

**BERKELEY**

**GENERAL MUNICIPAL ELECTION**

**APRIL 17, 1973**

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**SUPPLEMENT TO  
VOTERS HANDBOOK**

**WITH**

**ARGUMENTS AGAINST  
INITIATIVE ORDINANCES**

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**PREPARED AND DISTRIBUTED**

**BY THE**

**BERKELEY CHAMBER OF  
COMMERCE**

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# A MESSAGE TO THE VOTERS OF BERKELEY FROM THE BERKELEY CHAMBER OF COMMERCE

The official voter's handbook for the April 17 elections does not carry any opposing arguments on five initiative measures which are of critical importance to the future of our community. The Berkeley Chamber of Commerce believes that voters will be greatly assisted in reaching a decision on these critical issues by being exposed to both sides.

This supplement to the voter's handbook was made possible by voluntary contributions from a number of private citizens. It was not printed at public expense, nor were any funds from Chamber members' dues used. We sincerely hope that you will find it useful as you consider the important issues on the ballot this year.

## INITIATIVE ORDINANCE NO. 2

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| Initiative Ordinance entitled "AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A NEW PLANNING PROCESS TO ACHIEVE THE PRESERVATION AND ENHANCEMENT OF THE NEIGHBORHOODS OF THE CITY OF BERKELEY INCLUDING INTERIM REGULATIONS ON RESIDENTIAL CONSTRUCTION AND DEMOLITION." | For the Ordinance     |  |
|   | Against the Ordinance |  |

### ARGUMENT AGAINST INITIATIVE MEASURE NO. 2

Nearly everyone agrees that Berkeley's Master Plan needs revision and that the Zoning Ordinance must be improved in order to provide better housing and encourage more livable neighborhoods. But Measure 2 -- commonly known as the "Neighborhood Preservation Ordinance" -- will not accomplish these goals.

What it will do is increase the cost of housing, reduce property values and tax revenues for the city, cause many neighborhoods to deteriorate, encourage racial discrimination in housing, and increase the cost of living in Berkeley. Further, it will not reduce zoning densities, nor will it reduce the bulk of buildings, provide better open space around buildings or reduce traffic on our streets.

How can one well-intentioned ordinance cause so many problems? That's a complicated question because Measure 2 is a complicated ordinance. Its proponents obviously had good intentions when they wrote it, but the ordinance as written will make many problems worse than they are at the present time.

For example, everyone knows that housing costs are high in Berkeley, especially for the kind of low-density housing that is badly needed. But Measure 2 would make it even more costly to build low-density housing by setting up an expensive, time-consuming system of endless hearings, reports, appeals, and notices. What is needed is an improved Master Plan, an updated Zoning Ordinance, and fair administrative procedures. Measure 2 does not meet any of these needs.

Backers of Measure 2 would like to do away with bigotry and discrimination. Who wouldn't? But Measure 2 actually encourages bigotry by providing all kinds of opportunities for protests and appeals -- which will be used to disguise discrimination in neighborhood planning.

And who can be against "neighborhood preservation"? Everyone deserves to live in decent housing, but Measure 2 would actually encourage housing to become run-down and unlivable. Many small property owners presently cannot afford to make improvements in order to meet code requirements and they lack the money to build the replacement housing Measure 2 would require. What do they do except allow the property to fall further into disrepair? The option of selling is not even open to them. In fact, today there are more than 85 buildings of more than four units for sale -- and many of these have been on the market for two years. Measure 2 would further depress the housing market and cause housing conditions to worsen.

And what about taxes? Measure 2 would affect taxes in two ways. First, it would increase the cost of government with all the complications it creates for demolishing or constructing any kind of housing units. Even Measure 2's backers agree that it would also decrease property values and the result would be decreased tax revenues which would limit severely the capacity to fund public school programs and needed social service programs including the capacity to fund city financed low income housing!

The initiative is supposed to encourage construction of new low-income housing, but in reality it would just about assure that no low-income housing units will be built. It has no provision for subsidies and there aren't any subsidies available from other sources. The result is that no low-income units will be built. (On the other hand, in well-to-do, single-family areas there will be no difficulty in getting permits.)

All in all, Measure 2 adds up to a sham and a deception that will cause irreparable damage to Berkeley. On public record it is opposed by Board of Directors, South Berkeley Model Cities Neighborhood Council, A.F.L.-C.I.O. Building and Construction Trades Council, Alameda County, and the Berkeley City Planning Commission as well as many of the City Council candidates, and large numbers of sincere citizens who want to solve the housing problem rather than complicate it.

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| Initiative Ordinance entitled "REQUIRING BERKELEY CITY COUNCIL APPROVAL OF ALL MUTUAL AID PACTS AND OTHER AGREEMENTS BETWEEN THE BERKELEY POLICE DEPARTMENT AND ALL OTHER LAW ENFORCEMENT AGENCIES OR POLICE DEPARTMENTS FOLLOWING A PUBLIC MEETING; MAKING PUBLIC THE TERMS OF SUCH AGREEMENTS AND LIMITING THEIR DURATION." | For the Ordinance     |  |
|   | Against the Ordinance |  |

### ARGUMENT AGAINST INITIATIVE MEASURE NO. 4

Most law enforcement agencies -- including the Berkeley Police Department -- have entered into "mutual aid" agreements with law enforcement agencies in other communities. These agreements are simply plans for co-operation in time of emergency. Mutual aid agreements are designed to assure maximum protection of the public at the lowest cost. They make good sense for all concerned.

Proponents of Measure 4 are opposed to mutual aid agreements, but they have sought a way to destroy such agreements without really appearing to oppose them. Measure 4 sounds simple enough. It would require the Police Department to make public all existing mutual aid agreements and submit them to the City Council. The Council would then have 90 days to hold public hearings and specifically approve of each agreement. (There are presently over a hundred separate agreements with such agencies as the California Highway Patrol and the University of California.) Any agreement not approved within 90 days would be automatically cancelled.

In effect, Measure 4 would abolish all mutual aid agreements -- and that is what its proponents want. Passage of Measure 4 would leave Berkeley stranded in time of natural emergency -- as well as in time of riot or public disturbance.

This would be true because it is doubtful that the City Council could hold hearings and approve of all the mutual aid plans within 90 days. But even if that were possible, many other communities would object to having their agreements with the City of Berkeley made a matter of public record.

There is good reason for doing away with secrecy in government wherever possible. But there are areas where confidentiality is in order and the area of mutual aid agreements is one of those areas. Think of what would happen in the event of a natural disaster such as an earthquake. Knowing all of the details of plans for dealing with looters, vandals would have a great advantage in preying upon victims.

And we might as well face facts -- no one living in Berkeley can escape the fact that we have had more than our share of public disturbances. We might as well call them riots because that's the best term for them. We have had assistance from other law enforcement agencies in protecting citizens and their property. Abolish -- or just publish -- mutual aid agreements and the rioters gain an invaluable advantage. Advantage for rioters means injuries and losses for citizens of Berkeley.

But Berkeley would lose another benefit if mutual aid agreements are abolished under Measure 4. We presently have access to criminal data banks of the federal and state government, giving us information about stolen property, dangerous criminals, and organized crime. If Measure 4 passes, Berkeley will lose the benefit of having a network of coordinated law enforcement services. Recovery of stolen property will be more difficult and Berkeley will become a more dangerous place in which to live.

Mutual aid agreements also protect Berkeley residents in case of large fires. Ironically, Measure 4 would abolish these mutual aid agreements at the very time when the danger of fire throughout much of the East Bay is at an all-time high point.

Mutual aid agreements protect the public, not the police. They give us the best protection we can afford. Measure 4 would aid the criminal elements and the mischief-makers. It's really as simple as that.

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| Initiative Measure entitled "REQUIRING SWORN EMPLOYEES OF THE BERKELEY POLICE DEPARTMENT TO RESIDE WITHIN THE CITY OF BERKELEY." | For the Ordinance     |  |
|  | Against the Ordinance |  |

### ARGUMENT AGAINST INITIATIVE MEASURE NO. 5

Measure 5 is largely a waste of time because it conflicts with a state law and will probably be invalidated. But it is on the ballot and, whether we like it or not, we will be called upon to vote on it.

Measure 5 seeks to require all employees of the Berkeley Police Department to live in Berkeley. It would also require the department to concentrate its efforts to recruit new personnel in Berkeley.

Proponents of Measure 5 claim that it will achieve two positive results: 1) it will make the police more responsive to the community, and 2) it will help bring more minority employees into the department.

In fact, Berkeley already has a good police department that is responsive to the community. But if even more responsiveness is needed, the City Council has authority to pass ordinances to remedy any problems that exist. What proponents of Measure 5 are really saying is that they want a police department responsive to them, not to the community as a whole.

But what about minority employment? Measure 5 would virtually destroy the Berkeley Police Department's very effective affirmative action program. At present more than 90 percent of the minority employees of the Berkeley Police Department do not live in Berkeley. Many have been unable to find adequate housing in Berkeley.

Measure 5 would do nothing about providing housing, but would require the Police Department to dismiss any employee who did not move into Berkeley within 90 days.

Measure 5 is discriminatory because it applies only to the Police Department. Other city employees would not be affected. It comes at a particularly bad time because the Police Department has had a very hard time filling vacancies recently.

Berkeley has a good Police Department doing a tough job well. The men and women of the Police Department are risking their lives to protect us. Let's let them know we appreciate them by casting a resounding vote against this measure which is a thinly-disguised effort to cripple good law enforcement.

INITIATIVE ORDINANCE NO. 6

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| Initiative Ordinance entitled "PROMOTING PUBLIC SAFETY BY DEMILITARIZING THE BERKELEY POLICE DEPARTMENT THROUGH LIMITING AND REGULATING THE USE OF WEAPONS." | For the Ordinance     |  |
|  | Against the Ordinance |  |

ARGUMENT AGAINST INITIATIVE MEASURE NO. 6

Many people think Measure 6 is the most dangerous of the four initiatives that relate to the Berkeley Police Department. It would limit the number and type of weapons used by police officers.

Now, what could possibly be wrong with that?

The answer to that question is simple: "Plenty!"

If measure 6 passes, Berkeley police officers will be able to use only one weapon -- a .38 caliber, six-shot revolver with a 4 or 6 inch barrel. The type of ammunition used would be limited to 158-grain police loadings.

If you know anything about guns, you know that a .38 caliber revolver is a pretty dangerous weapon. There are a lot of occasions when something a lot less dangerous would serve just as well. But if Measure 6 passes, it will be the only weapon available.

But what if you don't know anything about firearms? If that's the case, do you really think the initiative process is the best way to decide this question? Maybe our city weapons policy needs a thorough review and a few changes here and there. The City Council has authority to make that review and pass regulations that will protect the public.

Measure 6 will not disarm the police. What it will do is bring the .38 caliber revolver into action on many occasions when it would be better left in the holster.

INITIATIVE ORDINANCE NO. 7

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| Initiative Ordinance entitled "ESTABLISHING A POLICE REVIEW COMMISSION, PROVIDING FOR THE APPOINTMENT AND REMOVAL OF MEMBERS THEREOF, AND DEFINING THE OBJECTIVES, FUNCTIONS, DUTIES AND ACTIVITIES OF SAID COMMISSION." | For the Ordinance     |  |
|  | Against the Ordinance |  |

ARGUMENT AGAINST INITIATIVE MEASURE NO. 7

Measure 7 would establish a 9-member Police Review Commission to sit in judgment on the Berkeley Police Department. It would have authority to investigate all areas of police operations either on its own or upon receiving a complaint. The Police Department itself would have no representation on the Commission and, in fact, would even be barred from making its own independent investigation of complaints.

If Measure 7 passes, it will cripple the Police Department through interference with day-to-day operations of the department. Investigators, acting even when there has been no complaint or hint of improper police conduct, could by-pass the chief of police in obtaining files, reports, and other information from the Police Department.

In many ways, Measure 7 would discourage any effort on the part of the Police Department to improve itself because it could not conduct investigations on its own in order to determine where improvements are needed. By destroying the regular chain of command, it would ruin morale among officers and employees.

Law enforcement would become largely a matter of whim as the Review Commission becomes, in effect, the chief policy-making body for the Police Department. The public and individual citizens are best protected when the Police Department has fair, but firm rules and regulations. The Police Review Commission could not hope to establish such regulations.

But Measure 7 will also be a costly proposition. Salaries for Commission members will amount to \$21,600 a year. Staff costs would push the total up to \$50,000 or more.

Measure 7 would be one more blow against protection of the public -- and a very costly blow at that.