

Office of the Mayor

## TIME CRITICAL AGENDA MATERIAL

**Meeting Date: May 14, 2024**

**Item Description: Elections Code 9212 Report on Street Paving Initiatives**

California Elections Code Section 9212 allows a legislative body the opportunity to initiate a report on the fiscal and operational effects of a proposed citizen initiative.

Section 9212 states that:

“(b) The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition”

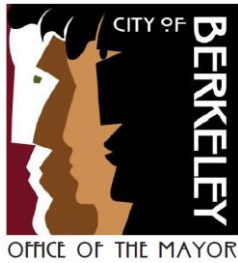
The City Clerk has advised initiative proponents to submit petitions by May for verification. If the two street funding measures qualify they will likely be presented to the Council in June for Council to submit them to the voters.

In order to provide sufficient time for the competition of this 9212 report on the two streets measures and to meet the statutory deadline of 30 days after the certification of the sufficiency of the petition, this item is being submitted as time critical.

**Time Critical Items.** A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or Council Member is received by the City Clerk after established deadlines and is not included on the Agenda Committee’s published agenda.

The author of the report shall bring any reports submitted as Time Critical to the meeting of the Agenda Committee. **Per BMC 2.06.060 (D), Time Critical items must be accompanied by complete reports and statements of financial implications.**

If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar



TO: Honorable Members of the City Council

FROM: Mayor Jesse Arreguín

SUBJECT: Elections Code 9212 Report on Street Paving Initiatives

RECOMMENDATION

Refer to the City Manager to prepare a report on the fiscal, infrastructure, and other impacts of the two circulating citizen initiative street paving measures (“SAFE STREETS” and “Fix the Streets and Sidewalks”).

Council requests the report include:

- Estimated revenue to the City, broken down by the allocations as stated within each measure, in both current year and year of expenditure dollars, based on standard inflation and square footage growth expectations;
- Estimated impact on pavement conditions index (PCI) from each measure, with modeling prepared by the City’s paving consultant, assuming the City maintains current street repair funding levels. If modeling is not available or not feasible, provide best estimates based on previous scenario modeling;
- Estimated potential impact on implementation of the Vision Zero Action Plan and related safety plans (Pedestrian Plan, Bicycle Plan, Safe Routes to Schools) from each measure;
- A summary of the staff time and City activities required in each measure;
- An estimate of any additional staff costs generated by each measure that is not funded by the measure;
- Estimated funding levels for the sidewalk repair program from each measure, discuss any alterations to the sidewalk repair program contained in each measure, and discuss any impacts to other City funding as a result; and
- Any other information of interest to the City or the public, as determined by the City Manager.

This report is being requested by the Council pursuant to California Elections Code Section 9212.

CURRENT SITUATION AND ITS EFFECTS

City funding for street paving is currently [expected](#) to bring the citywide PCI to 58 over the next 12 years. This is an improvement over current levels, but remains classified as “at risk” by the Metropolitan Transportation Commission.

[Two competing street paving measures](#) are currently collecting signatures and appear likely to qualify for the November 2024 ballot. As these measures are considered conflicting, whichever measure receives the most votes overall, in excess of 50%, will be enacted.

[California Elections Code Section 9212](#) authorizes the legislative body of the city [the City Council] to refer a proposed initiative measure to a city agency or agencies for a report on the impacts of the proposed initiative, including the fiscal impacts or any other matters that Council requests to be in the report. Section 9212 requires that the report shall be presented to Council within the time prescribed by Council, but no later than 30 days after the elections official certifies to the City Council the sufficiency of the petition.

The City Clerk recommends petitions be [submitted in early May](#) to allow up to 30 business days for signature verification. Council is required to take action on all measures found to have sufficient valid signatures prior to August 9th, 2024.

## BACKGROUND

Currently, two citizen initiative measures are circulating to collect signatures from registered City of Berkeley voters. If placed on the local November general election ballot, whichever measure receives the most votes in excess of 50% would establish a new parcel tax to fund street repair and repaving, among other activities.

The "[SAFE STREETS Initiative](#)" proposes a parcel tax of 17 cents per square foot for residential properties, and 25 cents per square foot for non-residential properties. The initiative estimates it will generate \$235 million over 14 years, with \$110 million for street repaving, \$70 million for safety, \$35 million for sidewalk and pedestrian paths, and \$20 million for environmental enhancements and other necessary expenses.

The "[Fix the Streets and Sidewalks Initiative](#)" proposes a parcel tax of 13 cents per square foot on residential and nonresidential properties. The initiative estimates it will generate \$144 million over 12 years, with \$52 million for street repaving, \$30 million for safety, \$51 million for sidewalk and pedestrian paths, and \$10 million for environmental enhancements.

Both measures contain provisions adjusting the tax for inflation.

Either measure, if passed, would significantly impact and augment the City's ongoing street repair backlog and implementation of several adopted City policies and plans. However, to date, no technical analysis of the impact of these measures has been conducted by City staff. Given the significant impacts that either measure can have on City programs and projects, it is essential that the City be prepared for either outcome and aware of any impacts and necessary steps that will be required.

The City needs, at minimum, the following information about each measure in order to effectively plan for implementation and potential outcomes:

1. **Revenue projections:** Council needs to know the estimated revenue to the City, based on the tax level and anticipated residential and non-residential square footage over the period of the measures. This should be calculated in both current dollars and year of expenditure (inflation-adjusted) dollars. Revenue should be broken out by the allocations required from each measure, with any potential variability noted in the report.

2. **PCI Impacts:** Based on the available funding calculated in (1), the impacts on PCI should be calculated from each measure, using the existing PCI modeling tools available from the City’s paving consultant, under reasonable baseline assumptions (e.g. assuming current funding levels are held constant, adjusted for inflation). If modeling is not available or not feasible, a review of previous scenario modeling and identifying a best estimate of future PCI based on existing data can suffice. Any requirements on paving priorities contained in either measure should be included in modeling as best feasible.
3. **Vision Zero Impacts:** Both measures contain funding for safety improvements, largely driven by Vision Zero and related plans (e.g. Pedestrian Plan, Bicycle Plan, Safe Routes to Schools). However, some projects from these plans have already been implemented; in addition, these plans contain cost estimates which may be out of date. Council would benefit from a summary of Vision Zero-related projects which have been funded; the set of Vision Zero-related projects which could be funded using monies from each measure, the estimated cost, and the estimated funding available from each measure; and Vision Zero-related projects which would remain unfunded. If applicable and feasible, estimates of grant funding which might be available using matching funds from these measures should be included as well.
4. **Sidewalk & pedestrian pathway repair:** Both measures would aim to increase funding to the City’s sidewalk repair program. Council needs to understand whether the funding levels provided will be sufficient to meet current needs, and whether either measure requires alterations to the existing program or otherwise impacts other city funds.
5. **Staff time impacts:** Both measures contain provisions for an oversight committee, public outreach, and other required activities by staff. The level of detail provided, activities required, and funding permissibility for these activities varies between the two measures, including the activities required to establish the oversight committee. Council needs to understand the potential impacts to staff time, any hiring needs for additional staff, any operational impacts from the oversight committees or other required activities, and whether funds from each measure can be used and are available to meet these increases in staff time.

In addition, Council welcomes any other information of interest to the City or the public, as determined by the City Manager and identified during this review process.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

N/A

#### FINANCIAL IMPLICATIONS

Staff time.

#### CONTACT

Mayor Jesse Arreguín  
mayor@cityofberkeley.info | 510-981-7100

#### ATTACHMENTS

None