000 limit on fines for violations of ordinances in the Oakland Municipal Code.

A NO vote means that the \$1000 limit on fines in the Oakland City Charter will remain in effect.

## **Supporters Say**

- Oakland needs the flexibility to set fines at levels that effectively deter major violations of laws such as those against illegal dumping.
- Resetting the limit is overdue since it has not been changed since 1968.

## **Opponents Say**

- Measure RR would allow the City Council to set unlimited fines for any violation of Oakland laws.
- Measure RR is not necessary to deal with illegal dumping.

## **City of Oakland Measure S1**

Charter Amendment

Requires simple majority (50% + 1) to pass

## **Oakland Police Commission**

### **The Question**

Measure S1: Shall Oakland's City Charter be amended to: (1) modify the powers, duties and staffing of the Police Commission and the Community Police Review Agency ("CPRA"), including empowering the Police Commission to hire and/or contract for one or more attorney advisors and empowering the CPRA's Director to hire staff attorneys; and (2) create an Office of Inspector General to review and report on the policies and practices of the Police Department and CPRA?

### **The Situation**

In November 2016, Oakland voters passed Measure LL, which amended the Oakland City Charter to establish an independent Police Commission (Commission) to review and oversee the practices and policies of the Oakland Police Department (OPD). Measure LL also established the Community Police Review Agency (Agency) to investigate reports of police misconduct. The Commission oversees the investigations

of the Agency. Certain questions about the powers, staffing and duties of the Commission and the Agency were left to be defined and clarified by ordinances. Subsequently the Commission and the city officials disagreed as to the Commission's authority to independently hire and supervise the Inspector General and its own attorneys and as to the Agency's authority to independently hire and supervise its legal staff. These disagreements prevented those positions from being filled in a timely manner. As a result, the Commission has been functioning without the staffing originally intended.

### **The Proposal**

Measure S1 amends the Oakland City Charter to empower the Commission by establishing the Office of Inspector General, authorizing the Commission to independently hire and supervise the Inspector General and the Commission's attorneys, and authorizing the Agency to independently hire and supervise its staff attorneys.

The Inspector General reviews legal claims, lawsuits, settlements, complaints, and investigations involving OPD to ensure that all allegations of police officer misconduct are investigated and to identify any systemic issues regarding OPD's practices and policies.

The Inspector General has authority to access and review OPD data and investigative records, personnel records, and staffing information to conduct audits of OPD and has similar authority regarding the Agency. The Inspector General reports the results of the audits to the Commission and the City Council.

Measure S1 also clarifies other aspects of the Commission's powers. Measure LL defined the scope of review for the Commission to include areas of OPD policy and practice related to use of force, use of force review boards, and profiling based on any of the protected characteristics identified by federal, state, or local law. Measure S1 expands the scope to also include elements expressly listed in federal court orders or federal court settlements which pertain to OPD and are in effect at the time Measure S1 takes effect. The expanded scope of review is intended to ensure that, once federal oversight of OPD ends, the areas of compliance currently monitored by the federal oversight will remain open to the Commission's review.

Numerous other provisions establish and clarify other elements of the interaction among OPD, the Commission, the Agency, and the City Council. These provisions address such topics as access to OPD records by the Commission and Agency, deadlines for reports, attendance of the Chief of Police at the Commission's meetings, attendance at OPD review board hearings, the Commission's subpoena powers, the rules governing the committee which selects Commission members, and the suspension or removal of Commissioners.

Measure S1 also requires the City Council to act upon the Commission's proposals for changes to OPD policies and procedures within 120 days or the proposed changes become final.

Measure S1 requires an audit of the Commission at least every 3 years.

### **Fiscal Effect**

Measure S1 requires the City Council to adequately budget for the Commission, the Agency, and the office of the Inspector General to function effectively. That will include budgeting for the additional staffing positions that have not already been budgeted such as the attorneys for the Commission and legal staff for the Agency. These allocations will be part of the 2021-2023 budget.

### **What a Yes or No Vote Means**

A YES vote means that the Oakland City Charter will be amended with the effects of establishing the Office of Inspector General and authorizing the Commission and the Agency to independently hire and supervise the Inspector General and legal counsel. A YES vote will further have the effect of enacting additional provisions regarding the powers, duties, and staffing of the Commission.

A NO vote means that the Oakland City Charter will not be amended as regards the powers, duties, and staffing of the Commission.

### **Supporters Say**

- Measure S1 will allow the Commission to be fully staffed to improve its functioning and effectiveness as the voters intended.
- Measure S1 empowers the Commission to see that the progress made during federal oversight of OPD will be sustained when oversight ends.

*No argument in opposition to Measure S1 was submitted.*

## **Alameda County Measure V**

Utility/General Tax

Requires simple majority (50% +1) to pass

### **Utility Tax on Residents of Unincorporated Areas**

#### **The Question**

Shall an ordinance be approved to extend until 6/30/2033, with no increase to the current 6.5% tax rate, the existing Utility Users Tax, collected only in the unincorporated areas (Ashland, Castro Valley, Cherryland, Fairview, San Lorenzo, Sunol), providing approximately \$12 million annually which may fund County Services, including services to unincorporated areas (e.g., Sheriff, Library, Planning, Code Enforcement), retaining current exemptions and exclusions, including exemptions for low income or lifeline utility users, and making clarifying/administrative changes?

## **The Situation**

Alameda County established a 5.5% utility tax on residents of unincorporated areas in 1992. Voters extended the tax every four years until 2008, when it was raised to 6.5% for a period of 12 years. That tax will expire June 30, 2021. The tax is collected from customers by the utility service providers, which then pass on the money to the county. Utility services include gas, electricity, telephone, and video.

Exempted from the tax are households enrolled in PG&E's low income rate assistance program and those using gas or electricity for life support systems. Also exempted are government agencies and agricultural users.

The utility tax is a general tax that can be used by the county for any county services. Since its establishment, all proceeds of the tax have funded services in the unincorporated areas.

## **The Proposal**

Measure V will extend the tax another 12 years, until June 30, 2033. Current exemptions from the tax will continue, as will the policy to expend the revenues from the tax on services in the unincorporated areas.

Measure V will not apply to incorporated cities such as Oakland. Nonetheless, state law requires that all county residents vote on the tax.

## **Fiscal effect**

Utility users will continue to pay the 6.5% tax. The tax is expected to bring in about \$12 million a year.

## **What a Yes or No Vote Means**

A YES vote means that users will continue to pay a 6.5% tax on their utility bills, and the county will continue to receive about \$12 million to expend on services.

A NO vote means that the tax will be discontinued, and the county revenues will drop by about \$12 million.

## **Supporters say**

Measure V will preserve revenues that are used to provide vital services, including public safety, libraries, land use planning, and code enforcement, to unincorporated areas of Alameda County.

Loss of \$12 million in revenues will likely lead to cuts in vital county services.

## **Opponents say**

The county can spend revenues from these general taxes any way it wants.

There is no real accountability for how these tax revenues will be spent.



## Alameda County Measure W

Sales tax ordinance

Requires simple majority (50%+1) vote to pass

### County of Alameda Half Cent Sales and Use Tax

#### The Question

Shall a County of Alameda ordinance be adopted to establish a half percent sales tax for 10 years, to maintain and improve essential County services, to include housing and services for those experiencing homelessness, mental health services, health services, job training, social safety net and other general fund services, providing approximately \$150,000,000 annually, with annual audits and citizen oversight?

#### The Situation

The number of homeless people in Alameda County has doubled in the last four years. The county's point-in-time count in 2019 indicates that approximately 8,000 people experience homelessness on any given night. The Alameda County Health Care Services Agency identifies a lack of affordable housing as the primary driver of this crisis, particularly when coupled with growing economic inequality and insufficient access to social services.

Alameda County's Vision 2026 set ambitious goals to eliminate homelessness by ensuring the availability of diverse and affordable housing for all residents. In 2016 Alameda County voters approved Measure A1 to authorize the sale of up to \$580 million in general obligation bonds for the construction and renovation of affordable housing.

Existing funding sources are insufficient to provide the services necessary to assist individuals secure affordable housing and avoid homelessness. Due to the economic downturn caused by COVID-19 shutdowns, the county anticipates significant reductions in revenue. In May 2020, Alameda County forecasted as much as a 10% drop in sales tax revenue.

The sales tax in most of Alameda County, including in Oakland, is 9.25%. Five cities in the county have a 9.75% sales tax. In March 2020, a new county sales tax of 0.5% was approved for the funding of early childhood and education services (Measure C). The legitimacy of the vote for that tax is under court challenge, and the tax is not being collected. It will be at least several months before it will be known if that tax can be implemented.

#### The Proposal

Measure W imposes an additional half-percent (0.5%) sales and use tax effective for 10 years from April 1, 2021 through March 31, 2031. The sales tax will be 9.75% in Oakland.

Proceeds will go to the county's general fund and can be used for general governmental purposes. The stated intention of the Board of Supervisors is to allocate funds from the

Measure W sales and use tax to maintain and improve essential county services that have been prioritized in the Vision 2026 campaign. These include housing and services for those experiencing homelessness, mental health services, job training, social safety net and other general fund services.

A Citizen Oversight Committee appointed by the Board of Supervisors will review the expenditures of Measure W funds to ensure they are appropriate. Annual audits will be done by independent certified public accountants.

### **Fiscal effects**

Measure W proposes a 10-year, one-half percent (0.5%) countywide increase to the sales and use tax. The sales tax in Oakland will become 9.75%. If and when the courts determine that the tax for Measure C can be collected, the tax will go to 10.25%.

The Measure W tax was anticipated to yield about \$150 million every year. The actual figure will probably be less because retail sales have decreased because of shutdowns due to COVID-19.

There are no restrictions on the funds because they are going to the county's general purpose fund. The ballot measure resolution gives direction for the funding and declares the political will to use the funds for that purpose. However, the funds could be used for other purposes, most notably in the case of a fiscal emergency.

### **Supporters say**

- Alameda County should allocate as many resources as possible to helping people avoid homelessness.
- The economic downturn created by COVID-19 has exacerbated the homelessness crisis in Alameda County and across the Bay Area.
- Measure W not only assists those who are experiencing homelessness, but also those most at risk of becoming homeless, and expands shelter and street-based assistance.

### **Opponents say**

- Sales taxes are regressive; this additional tax will further strain individuals during an unprecedented health and economic crisis.
- The sales tax throughout Alameda County is already one of the state's highest.
- The framing of a general use tax for homelessness services is misleading since tax proceeds will go into the general fund and have no limitations on usage.