

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Measure E, if approved by the voters, will remove all of the foregoing invalid or superseded provisions from the text of the Charter. However, because these provisions are invalid or superseded, their repeal will not change the legal effect or operation of any of these sections of the Charter.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Measure E provides the voters of Alameda County an opportunity to remove from the County Charter obsolete, invalid, or superseded provisions relating to the qualifications and appointment of members of the Civil Service Commission and political activities of County officers and employees.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contained within the Charter have (1) become obsolete because of the passing of time and changing conditions, (2) been superseded by laws applicable throughout the state, or (3) become unconstitutional based on court decisions.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of the public to distinguish those provisions which are still in effect from those that are obsolete, invalid, or superseded. This difficulty may lead to the inadvertent enforcement of superseded or invalid Charter provisions or the failure to enforce Charter sections that are still in force.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

2-392

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

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:

$$\frac{\text{teacher full-time equivalent assignment} = \frac{\text{enrollment} \times \text{number of classes per day per student}}{\text{average class size objective} \times \text{number of classes per day taught by each teacher}}}{}$$

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 Roger 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?

YES

NO

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

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 ~~to 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.

Nov. 6, 1986

Robert Clancy
The Georgist Journal
5 E. 44th St.
New York, NY 10017

Dear Bob:

I'm sorry to report that Berkeley's Measure H won, which means Berkeley will have an additional improvements tax. Unfortunately, the pro-tax side had lots of money and were well-organized, and the anti side had no money and no organization. At least I brought the economic effects of the tax to the attention of the voters.

Best regards,

FD

NOV 10 1986
FBI

Oct. 8, 1986

415/548-3776

Fred Foldvary
1920 Cedar St.
Berkeley, CA 94709

Georgist Journal
Robert Clancy, President
Henry George Institute
5 East 44th St.
New York, NY 10017

Dear Bob:

For your records and interest, I am enclosing photocopies of my arguments against Measure H, which were printed in the voters' pamphlet for Berkeley. Berkeley's Measure H would impose a tax on the square footage of improvements to be used to supplement public school funds. As a Georgist, I of course oppose such a tax as the opposite of a proper property tax and used Henry George in my arguments.

I have also had published numerous letters in local papers against the tax. Unfortunately, all of the local politicians are for the tax and there is no organized opposition. But maybe my arguments will help defeat the tax. Note California law prevents the city from having a tax based on land value, but it could have a tax based on the lot size.

Best regards,

A handwritten signature in dark ink, appearing to read "Fred", with a horizontal line above it.