



*THE LEAGUE OF WOMEN VOTERS OF SANTA MONICA*

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# **Pros and Cons: Nonpartisan Analysis**

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Santa Monica General Election Ballot Measures

Tuesday, November 7, 2006

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## **Proposition BB Santa Monica-Malibu Schools Safety and Repair Measure**

### **The Question**

*To improve health, safety, class instruction by upgrading, acquiring, constructing, repairing and equipping classrooms, science labs, local neighborhood schools, sites and facilities; repairing, renovating outdated classrooms, bathrooms, plumbing, leaky roofs, computer technology, fire safety equipment; improving handicapped student accessibility; earthquake-retrofitting classrooms; removing asbestos and mold; shall Santa Monica-Malibu Unified School District issue \$268 million of bonds at legal rates, with guaranteed financial audits, citizen oversight, and no money for administrators' salaries?*

### **The Situation**

The most recent school facilities bond, Proposition X, was passed in 1998 and raised more than \$42 million to repair and modernize Santa Monica and Malibu schools. In summer 2005, the Board of Education called for Facilities Master Plan meetings in which school administrators, staff and Santa Monica-Malibu community members collaborated to anticipate school facilities needs for the next 20 years. Measure BB would provide funding for many of the items listed on the draft Facilities Master Plan report. Measure BB is a "Proposition 39 bond" which only requires more than 55 percent of the vote to pass, unlike other funding measures that require more than two-thirds of the vote to pass, and, if it passes, the district will be able to apply for additional state funds.

### **The Proposal**

Measure BB calls for a \$268 million bond to repair, upgrade, construct and equip school facilities in the Santa Monica-Malibu Unified School District. Priorities include ensuring that all schools are safe, assuring at least minimal compliance with federal and state codes, and alleviating classroom overcrowding. Equity will be a guiding principal, that is, the schools which are most in need of repair and safety improvements will be brought up to the same level as other schools, creating equity among facilities throughout the district. Special attention will be paid to sustainable and energy-efficient building practices. Funds from Measure BB can be used on facilities and facility-related expenses only. No administrators' salaries can be paid with Measure BB monies.

### **Fiscal Effect**

If Measure BB is approved by the voters, parcels in the cities of Santa Monica and Malibu will be assessed \$30 per year per \$100,000 of assessed value until investors are repaid. The measure mandates annual audits and the formation of an independent citizen's oversight committee to ensure financial accountability.

### **What a "Yes" or "No" vote means**

*A YES VOTE MEANS:* \$268 million in bonds will be issued to raise money to repair and renovate Santa Monica-Malibu Unified School District facilities.

*A NO VOTE MEANS:* bonds will not be issued to repair and renovate Santa Monica-Malibu Unified School District facilities.

## **What Supporters and Opponents Say**

### *SUPPORTERS SAY:*

- Many of our schools are over 60 years old and in desperate need of repair and renovation. Measure BB will remove asbestos and mold from our schools, repair leaky roofs, install fire safety equipment, upgrade outdated bathrooms and plumbing and make our classrooms seismically safe.
- Measure BB will reduce overcrowding in our neighborhood schools. As of right now, many of them are overcrowded, in need of repair, and rely on the use of temporary bungalows in place of permanent structures. It's time we address these issues and provide the funding needed to improve our school facilities.
- Measure BB will allow our schools to build and equip more science labs and upgrade computer technology throughout our schools. Measure BB will give our students access to the 21<sup>st</sup> century education they need to succeed in college and in today's competitive job market.
- Every school within the Santa Monica Malibu School District will receive its fair share of Measure BB – allowing them to address their specific repair and overcrowding needs.

### *OPPONENTS SAY:*

- We want the best for our school children, but this bond measure is just one more in a long string of tax and spend financial misadventures. In 1998 we approved a school bond for exactly the projects they're proposing. We haven't paid that bond off yet, and again they want more money.
- There's no need for this huge bond measure. Grant money is available for some of the school's proposed projects, but the bureaucrats are not pursuing other financial options.
- 20 percent of the students attending district schools are students who don't live in the district. Why should Santa Monica and Malibu residents pay for more classrooms to accommodate these students, when their parents aren't being taxed?
- The City of Santa Monica develops hundreds of new, low-income apartments for large families, annually, requiring the construction of many more classrooms. Why should Malibu homeowners and Santa Monica senior renters pay for Santa Monica's pro-development policy? With a \$430,000,000 annual budget, the City could and should pay for all the new classrooms.

### **For More Information**

See [www.smartvoter.org](http://www.smartvoter.org) or [www.lavote.net](http://www.lavote.net)

## **Proposition U      Departmental Director Status Charter Amendment**

### **The Question**

*Shall the City Charter be amended to make it current with best governmental management practices by removing City department directors from civil service, changing the advisory roles of some City boards and commissions, and to make other changes concerning promotions and hiring?*

### **The Situation**

The current City Charter, adopted in 1946, delineates Santa Monica's organizational structure, including appointment powers, the powers and duties of boards and commissions, and which positions civil service covers. At present, all City department heads except the Police Chief are included in civil service. Charter Section 1102 limits the City's "at will" employees (not in civil service) to City Council members, the City Manager, and City Attorney and members of their offices, the Police Chief, Board and Commission members and persons employed to "render professional, scientific, technical or expert service." Civil Service procedures regarding the hiring, suspension, demotion or dismissal of covered employees are detailed in several sections of the Charter. Federal law also protects the interests of an employee, ensuring that he or she cannot be removed for reasons such as race, gender, religion, age or nationality.

### **The Proposal**

- Gives the City Manager the power to appoint and remove all directors of City departments who will no longer have civil service status. The City Council will continue to appoint the City Manager, the City Attorney and the City Clerk, but only the City Clerk position shall be included in civil service.
- Removes the requirements that the City Manager obtain the approval of a specific board or commission before making an appointment to department director.
- Clarifies the City Council's power to create, continue, reorganize or abolish any City department under the control of the City Manager, even if included in the Charter.
- Allows a person to simultaneously hold more than one position within City government.
- Provides for the consideration of candidates from an open (non-promotional) list of eligible candidates in addition to the highest three names on the list of eligible City employees when filling vacant civil service positions.
- Increases the length of a temporary appointment of a civil service position to 180 days. (Currently 90 days)

### **Fiscal Effect**

According to the City Manager, these changes have no financial impact.

### **What a "Yes" or "No" vote means**

*A YES VOTE MEANS:* The City Manager will have the power to hire and remove City department heads and no longer has to obtain the approval of certain boards and commissions when appointing a department head.

*A NO VOTE MEANS:* Current City Charter provisions remain unchanged.

## **What Supporters and Opponents Say**

### *SUPPORTERS SAY:*

- Changes are needed to create accountability by updating the civil service system to make city government more responsive and efficient.
- Antiquated Charter provisions prevent the removal of ineffective managers.
- Measure U modernizes the City's personnel structure; ensuring employees are chosen from a wider pool of applicants. This will allow the City to hire the best-qualified employees and increase productivity.
- Beverly Hills, Culver City, Burbank, Long Beach, Pasadena, Thousand Oaks, Simi Valley and Ventura have already updated their personnel systems by exempting department heads from civil service.

### *OPPONENTS SAY:*

[Editor's note: No official opposition was submitted by the deadline.]

- Measure U gives the City Manager too much power to interject his/her personal control over City operations.
- Board or commission approval over the appointment of a department head provides added assurance that the appointee is qualified and acceptable to the community.
- Santa Monica has an exceptionally high level of community involvement – this measure will stifle community involvement.
- These changes could penalize loyal City employees who would no longer have priority when applying for vacant City positions. Long term tenure is a benefit that attracts highly qualified candidates to the City.

### **For More Information**

See [www.smartvoter.org](http://www.smartvoter.org) or [www.lavote.net](http://www.lavote.net)

## **Proposition V**

## **Clean Beaches and Ocean Parcel Tax Act**

### **The Question**

*For the purposes of funding the implementation of a portion of the City of Santa Monica Watershed Management Plan, shall the City of Santa Monica authorize the Clean Beaches and Ocean Parcel Tax, as specifically set forth in the Proposed Ordinance that appears in the voter pamphlet, subject to an annual CPI escalator, and subject to audit by a citizen's oversight committee?*

### **The Situation**

The state requires Santa Monica and other cities to reduce the amount of litter going into the bay by 20% this year and by 100% in 2015. The City's Watershed Management Plan helps meet these requirements. Its cost exceeds revenue allocated to it and this measure seeks to provide that revenue.

### **The Proposal**

- The City will level a parcel tax to help finance the Watershed Management Plan for:
  - operation, administration, maintenance, improvement, and environmental restoration;
  - upgrade the existing and future storm drainage system, on-site stormwater management systems, and storm drain conveyance system;
  - multipurpose capital improvement projects.
- The tax for each parcel that is a single family dwelling will have a maximum annual tax rate of \$84 for 2007-2008.
- The tax for each parcel that is not a single family dwelling will have an annual maximum tax rate calculated according to a formula.
- After the 2007-2008 fiscal year the tax will be increased by the annual percent increase in the Consumer Price Index for the prior fiscal year.
- The City Council will establish a Citizen's Oversight Committee to audit the use of the tax proceeds.

A 2/3 yes vote is required to pass the measure.

### **Fiscal Effect**

It is estimated that the parcel tax rate would raise annual revenues of approximately \$2,350,000. The parcel tax will be increased annually by the amount of the CPI increase. Rates are based on the same formula used by the 1994 stormwater tax. It is estimated that for every \$1.30 of stormwater tax owners now pay they will pay a new total of approximately \$3.90 to \$4.00 if the Clean Beaches parcel tax is passed. Public agencies would be exempt from this special tax; qualifying non-profit institutions could seek exemptions and the City Council could also establish special exemption procedures and eligibility criteria for natural persons based on income, age or disability.

### **What a "Yes" or "No" vote means**

*A YES VOTE MEANS:* The Clean Beaches and Ocean Parcel Tax will be levied on all parcels in Santa Monica payable annually as part of the Los Angeles County property tax.

*A NO VOTE MEANS:* The Clean Beaches and Ocean Parcel Tax will not be levied.

## **What Supporters and Opponents Say**

### *SUPPORTERS SAY:*

- New, stricter regulations adopted by the state make the clean up of beach and ocean pollution a legal requirement, not just our moral obligation. Without Measure V, Santa Monica will have to provide the funds necessary to implement this plan to comply with State clean water standards from general funds at the expense of fundamental city services.
- Measure V will provide the funds necessary to implement a progressive, innovative plan to clean up our polluted beaches and bay, improve flood control, augment our drinking water supply, and reuse treated runoff to irrigate the city's parks and open spaces. It provides expert oversight on the City's allocation of funds.
- Our bay and beaches are unsafe. They have received F grades on water quality for years.

### *OPPONENTS SAY:*

- Los Angeles County should pay for beach cleanup. Otherwise surrounding municipalities may not pay their fair share and Santa Monica will be footing 100 percent of the bill. The vast majority of stormwater that flows into the bay is polluted from areas outside of Santa Monica but the most environmentally responsible Southland residents – Santa Monica residents – will be the ones paying for all of it!
- There is no expiration date on this measure. We'll have to maintain it forever with additional taxes and fees.
- It allows the politicians and city staff to spend virtually at will, on projects that only feign to be environmental: an artificial "creek" at City Hall; millions for narrowed streets and curb extensions; millions to yet again redesign Virginia Avenue Park.

## **For More Information**

### *Pro*

Heal the Bay, Chair - Santa Monica Task Force on the Environment, <http://www.healthebay.org/>

### *Con*

Citizens Against Unfair Taxes, 10880 Wilshire Blvd., Ste.1050, Los Angeles, 90024. 310-470-8071

**Proposition W Good Government Act of 2006**

*Shall City Charter Article XXII be amended by replacing restrictions against a person giving, and a City official receiving, any campaign contribution, employment, or valuable gift, after the official votes "yes" on certain matters benefiting the person, with prohibitions against giving or receiving anything valuable in return for an official decision and against using public office to gain employment, and restrictions on gifts from persons doing business with the City and other gifts?*

**The Situation**

Santa Monica voters approved the City of Santa Monica Taxpayer Protection Amendment of 2000 (“Oaks Initiative”). The initiative was openly sponsored by the Oaks Project in half a dozen cities around the state (where it was approved in 2000 and 2001) and supported by Ralph Nader from Washington, D.C. A lawsuit initiated by the City after the city attorney advised the city clerk to refuse to implement the initiative resulted in a ruling that the City could not sue itself to get rid of a voter-approved initiative. That ruling was upheld by the California Supreme Court earlier this year. Now, City Council proposes to change Article XXII of the City Charter.

**The Proposal**

<b>Charter Article XXII</b>	<b>Proposed Change</b>
Title: Taxpayer Protection Amendment of 2000	Title: Good government Act of 2006
2201. Declares intention to reduce corruptive influences on city officials with control over public assets.	2201. States purpose to preserve equal participation in government and ethical conduct of city officials.
2202.a. Defines public benefit in the context of an arrangement between the City and an entity; uses dollar amounts and time frames. A public official is any elected or appointed public official acting in an official capacity.	2202. Does not define “public benefit”, but uses the phrase “benefiting [a] persons’ economic interests.” A public official is any member of the City Council and any City official appointed by City Council.
2202.b. Includes in public benefit recipients those who have more than a 10% equity interest in an entity, plus its directors, trustees, partners and officers.	2202. Limits “person” to natural person, corporation, trust, partnership or association.
2202.c. Defines personal or campaign advantage as gifts in excess of \$50, employment and campaign contributions.	2202. Defines “Thing of Value” as \$10 and excludes campaign contributions subject to separate laws and regulations. [Note: 2206.a. prohibits gifts above \$50 and 2206.c. requires reports for gifts at \$25 or more.]
2203. Contains specifics of duration and timing of restrictions.	2203. Removes existing 2203. Prohibits “Thing of Value” for casting an official vote.
2204. Directs public officials to a.) practice due diligence in ascertaining if benefits are given and derived, and in monitoring compliance; and b.) to provide a list of public benefit recipients upon inquiry.	2204. Removes existing 2204. Prohibits “Thing of Value” for exercising official discretion (by city employee).
Employment is defined as a “personal or campaign advantage” in section 2202.c.2.	2205. Prohibits use of office to gain employment.
Timing and duration are contained in 2203. Limits are effective from date approved or voted	2206. Restricts gifts to less than \$50 while an action on an agreement (between city and person)

until earliest of: 2 years after term of office or 2 years after departure from office or 6 years from date of approval or vote.	is pending or while such an agreement remains in effect.
City public officials are instructed to practice due diligence in section 2204.	2206.D. Allows City Council to establish local determination of when an interest is “material”; if not established determination reverts to state standards.
See section 2204.	2207.A. Limits all gifts to public officials from any one source to \$250 per year and any one gift to \$100 per year. 2207.B. allows City Council to adopt local ordinance exempting gifts unlikely to corrupt; if not adopted determination reverts to state standards.
2205. Copy of Article is provided to all entities applying for agreements with the City.	2208. Identical to existing 2205 except adds the line “The City shall provide copies of this law to all Public Officials.”
Nothing similar.	2209. City council may adopt additional ordinances to implement the Article.
Nothing similar.	2210. Monetary limits adjust every 5 years with the CPI.
2206. Uses “personal or campaign advantage” defined in the Article. Eliminated sentence reads “Civil penalties collected in such a prosecution shall accrue 10% to the petitioner, and 90% to the City’s general fund.”	2211. Penalties and enforcements are nearly the same as existing except for the use of the phrase “gift or Thing of Value” (consistent with definitions) and the removal of accrual of 90% of civil penalties to City’s general fund.
2207. Severability.	2212. Severability.

**Fiscal Effect**

According to the City Attorney, adoption would reduce costs to the City resulting from the elimination of the current requirement of keeping records relating to votes and decisions made by individual covered officials.

**What a “Yes” or “No” vote means**

*A YES VOTE MEANS:* Article XXII will be changed to the Good Government Act of 2006.

*A NO VOTE MEANS:* Article XXII will remain the Taxpayer Protection Amendment of 2000.

**What Supporters and Opponents Say**

*SUPPORTERS SAY:*

- Measure W is a tough, new good-government ordinance, which prohibits: Use of public office for economic gain, and Gifts from persons or companies doing business with the City.
- Makes Santa Monica a nationwide example of good government.

*OPPONENTS SAY:*

- Former Attorney General John Van de Kamp said Prop W "showed really utter disdain for campaign finance reform."
- Council members could take campaign cash from anyone doing business with the City.

**For More Information**

See [www.smartvoter.org](http://www.smartvoter.org) or [www.lavote.net](http://www.lavote.net)

## **Proposition Y Marijuana Lowest Law Enforcement Priority Policy Ordinance**

### **The Question**

*Shall the Municipal Code be amended to: state that City police shall make law enforcement related to adult, personal use of marijuana the lowest law enforcement priority, unless the use occurs on public property or in conjunction with driving under the influence; require the City Council to effectuate the priority through reporting, grievance and oversight procedures; and require the City Clerk to send annual notice of the priority to federal and state representatives?*

### **The Situation**

In 2005 there were 148 bookings (arrests) and 181 citations issued for marijuana in Santa Monica. The Santa Monica Police Chief says the Department priorities are: 1.) Violent crime, 2.) Property crime, and 3.) Narcotics sales, use, or possession when it impacts the quality of life of the neighborhood.

### **The Proposal**

- Santa Monica law enforcement officers will make enforcement activity relating to adult, personal marijuana use its lowest law enforcement priority. This does not apply to marijuana use on public property or to driving under the influence.
- Santa Monica law enforcement officers will not assist federal law enforcement agencies in investigating, citing, arresting, or seizing personal property from adults for marijuana offenses included under this law.
- Santa Monica will not accept any federal funding that would be used to investigate, cite, arrest, prosecute or seize personal property from adults for adult marijuana offenses included in this law.
- Santa Monica City Council will require various reports relating to the implementation of the measure.
- Santa Monica City Clerk will send letters annually to Santa Monica representatives in the House of Representatives and the Senate, the California governor, and the United States president requesting that the federal and California state governments enact similar laws.

### **Fiscal Effect**

Implementation could have significant financial costs:

- Reporting requirements would likely require the Police Department to hire additional personnel;
- Grants received by the City through participation in multi-agency taskforces may be lost;
- Legal costs from court challenges could arise because:
  - both state and federal law restrict activities involving controlled substances including marijuana; and
  - the City Charter establishes a council-manager form of government in which professional staff is separated from the political process and this measure could erode that separation by involving the City Council in the work of individual police officers, which might conflict with the Charter.

### **What a “Yes” or “No” vote means**

*A YES VOTE MEANS:* the Santa Monica Police Department will make enforcement activity relating to adult, personal marijuana use its lowest law enforcement priority, will not participate

with other agencies in joint activities covered by the lowest use priority, and will submit regular reports to the City Council on marijuana enforcement activities.

*A NO VOTE MEANS:* the Santa Monica Police Department will not change its enforcement activity relating to adult, personal marijuana use.

### **What Supporters and Opponents Say**

#### *SUPPORTERS SAY:*

- Measure Y will make adult marijuana offenses on private property the lowest priority of the Santa Monica Police Department, allowing police to focus their time and our tax dollars on solving serious and violent crime – like rape and theft.
- Measure Y will send a strong message to our political leaders in Sacramento and Washington that it's time for more common sense marijuana laws. It will also provide another layer of protection for medical marijuana patients, curtail racial profiling and strengthen our civil liberties.
- In Seattle a similar measure reduced marijuana arrests by 75%, saving millions of dollars for city priorities. By passing Measure Y, Santa Monicans will join other forward-thinking cities like West Hollywood, Oakland and Seattle in leading the way to safe and sensible drug policy.

#### *OPPONENTS SAY:*

- Prosecution of adults for personal possession of small amounts is already near the bottom of law enforcement priorities.
- The ordinance wastes resources: The Santa Monica City Council would utilize a community oversight review panel, creating another city commission and consuming more taxpayer resources by requiring so much additional paperwork.
- The Lowest Law Enforcement Priority Policy Ordinance sends a confusing message to our children. We tell our kids that using drugs is harmful and wrong but this ordinance says it's ok.

### **For More Information**

#### *Pro*

Santa Monicans for Sensible Marijuana Policy online at <http://www.sensiblesantamonica.org/>  
Campaign Coordinator: Nicki LaRosa [nicki@sensiblesantamonica.org](mailto:nicki@sensiblesantamonica.org) or  
[sensiblesantamonica@gmail.com](mailto:sensiblesantamonica@gmail.com)

#### *Con*

Santa Monica Police Officers Association