

# CITY OF BERKELEY MEASURE C

<p><b>C</b> Shall City of Berkeley Community Facilities District No. 2: incur bonded indebtedness not exceeding \$22,500,000 to replace the multiuse indoor Warm Pool, renovate Willard and West Campus pools, construct a multipurpose pool at King; levy a special tax at a rate not exceeding \$0.0258 per square foot of building area to finance that indebtedness and not exceeding \$0.0126, indexed for inflation, to maintain pools and operate aquatics programs; and establish an annual District appropriations limit of \$3,500,000?</p>	<b>YES</b>
	<b>NO</b>

## CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE C

This measure would authorize \$22,500,000 in special tax bonds and a special tax to make debt service payments and pay for pool maintenance and aquatics programs, and permit expenditure of those funds.

This measure will pass or fail as a whole.

### Bonds

Bond proceeds would be used to: construct a replacement indoor multipurpose warm pool expected to be 2250 square feet and associated facilities and locker rooms, and renovate the existing pool and associated facilities, at West Campus (and possibly consolidate locker rooms); construct an all-purpose, 25-meter size pool with wading area, locker rooms and associated facilities at King School; and renovate the existing outdoor pools, locker rooms and associated facilities at Willard School.

### Special Tax

The special tax authorized by this measure would be levied on the square footage of improvements to real property throughout City of Berkeley Community Facilities District No. 2 (Berkeley Pools) ("CFD No. 2"). CFD No. 2 includes the entire City of Berkeley. The tax would have two parts.

### Bond Repayment

The first part of the special tax would secure and repay the bonds, and would be levied for a period of 30 years, from fiscal year 2011 through fiscal year 2040. Its maximum rate will be \$0.0258 per square foot of improvements. Once the bond is repaid this part of the tax will terminate.

### Aquatic Programs/ Pools Operation and Maintenance

The second part of the special tax would pay for the anticipated gap between current funding and the funding necessary to continue to support existing pool maintenance and aquatics programs, and for enhanced aquatics programs. This part of the tax would be levied at an initial rate of \$0.0039 per square foot of improvements in 2010 and 2011, and \$0.0126 in 2012, subject to annual increases by the greater of the increase in the cost of living for the

immediate San Francisco Bay Area or *per capita* personal income growth in California.

### Appropriations Limit

This measure would establish an appropriations limit of \$3,500,000 for CFD No. 2, to allow the proceeds of the special tax to be spent.

### Financial Implications

The year after the first bonds are issued, the tax rate required to meet the estimated debt service and fund aquatic programs and pools operation would be \$0.0297 per square foot. This rate is projected to peak at approximately \$0.0423 in 2040 (bond repayment plus indexed programs and maintenance tax), and average \$0.0369 per square foot during the 30 year issue.

The cost in 2010 dollars for an average size 1,900 square foot home until the bonds are repaid, including the tax for maintenance and aquatic programs, is estimated as follows:

<u>Square Feet</u>	<u>Annual Tax</u>	
	First year	Average
(Residential) 1,900	\$ 56.43	\$ 70.06
(Commercial) 10,000	\$297.00	\$368.76

After the bonds are repaid in FY 2040 the tax rate in 2010 dollars for maintenance and aquatic programs would be \$0.0126, subject to an annual inflation adjustment, yielding annual costs in 2010 dollars as shown below:

<u>Square Feet</u>	<u>Annual Tax</u>
(Residential) 1,900	\$ 24.02
(Commercial) 10,000	\$126.40

s/ZACH COWAN  
Berkeley City Attorney

"The above statement is an impartial analysis of Measure C. If you desire a copy of the enabling resolutions, please call the City Clerk Department at (510) 981-6900 and copies will be mailed at no cost to you."

## ARGUMENT IN FAVOR OF MEASURE C

**Berkeley's municipal swimming pools are a treasure.** Countless children, families, the disabled and elderly rely on them for revival and relaxation, exercise and swim instruction.

**All four of our municipal pools are deteriorating and near the end of their useful lives.** The outdoor pools at King, Willard and West Campus were built in the 1960s. They leak and their pool houses are in disrepair. The indoor Warm Pool must vacate its 81-year-old building at Berkeley High School to make room for new school facilities. If Measure C is not approved, Willard Pool will be closed permanently in July 2010 and the Warm Pool will be lost forever in 2011.

In 2000, Berkeley voters showed their loyalty to the pools, approving a Warm Pool bond measure by a landslide 76 percent. Unfortunately, those funds cannot be spent because they were restricted to the High School site, which was subsequently slated for demolition.

**In 2010, there's no more time to lose.** Measure C will repair Willard and West Campus pools. King pool will be expanded to accommodate rising demand from the Baracudas youth team, the Masters team, lap swimmers and families; and the Warm Pool will be rebuilt at West Campus. All pools will become more energy efficient. Measure C also provides operating funds to support aquatic hours and programs despite the worsening budget crisis.

**In recent decades, Berkeley made far-sighted decisions when it counted**—undergrounding BART, saving our waterfront from development, building parks like Ohlone and Cedar Rose, providing emergency services for the disabled, and supporting our schools and libraries. **Measure C will add to that legacy, one in which we, our children, grandchildren and great-grandchildren will take great pride.**

**VOTE YES on Measure C, for our seniors, the disabled, our families and our children.**

s/Loni Hancock  
State Senator

s/Nancy Skinner  
California State Assemblymember

s/Dmitri Belser  
Disability Advocate; individually and on behalf of,  
President, Ed Roberts Campus

s/Tom Bates  
Berkeley Mayor

s/Margo Y. Reed  
Berkeley PTA Council, President

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE C

**Let's make reasonable choices that benefit everyone, including Berkeley's swimmers.**

- Berkeleyans (tots, teens, adults, disabled) can use Cal's pools/programs
- BUSD disabled students use YMCA pools
- **Giving Berkeley's senior and disabled swimmers Cal or YMCA memberships costs only about 1% of this measure's maintenance. These pools meet needs of nearly all warm pool swimmers:** children, adults, pregnant, seniors, obese, arthritic, multiple sclerosis per the Aquatic Exercise Association (AEA).
- **Measure calls for demolition of a National Landmark**
- **NO mention of green technology** to heat or build pools
- **91F pools have limited usability**, not recommended for tots, children, pregnant, arthritic, seniors, obese
- **If a regional hot pool is needed, enlist partnerships like Palo Alto did.** In 2007 Palo Alto received \$5,274,346 from public and private sources, **city taxpayers paid only \$40,356.**

**Berkeley faces skyrocketing debt and hundreds of millions in unfunded liabilities.** \$22,500,000 for construction and \$3,500,000 annual maintenance — with annual adjustments tied to the highest inflator — is too expensive, especially when Berkeley is cutting essential services.

**City and BUSD should serve the public better:**

- **School districts everywhere open their pools to the community outside school needs, why won't BUSD?**
- In the 70's Berkeley's Measure Y provided for our right to use school facilities, for recreation, outside school needs.
- **Public funding, public use.**
- **This measure needs to be rewritten** to better serve Berkeley's residents.

**Keep Berkeley swimming with better, greener, sustainable alternatives, a legacy we can be proud of. VOTE NO.**

s/Marie Bowman  
individually and on behalf of, Steering Committee Chair, Berkeleyans Against Soaring Taxes (BASTA!); President, Berkeley Alliance of Neighborhood Associations (BANA); Former Chair and Commissioner, City of Berkeley Housing Advisory Commission (HAC); Former President and Board Member, Council of Neighborhood Association, (CNA); Co-block Captain, Blake and California Neighborhood Association; Former Warm Water Pool Swimmer; and Guardian of Berkeley Unified School District (BUSD) Students

s/Henrik Bull  
Architect; Participant, Berkeley High School (BHS)/ Berkeley Unified School Dist (BUSD) Charrette on the Original BHS Gym and Warm Water Pool; Parent of BUSD Children

s/Dean Metzger  
President of CENA, Claremont Elmwood Neighborhood

Assoc.; Former ZAB Commissioner; Former Transportation Commissioner Chair

s/William D. Hermann

Professor of Economics and North East Berkeley Association (NEBA) Board-Member

s/George S. Oram, Jr.

Founder of Elmwood Realty and Founder of Berkeley Can Do Better; Parent of BUSD Students

## ARGUMENT AGAINST MEASURE C

**We like to swim. We support both our city and schools, but let's make the choices that benefit everyone in our community, not just a narrow interest group.**

**Better, greener alternatives exist:**

- Berkeley has 15 pools: 9 public, 6 private (3 non-profit).
- **Rehabilitating existing pools can be done at 1/3 the cost!**
- **The greenest facilities are the ones already built; demolition and construction burn fossil fuels, choke landfills and waste resources.**
- **For warm pool needs, giving Berkeley's senior and disabled swimmers passes to YMCA or Cal Stars wouldn't cost millions, and would help keep those facilities economically viable.**
- If a new regional facility is truly needed, Berkeley should pool funding (get it?) from other cities, like we did for Gilman Sports Fields and Palo Alto did for their warm pool.

**Our finances are stretched too thin already:**

- Unemployment is 11.3%, a ten year high
- Berkeley's municipal debt skyrocketing: \$4 million this year, \$14+ million next year
- \$20 million new taxes added last November
- \$208 million new BUSD bond coming this November
- More taxes and fees issuing from Federal, State, City governments

**City and BUSD should rethink their priorities:**

- **Maintenance has grown to 380% of original estimates – don't spend money like water!**
- UC and BHS already have competition pools, residents don't need another
- **All other school districts open their pools to the community outside school needs**
- BHS pool should be made available to the community, including Barracudas
- **Recreation Taxes hiked by 38% just for expensive new pools while Parks and Recreation budget facing 25% cuts in next two years.**
- **City still hasn't responsibly prioritized and funded essential services**

**Vote for better, greener, sustainable alternatives to keep Berkeley swimming—VOTE NO!**

s/Robert Cabrera

individually and on behalf of, President Berkeley Can Do Better (BCDB)

s/Marie Bowman

individually and on behalf of, Steering Committee Chair, Berkeleyans Against Soaring Taxes (BASTA!); Former Chair, Housing Advisory Commission (HAC)

s/Julie Dickinson

individually and on behalf of, Secretary, Council of Neighborhood Associations (CNA)

s/Greg Harper  
individually and on behalf of, Treasurer, Berkeley  
Alliance of Neighborhood Associations (BANA); For-  
mer Chair, Housing Advisory Commission (HAC)  
s/Phyllis Carr  
Secretary

## REBUTTAL TO ARGUMENT AGAINST MEASURE C

Berkeley's "Party of NO" is at it again, spreading distor-  
tions and falsehoods. They failed in recent elections to  
stop improvements to our schools, libraries, and fire sta-  
tions. Now Berkeley's own naysayers want to shut down  
our beloved community pools. Like the "Party of No" in  
Washington, they're making wild and false claims.

Corrections are in order:

- Berkeley has 4 municipal pools, not 9.
- **Measure C will LOWER**—not raise—mainte-  
nance costs through modernization and energy effi-  
ciency.
- Berkeley's debt is NOT skyrocketing. The City  
Council is making deep and painful cuts to meet  
budget.
- No adequate alternatives to the Warm Water Pool  
exist in Berkeley.
- How can we hike a "recreation" tax when we don't  
even have one?

Our youth swim teams train in overcrowded conditions.  
The pools and pool houses are overdue for rehabilitation.  
Our aged Warm Water Pool is scheduled for demolition.

Measure C will:

- **Replace** the indoor Warm Pool for seniors, the dis-  
abled, and parents with infants.
- **Repair** Willard, King, and West Campus pools.
- Fund adequate hours and programs to enable all  
Berkeley children to learn to swim safely; and to  
provide for our after-school teams.

Measure C puts a **simple question** before voters: Shall  
we, like citizens before us, care for and maintain our com-  
munity assets?

**The ENTIRE Board of the Berkeley Unified School  
District, and the ENTIRE Berkeley City Council, sup-  
port Measure C.**

**VOTE YES to preserve our legacy, for Berkeley's  
health, for our kids, for our future.**

s/Cathryn A. Campbell  
individually and on behalf of, President, Berkeley Feder-  
ation of Teachers

s/Rod Howard  
Partner: Synectic Technologies

s/Winston Burton  
Economic Development Director, Building Opportuni-  
ties for Self-Sufficiency (BOSS)

s/Teresa Price  
Parent of five Berkeley Barracuda Swim Team members

s/Linda Maio  
Vice Mayor, Berkeley City Council