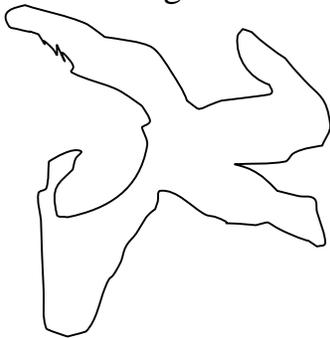


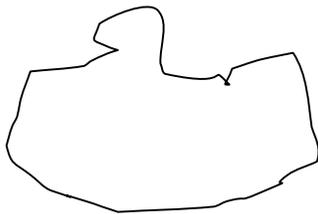


***From Zigs and Zags to Curves?***

Has your Assembly District's lines gone from looking like this



To looking like this?



Join us on February 27<sup>th</sup> and see what changes have been wrought by the citizen driven Redistricting Commission. See how the Federal Voting Rights Act is now impacting California's newly re-drawn voting districts.

**February's Meeting will feature two new aspects to voting in the June primary**

**Top-Two Open Primary  
And  
Redistricting**

***Monday, February 27, 7:00 P.M.***

***Fremont Congregational Church***

***38255 Blacow Road, Fremont***

Jennifer Lee, Candidate and Nomination Services representative from the Alameda County Registrar of Voters office, will speak at our meeting on February 27 at 7 pm. She will explain the new system where the top two finishers in the primary will face one another in the November General election. She will also give us a better idea of where the new district lines are for state offices and the Congressional districts.

## PRESIDENT'S MESSAGE



Our mission statement says that the League is to promote the informed and active participation in government so we are devoting the month of February to getting ourselves informed about the new items that will present themselves in the June primary.

There will be two important changes in the upcoming primary. It will use a top two system. The top two vote getters in every race will proceed to the November election regardless of their party. It could be two Democrats, or two Republicans or two Green party candidates running against each other in the fall.

On top of that we will have new districts. Since I have been in California, I could easily remember that I resided in the 10<sup>th</sup> Senatorial District, the 20<sup>th</sup> Assembly District and the 13<sup>th</sup> Congressional District. Nearly everyone in the Tri-Cities was in those same districts. Now we are going to have to take a good look at where people live in the Fremont, Newark or Union City to determine the district they reside in. We need to get informed so that we can help others with this.

You have your chance to become informed at our general meeting this month, so be sure to take advantage of the opportunity.

There are two other League meetings this month that you should be aware of and try to attend. On Feb. 4 the Bay Area League is holding a conference on Housing in the Bay Area and on Feb. 25 the State League will be holding regional meetings. The closest one to us will be in San Jose.

A final reminder that LWV and AAUW collaborate on Great Decisions discussions. Great Decisions is an extension of the Foreign Policy Association. Eight topics in U.S. foreign policy are discussed each year. The discussions help you to follow our relations with other countries.

We wish the LWVUS happy birthday on Feb. 14 and we extend our condolences to the family and friends of our Mayor, Bob Wasserman.

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## **LWVUS STUDY - BACKGROUND PAPER**

### ***Privatization of Prisons***

November 07, 2011 | by Gretchen Knell  
By Ted Volskay

#### **BACKGROUND**

Many states have turned to private prisons to address the issues of prison overcrowding and the capital expense of building new prisons, and to reduce the cost of prison operations. In 2011, the corrections services market (including federal and state prisons, but excluding jails) in the United States was valued at approximately \$70 billion. The portion of corrections services market that is outsourced to private corporations is approximately 10 percent or \$7 billion.<sup>1</sup>

Advocates of privatizing correctional services state that private prisons can achieve savings over public prisons by purchasing in bulk, eliminating overtime and employee benefits, and reducing the red tape. Opponents of privatizing prison services argue that a true and accurate comparison between public and private costs and services is difficult and complex, and does not provide a compelling argument for privatizing prison services.<sup>2</sup>

Privatization Case Study: Pennsylvania Child Care Center Governmental Level: County (Luzerne County) Primary Privatization Mechanism: Defunding publicly owned and operated juvenile detention center

On February 18, 2011, a federal jury convicted former Luzerne County Common Pleas Juvenile Court Judge Mark A. Ciavarella, Jr., on 12 of 39 counts of racketeering, money laundering and conspiracy in connection with the infamous “Kids for cash” scheme.<sup>3</sup> Ciavarella and former Judge Michael T. Conahan reportedly received \$2.6 million in kickbacks for sending thousands of juveniles to two private detention centers.<sup>4</sup>

The scheme began when Robert J. Powell, a wealthy personal-injury lawyer from Hazelton (PA) contacted Judge Michael T. Conahan, Ciavarella’s colleague, to learn how he might get a contract to build a private detention center. When Judge Conahan became the

“president” judge in January 2002, he obtained control over the county courthouse budget. Judge Conahan subsequently signed a secret deal with Powell, whereby the court would pay \$1.3 million dollars annually to rent Powell’s private juvenile detention center, in addition to the tens of millions of dollars that the county and state would pay to house delinquent juveniles.<sup>5</sup> Two detention centers, Western Pennsylvania Child Care and Pennsylvania Child Care, were eventually constructed in Pittston, Luzerne County.<sup>6</sup>

Conahan and Ciavarella systematically shut down the public juvenile detention center that was owned and operated by Luzerne County. First, the judges refused to send delinquent juveniles to the public detention center and, then, cut off funds for its operation.<sup>7</sup> Although county commissioners were the only ones authorized to sign contracts for detention centers, Judge Conahan left them with little alternative but to sign a contract with the privately owned and operated detention centers because Conahan had eliminated funding for the Luzerne County juvenile detention facility.

A state audit of the private detention center was conducted that described the lease of the facility as a “bad deal.” The center’s owner filed a “trade secrets” lawsuit against the Luzerne County controller who leaked the findings of the audit, and Judge Conahan subsequently sealed the suit to limit the release of other documents. During a separate audit, state auditors determined that the detention center was systematically overbilling the county and was receiving shutoff notices from utilities because they had fallen behind in paying their bills.<sup>8</sup>

The “Kids for cash” scheme began to unravel when Ciavarella sentenced a 15-year-old college-bound high school student to three months in juvenile detention after she made fun of an assistant principal on MySpace and was cited for harassment. The girl’s mother took her daughter’s case to the Juvenile Law Center (JLC), a nonprofit advocacy group that promotes juvenile justice and child welfare reform in Pennsylvania. The JLC determined that their client’s case was not exceptional.<sup>9</sup> In 2002, Judge Ciavarella sentenced twice as many juveniles to detention compared to the prior year and sentenced juveniles to

detention at a rate that was twice the state average over a subsequent five-year period.<sup>10</sup> One of the cases involved a 12-year-old boy who went joyriding with his mother's car and ran over a barrier. Although there were no injuries, the car was damaged, and the boy was cited after his mother filed a police report so that insurance would cover the damage. The boy, who was not represented by an attorney, pleaded guilty and spent two years in the detention center.<sup>11</sup>

The JLC asked the Pennsylvania Supreme Court to assume jurisdiction over all the cases of juveniles adjudicated delinquent in Luzerne County since 2005. The Luzerne County District Attorney opposed it and the Pennsylvania Supreme Court denied the JCL petition without comment. Subsequently, after the FBI began an independent investigation into Ciavarella and Conahan for accepting money from certain detention center developers, the Pennsylvania Supreme Court reconsidered and granted the JLC petition. One of the developers, who has not been accused of criminal wrongdoing but is a defendant in a class action lawsuit, is the Allegheny County District Attorney's brother and a former Pennsylvania Supreme Court Justice's son.<sup>12</sup>

#### **THINGS TO CONSIDER:**

- This case illustrates the need for stringent state oversight procedures to be firmly in place when transitioning from public sector to private sector detention centers. Furthermore, it is important to monitor changes in patterns of incarceration when for-profit incentives are involved.<sup>13</sup>
- One of the benefits argued by proponents of privatization is that free market competition is ultimately good for the taxpayer. In the case of the "Kids for cash" scheme, defunding the existing county juvenile detention center

achieved the goal of privatizing juvenile detention services, while eliminating any meaningful competition that would have existed had the public detention center remained operational.

- Although parents and local child advocates accused the former judge of harsh sentencing, many in the community, including the local schools, supported him. When Judge Ciavarella decided upon a policy to incarcerate juveniles arrested at school, local schools were more than happy to send trouble makers out of town by calling the police for just about any incident that they preferred not to address. Ciavarella himself pointed to the low recidivism rate as justification for his tough judgments.<sup>14</sup>
- Two of the largest private prison corporations, Corrections Corporation of America and Geo Group are publicly traded on the New York Stock Exchange; NYSE Symbols (CXW) and (GGO), respectively. In fact, consistent with their for-profit culture, private prison corporations include as part of their business plan finding alternative means of filling their facilities.<sup>15</sup> According to Corrections Corporation of America, "Utilization Drives Earnings."<sup>16</sup>
- During the 2008 election cycle, the three largest publicly traded prison management companies contributed approximately \$679,000 to political groups and politicians from states where they are courting new business. The boards of directors for Corrections Corporation of America and Geo Group include formerly elected representatives and government officials from former Republican and Democratic administrations.<sup>17</sup>

- In a free market, the consumer chooses between companies that provide a service. The for-profit prison market is different because prisoners cannot choose where or how long they will be incarcerated. Furthermore, prisoners typically do not have a strong representative voice. They are vulnerable to efforts by privately owned/operated detention facilities to increase profitability by reducing or eliminating any prison expense that might not be required but substantially affects prisoner welfare.

## ENDNOTES

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## **GREAT DECISIONS DISCUSSION GROUP**

All Leaguers are invited to take part in the LWV/AAUW Great Decisions discussion group. Great Decisions is a trademark of the U. S. Foreign Policy Association. Each year they produce a book containing eight foreign policy issues that have been researched as late as Nov. 18 and published in December. The cost is \$18.60. This year the eight issues are :

*Middle East realignment; the Arab upheaval,  
Promoting democracy: foreign policy imperative?,  
Mexico: transborder crime and governance,  
Cybersecurity: the new frontier,  
Exit from Afghanistan & Iraq: right time, right pace?  
State of the oceans: waves of change,  
Indonesia: prospects for prosperity,  
Energy geopolitics: quandaries intensify.*

Our first discussion (on Indonesia) will take place on Feb. 1, the rest on the 1st Wednesday of each month. If you are interested, please contact Anne MacLeod or Miriam Keller.

## **LWVUS STUDY – BACKGROUND PAPER**

### **Privatization of a Publicly Owned Waste Water Treatment Plant**

November 07, 2011 | by Gretchen Knell  
By Ted Volskay

#### **BACKGROUND**

Since 1972, the U.S. Environmental Protection Agency (EPA) Construction Grants Program has invested more than \$67 billion in federal funds into publicly owned (wastewater) treatment works (POTW) throughout the country. Congress initiated the phase out of the Construction Grants Program in 1987 and replaced it with the Clean Water State Revolving Fund (SRF) program which provides low-interest loans to communities for the construction of infrastructure projects involving water pollution control. On April 30, 1992, President George H.W. Bush signed Executive Order 12803, directing federal agencies to remove regulatory or procedural barriers to privatizing wastewater POTWs under their control. In addition, Executive Order 12803 required that privatized federally funded POTWs continue to serve their original purposes.<sup>1</sup>

The first privatization agreement of a POTW under Executive Order 12803 was approved on July 21, 1995, when a private contractor purchased the Franklin, Ohio, POTW for \$6.85 million. The Miami Conservancy District owned and operated the wastewater treatment plant that served the residents of the cities of Franklin (Warren Co.), Germantown and Carlisle (Montgomery Co.), Ohio. The combined population of the three cities was approximately 22,000.<sup>2</sup> The contractor that had operated the the Franklin Plant under contract since 1987 offered to purchase the POTW in 1992. The transaction took two years of negotiation between the Miami Conservancy District, which owned the POTW, and the private contractor. Subsequent to the negotiations was an eight-month state approval process, followed by a four-month federal (EPA and Office of Management and Budget) approval process. The Office of Management and Budget had to agree to the negotiated transfer price since the sale of assets was not competitively bid.<sup>3</sup> When agreement was reached on the terms, the City of Franklin, Ohio, became the first municipality in the nation to sell the public asset

of a POTW that had been constructed with federal grant funds and enter into a public/private partnership agreement with the new owner. Privatization Case Study: Franklin, Ohio, Wastewater Treatment Plant  
Governmental Level: City (Franklin, Ohio) and County (Warren and Montgomery Counties)  
Primary Privatization Mechanism: Asset Purchase and Operation

The Franklin POTW was accepted by the EPA as a privatization pilot project. Planning and negotiations between Franklin officials and the prospective buyer began in the summer of 1994. On July 14, 1995, the City of Franklin received word that the EPA had completed its final review and authorized sale of the POTW. The transaction was completed within two weeks and the contractor that operated the plant since 1987 purchased the POTW in July 1995 for \$6.8 million.<sup>4</sup>

Key to the success of this privatization initiative was 16 months of extensive planning and negotiations. A 20-year service agreement was signed that addresses the following key provisions:<sup>5</sup>

- Unit rates the city will pay for sewage treatment;
- Acceptable conditions for rate increases;
- Operation and maintenance standards;
- Allocation of environmental liability;
- Protocol for prompt conflict resolution; and
- Renewal of the 20-year contract.

The three most pertinent fiscal considerations were the:<sup>6</sup>

- Initial sale price of the plant;
- Annual rate and the amount and timing of any increases to the rate; and
- Repurchase price of the plant at the end of the 20-year contract or, as a contingency, repurchase of the plant prior to that date.

A consultant with privatization experience was hired to advise and work with the three city managers during the evaluation and negotiation phase. An advisory board was established to represent the interest of the three cities and two

counties, and to provide one voice for the buyer to negotiate with.<sup>7</sup>

A matrix was devised that compared economic and noneconomic impacts of three alternatives:<sup>8</sup>

- Alternative 1 - maintaining public ownership of the plant;
- Alternative 2 - creating a regional sewer district; and
- Alternative 3 – privatization.

The Miami Conservancy District retained ownership of the wastewater collection system that directs sewage to the POTW and a small part of the treatment process so that the treatment system could maintain the publicly owned treatment works classification and avoid the more stringent and costly requirements that would otherwise be invoked under the Resource Conservation and Recovery Act (RCRA). Similarly, the Ohio Environmental Protection Agency listed both the contractor and the Miami Conservancy District as being responsible for meeting POTW discharge requirements.<sup>9</sup>

A 20-year agreement was signed that made the private contractor responsible for:<sup>10</sup>

- Financing all plant upgrades and expansions;
- Operation and maintenance of the Wastewater Treatment Plant (WWTP);
- Administration of the municipal industrial pretreatment program.

The agreement gave the Miami Conservancy District the option to repurchase the POTW at the end of the 20-year term.<sup>11</sup> In addition, all plant personnel were retained under the contract.<sup>12</sup> The city of Franklin's rates for wastewater disposal were reduced by 23 percent during the first year of the contract and, with the exception of energy and chemical costs, future rate increases were limited to increases in the rate of inflation.<sup>13</sup>

The pace of economic development in the area increased after sale of the treatment plant. Stabilized wastewater treatment fees were reportedly a primary incentive for expanding operations of three area paper industries and a subsequent increase in jobs. Increased economic development was closely followed by an

expansion of the water distribution system from approximately 4 million gallons per day (gpd) to 10 million gpd.<sup>14</sup>

The City of Franklin, Ohio, entered into its second public/private partnership on November 1, 1997, when it opened a new 5-million-gallon-per-day water supply treatment plant that was designed, built and financed, and is now operated by a private contractor.<sup>15</sup>

#### THINGS TO CONSIDER:

- The EPA must review and approve all proposals to sell POTW assets when Federal grants have been used to construct the treatment works.<sup>16</sup>
- In addition to the EPA, the Office of Management and Budget (OMB) must also review and approve the sale of POTW assets constructed using Federal grants if the transaction price is not established using a full and open competitive bidding process.<sup>17</sup>
- POTWs constructed solely using state revolving loans or local funding may be sold without EPA review or approval.<sup>18</sup>
- EPA review and approval is not required when POTW operations are privatized (subcontracted to a private entity), even if the POTW was constructed using Federal construction grants.<sup>19</sup>

*Ted Volsky (LWVNC) is a member of the LWVEF Education Study Committee on Privatization of Government Services, Assets and Functions. Produced by the Privatization of Government Services, Assets and Functions Study, 2011  
© League of Women Voters*

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15.<http://www.franklinohio.org/community/privatization.asp>

16. See endnote 1 here and for following endnotes (17-19)

***Interested in serving your community? Take a look at these vacancies.  
 Current Openings on Fremont Boards & Commissions***

**Economic Development Advisory Commission** – One vacancy.  
 (Commercial/Industrial) Term to expire 12/31/2014

**George W. Patterson House Advisory Board** – One vacancy. (Citizen At Large)Term expires 112/31/2013

**Historical Architectural Review Board** – Two vacancies. Terms expires 12/31/2015

**Human Relations Commission** – One vacancy. Term expires 12/31/2014

**Library Advisory Commission** – One vacancy. Term expires 12/31/2014

**Planning Commission** – One vacancy. Term to expire 12/31/2015

Applications are on the city’s website: <http://www.fremont.gov/index.aspx?NID=76>  
 Or pick one up from the City Clerk’s Office, 3300 Capitol Ave, Bldg A, 510-284-4060

***Current Openings on Union City Boards & Commissions***

**Human Relations Commission** 2 alternates

**Park and Recreation Commission** 1 alternate

**Senior Commission** 1 regular

**Public Art Board** 1 Citizen-at-large

Go to the city’s web site to download a form, [www.ci.union-city.ca.us](http://www.ci.union-city.ca.us), or pick one up at the city clerk’s office, 34009 Alvarado Niles Rd, Union City, 510-675-5348

***Membership Contest Winners***

There was a tie in the membership contest! Eleanor Pickron and Alex Starr each recruited one new member before the deadline of December 31, 2011. And as a reward for this achievement, they will each receive a prize of a \$25.00 gift card to a place of their choice. Let's congratulate them for contributing to our membership growth. But just because the contest is now over, that is no reason for each of us to stop seeking new members. If you have friends, family, neighbors or colleagues who you think might enjoy League life, don't hesitate to approach them and invite them to accompany you to our meetings. I still feel grateful that I was recruited by Kay Emanuele, because the League has truly made a positive difference in my life. You, too, can help others channel their energy and enthusiasm by participating in the League. They may even thank you for it.

Andrea Schacter                      Membership Chair



**League of Women Voters  
Invites You to Attend an  
LWV California Regional Workshop**

**Saturday, February 25, 2012  
9:00am to 3:00pm  
Dr. Martin Luther King, Jr. Library  
150 E. San Fernando Ave., San Jose CA 95112**

- **The California State Budget – It’s Broken**  
What the League and the Public Can Do to Fix the Problem
- **The Rules Have Changed: The 2012 Elections** --Preparing for the State 2012 Elections and Anticipating a Flood of Ballot Measures -
- **Privatization – Growing Trend in Government: Let’s Take a Closer Look from Two Perspectives**

Please register and pay by credit card at the LWVC website [www.lwvc.org](http://www.lwvc.org) by Feb.18 or write check payable to LWVC and mail form to:  
LWV San Jose-Santa Clara, P.O. Box 5374, San Jose, CA 95150

**Questions? Call Shelly Saini (408) 460-0320 or email [shellyksaini@gmail.com](mailto:shellyksaini@gmail.com)**

✂ \_\_\_\_\_ cut here and return reservation form \_\_\_\_\_

I will attend & buy lunch \$25 (\$30 after 2/18)       I will attend & bring lunch \$15

Name \_\_\_\_\_ League \_\_\_\_\_

Phone and/or Email \_\_\_\_\_

Name \_\_\_\_\_ League \_\_\_\_\_

Phone and/or Email \_\_\_\_\_

Enclosed is my check to LWVC for \$ \_\_\_\_\_; Reservations held at door.

*Event hosted by LWV San Jose-Santa Clara and with support from the Santa Clara Council Leagues*

# CALENDAR

Feb. 4	LWVBA Bay Area League Day	9 am - 2 pm First Unitarian Church of Oakland <a href="#">685 14th Street at Clay Oakland, CA 94612</a>
Feb. 16	Action Committee	12 Noon at Kay Emanuele's house
Feb. 25	LWVC Regional Workshops – we'll pay your registration fee!	9-3 ML King, Jr. Library, 150 E. San Fernando Ave, San Jose, CA
Feb. 27	Open Primary & Redistricting – Changes in Election Rules	7 P.M. Fremont Congregational Church, 3375 Blacow Rd, Fremont
Feb. 28	Board Meeting	6:45 P.M. at League Office Fremont Community Activities Center 3375 Country Drive, Fremont

ALL MEETINGS ARE FREE, OPEN TO THE PUBLIC AND WHEEL CHAIR ACCESSIBLE

## Mission

The League of Women Voters of Fremont, Newark, and Union City, a nonpartisan political organization, encourages the informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

## Diversity Policy

LWVFNUC affirms its commitment to reflect the diversity of our communities in our membership and actions. We believe diverse views are important for responsible decision making and seek to work with all people and groups who reflect our community diversity.

## Join the LEAGUE OF WOMEN VOTERS today!

Any person, man or woman, who subscribes to the purpose and policy of the League may join. To be a voting member, one must be at least 18 years of age and a U.S. citizen. Members under 18, or non-citizens, are welcome as non-voting Associate Members. Dues include membership in LWVFNUC, Bay Area League, and the California and National Leagues. Financial support for dues is available through our scholarship program. Contact Andrea Schacter, Membership Chair, for information.

Name (s) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

New Member       Renewal

Transfer from \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone \_\_\_\_\_

E-mail \_\_\_\_\_

*Please make your check payable to:  
LWVFNUC and mail it with this  
form to:*

LWVFNUC-MEMBERSHIP  
P. O. Box 3218  
Fremont, CA 94539

Individual Membership—\$60  
 Household Membership—\$90  
Donation to LWVFNUC

\$ \_\_\_\_\_

Donation to Ed. Fund (*Make  
separate check payable to  
LWVFNUC Ed Fund*)

\$ \_\_\_\_\_

Total Enclosed \$ \_\_\_\_\_