



FREMONT, NEWARK & UNION CITY

JANAURY 2013

**INITIATIVE & REFERENDUM STUDY
 CONSENSUS MEETING**

SATURDAY, FEBRUARY 9, 2013

**LEAGUE OFFICE
 2375 COUNTRY DRIVE
 FREMONT**

**9:00 AM to 2:00 PM
 BOX LUNCHES CAN BE ORDERED**

**SEE MORE BACKGROUND MATERIAL
 IN THIS VOTER ISSUE**

*After the last election don't you think that
 the process needs to be changed?*

**Committee members* are eager to share
 their knowledge with you!**

** Jean, Greg, Miriam, Judy, Lara, Carolyn,
 Bob and as moderator Alex will keep the
 discussion on track*

**Ohlone College and the Student
 Success Initiative**

**Guest Speaker: Dr. Gari Browning
 President, Ohlone College**

**Monday, January 28, 2013
 6:30 PM Networking
 7:00 P.M. Program**

**Fremont Main Library
 2400 Stevenson Blvd**

Learn about the report of the California
 Community Colleges Student Success Task
 Force

What will their recommendations mean for
 Ohlone students? For Ohlone's administration?

Do the recommendations change the mission and
 purpose of community colleges?

How is student success now defined?

Who was on the task force? Were all parties
 represented? Was this an open process?

Why did Ohlone's board object to portions of the
 report?

Mini quiz: how many community colleges are
 there? How are they funded? How many
 students? What is their stated mission?

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President's Message



A happy and successful new year to all our League members. Looking ahead we wonder what problems in our society and government we should be looking at this year.

The first one that we will take up is the changes that are being made in our community college system. On January 28, Dr. Gari Browning, president of Ohlone College, will explain what has changed in our community college system since the recommendations of the Student Success Task Force and the passage of the Student Success Initiative by the legislature and signed by the Governor.

We invite all of you to attend the LWVBA Bay Area Day. The topic is Water: California's Gold 2013. Experts will inform us about Background, Governance and Conveyance. It will take place on Saturday, Feb. 2, 9:00 am to 2:10 pm at the First Unitarian Church of Oakland, 685 14th St. At Castro, Oakland 94612. Please let me know if you plan to attend.

In February we will hold a very long consensus meeting on the Initiative and Referendum Study. Saturday, Feb. 9, 9:00 to 2:00 at the League Office Conference Center. There is background material in this Voter and there will be more next month.

For even more go to the members only page of the LWVC website, scroll down the left column till you find League Study. You can read the consensus questions, the leader's guide and the study guide.

In January we will start three committees: a website committee, a facebook committee (to understand it) and the bylaws committee. Please let me know if you are interested in joining any of them.

In January also our Nominating Committee will begin work. We need a chair for this Committee. You would be the perfect choice. E-mail me. We also need someone to shop for a mike for us and someone to video our meetings (video provided.) If you are at all interested, email me.

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From LWV Bay Area Monitor

From the Source: Water Professionals Weigh in on Supply Issues

By Leslie Stewart

The audience murmured in surprise at the image. They were seeing the world from outer space — not the familiar big “Blue Marble,” but instead a big brown marble with a small blue pearl nestled against it. If all the water covering the world were rolled into a ball, it would be a sphere with a radius “about the distance from here to Hollywood,” explained Val Frenkel, a desalination expert from the consulting firm ARCADIS. “There is less than half a percent of that ball that we can consume as freshwater.”

Frenkel was a panelist at the Bay Planning Coalition’s Energy and Water Nexus Summit held on October 24 at the headquarters of the East Bay Municipal Utility District. Speakers addressed the economic impacts of water and energy supply, pricing, and conservation, as well as the interrelationship between water and energy. Michael Norton from the consulting firm AMEC was guardedly optimistic. “Across the planet we have enough fresh water, probably enough for the 10 billion inhabitants we think the world may have through the end of this century.” However, “We’re now seeing, emerging across the world, areas where the demand on water is greater than the supply,” including most of North America. Frenkel concurred, “The problem is, always, that people are not residing where the source is, and California is a good example.”

Norton observed that “California has been managing its water resources in a very proactive and a very imaginative way for over a century.” He mentioned some visionary projects, most of which have been about “moving the water from the north to the south.” However, the Bay-Delta has less than half the state’s water supply, Barry Nelson from the National Resources Defense Council told the group, and when looking at the rest, “We have hit now on essentially every major river system in California — what we call ‘peak water.’” He described a pattern: “Over time, as our cities grow, as agriculture has developed, we’ve taken more and more water out of our rivers and then something causes us to take less.” As a result, Nelson cautioned, “We are starting to hit real limits on those systems, and it’s tremendously important that we ask where our future water supplies are going to come from.”

Norton explained that as water scarcity increases, it creates “water stress.” A response to this stress is trading in “virtual water,” the water embedded in growing crops and manufacturing goods. “Although most people aren’t aware of it, California ... is the biggest importer of water, despite its big agricultural industry, from other states and from other countries.” He raised the question of how the need for more water may affect food security in the state in the future.

Lester Snow of the California Water Foundation stated bluntly that “on natural resources issues in general and water issues in particular, we have fallen into a pattern of crisis management.” He expressed concern that water delivery projects are aging and unable to deliver enough water to meet demand, and groundwater overdraft levels are increasing despite recharge during wet years. Snow also referred to “increased risk and uncertainty due to climate change,” which he says has already fundamentally changed our water situation and will continue to do so.

Frenkel listed three options for when we need more water — conservation, recycling, and desalination. “We need to diversify our portfolio — we may still be short but not as much.” Norton’s strategies to build the portfolio included storage, transfer, groundwater banking, recycling, and stormwater capture. Francis Spivy-Weber, vice-chair of the State Water Resources Control Board, described how the city of Burbank’s leak detection/reduction program has significantly reduced water and energy rates, partially from avoiding the cost of pumping water from northern California to replace leaked water.

Nelson noted that California is one of the nation’s most energy-efficient states, making it very competitive globally, “and we can do the same thing by investing in workable, cost-effective, environmentally-protective water supplies.” He talked about a “virtual river” of alternate sources, particularly conservation — although speakers agreed that conservation alone isn’t enough to close the gap between supply and demand. Investments to get water from alternative sources are cost-effective, because importing water from elsewhere in the state is soon anticipated to cost Los Angeles \$1,000 per acre-foot, wholesale.

Cost-effective doesn’t mean free, and investments will cost money. So will running out of water. Snow commented that a “Big Dry” like Australia’s recent drought would be a \$50 billion economic hit to California, idling 114,000 workers and reducing

agricultural production by 30 percent. A 2009 Sonoma State University report, cited by Mike Thompson from the Sonoma County Water Agency, showed that a 10 percent shortage of water would represent a \$200 million loss to the local economy; a 30 percent shortage would mean a \$5 billion drop. Cindy Tuck from the Association of California Water Agencies mentioned a Metropolitan Water District study which determined that three factors — price, reliability, and quality — were important for businesses.

Tuck described the elements involved in price: treatment costs, including compliance with state standards; infrastructure, upgrades, and new facilities; energy costs; invasive species control; and developing new supplies. Thompson added another: watershed restoration and protection. According to the Sonoma State study, increases in price affect businesses but don't drop demand for residential customers. Surprisingly, the most intensive water users, such as manufacturers and golf courses, also don't change water use much if the price changes.

Tuck noted that tap water still costs far less than water sold in a bottle or in a product like a latte; Thompson commented that at two-tenths of a cent per gallon for tap water, the private sector would say, "you have a huge upside," which is one advantage of having water systems be public. However, as agencies begin to diversify their portfolios, costs will rise — Frank Maitiski from the Santa Clara Valley Water District expects that a new advanced water recycling plant will increase costs in that district.

Energy costs can vary widely depending on geography and infrastructure. Maitiski said that pumping water from the Delta accounts for 90 percent of the total energy used by his district but only 70 percent of the cost of the water, because some cost is offset by hydropower generation in the system. Barbara Hale of the San Francisco Public Utilities Commission said that the gravity-driven Hetch Hetchy delivery system significantly decreases the energy costs of water distribution, and her agency is also looking at "in-pipe hydropower" — using pressure reduction valves as water is released from reservoirs in the city.

Cynthia Truelove from Stanford's Water-Energy Research Institute felt that the biggest challenge in California has been to capture the energy embedded in the state's water resources. Her previous employer, the California Public Utilities Commission, looked at how conjoined savings of water and energy could be cost effective, and found that 83 percent of energy used in the water sector is for supply and conveyance, with 10 percent for wastewater treatment. Truelove recommended garnering renewables such as hydropower; addressing system efficiencies such as leak detection; looking hard at the energy efficiency of groundwater pumps, which can draw more energy at summer peak loads than the State Water Project; and increasing water use efficiency by no longer just moving water north to south, but looking at regional water availability plus the energy intensity of the supplies to determine the priority for water supplies.

Spivy-Weber cautioned that agencies are sending a price signal to customers when embedded costs are reflected in the price of water. If costs are just passed through to customers who aren't aware of what the agency is doing and what their role is in controlling water costs, it is very easy for customers to blame the agency. She seconded comments by Mike Thompson about the importance of working with communities to educate them about how the system works.

Snow insisted, "We have to move much more aggressively into integrated resource management." He warned that "our water institutional infrastructure is evolving slower than our water reality is changing," and called for "diverse and nontraditional coalitions" that include the business community.

"We need to focus and we need to invest," he urged. One way might be with the proposed water bond, which is scheduled for the 2014 ballot after several delays, but may be redesigned again before being sent to voters.

The summit also included a presentation on the EBMUD wastewater treatment plant energy generation projects, and afternoon panels on energy similar to the morning panels on water. The summit was videotaped and is posted on the Bay Planning Coalition website, www.bayplanningcoalition.org.

I & R - Technology (excerpts from the I & R Study Guide)

“Can Technology help balance the influence of money in qualifying initiatives?”

Would the Internet give less well-funded groups the ability to mobilize voter support as an alternative to paying petition circulators? Some believe technology could level the playing field, while others cite problems of computer security, lack of computer access, and the unintended consequence of deluging voters with many more ballot measures. Is increased democratization of the initiative process worth it?

Use of digital signatures and a PKI private key similar to a PIN number would be unique to the voter. The Secretary of State’s office would be in charge instead of local registrars. Every digital signature would be checked when decrypted to verify the signer is a registered voter and has not previously signed the initiative. Signing petitions online would be an optional method and would not replace the current method

The Department of Motor Vehicles and the Secretary of State will develop a process and the infrastructure to allow electronic copies of the applicants’ signatures and other information to be transferred to the Secretary of State and to the county election management systems for voter registration. Citizens wishing to register to vote would input their voter information online and the county elections office would use the voter’s signature from the Department of Motor Vehicles to verify authenticity.

No government uses online signatures for petitions yet. However, many do allow online voter registration, filing and payment of taxes and qualifying for jury duty. Some studies suggest that use of online technology could be more secure than the current paper petition sheets. Current law examined this possibility and found that there was no way to verify that the voter personally affixes his signature.

Winston Churchill said that “Democracy is the worst form of government except for all the others that have been tried.”

Direct Democracy, and specifically the initiative and referendum, come the closest to broad engagement of the population, with many variations on the theme.

As an indicator of a deeper dissatisfaction with government generally, Prop 13’s success showed it to be an available, practicable alternative to passing laws and constitutional amendments when the elected legislature could not because they were divided or because they did not agree with the cause. The use of initiative, in turn, has limited the flexibility of state government to find consensus and respond to emerging issues.

Perhaps the greatest impact of increasing use of the initiative of late has been the desire to mandate portions of the state budget to specific issues, guaranteeing that the will of the voters will be assured. Unfortunately, as time has gone on, more and more of the budget is allocated by voter mandate.

The state becomes less able to respond to emerging issues, and ultimately, the state risks increased polarization because many complex issues presented in initiatives provide only the option of a “yes” or “no” vote, with little opportunity for compromise or consensus in the making of public policy.

Regardless of the consequences of its growing cumulative impact, the initiative and referendum are today the most popular elements in California’s governmental structure. It is a satisfying process to the extent that the voters have a choice, will have their voices heard, and an election generally settles the issue unless it is challenged in the courts. It should also be noted that once a right is given, it cannot be taken away, and, while some observers fear the growing inflexibility of state government, the response is to mend, not end, direct democracy. The continued value of these tools of policy making calls out for reforms that will help re-introduce a more sensitive and fairer process of making law. That would include equality of opportunity to place measures on the ballot with a sense of assurance that – if passed – they will become part of state law.

Initiative & Referendum Materials

The study cannot cover every aspect of this complicated subject. A very short summary follows of the highlights of the issues involved. The

LWVC's study committee has put a lot of time and effort into giving members options to choose from. LWVFNUC's study committee will present our members with these options for consideration. A full list of consensus questions will be in the February VOTER.

There are many issues with relying on ballot measures to solve public problems. In many cases making law by ballots pits one side against another and lessens the opportunity to compromise and find an acceptable consensus.

Legislating by ballot measure can also cause rigidity and make it difficult to correct errors. This is especially true when it comes to making corrections of unintended errors in our State Constitution. Any errors there require a vote by people for correction.

Relying on ballot measures leads to less discretionary funding in State budget because often specific budget allocations are required and that lessens the options in the General Fund.

The influence of money injected into the process of passing a ballot measure is troubling. Currently there are no contribution limits (Citizens United), no disclosure requirements, and paid signature gatherers are used. Only supporters with a great deal of money can afford this option.

Clipper Cards for Seniors

From Shawn Fong, Program Manager,
City of Fremont Paratransit Program

BART and City of Fremont have partnered to provide Clipper cards to seniors.

It's now more convenient than ever for seniors 65 years of age and older who live in Fremont, Newark or Union City to get a free Senior Clipper card. The City of Fremont Human Services Department now accepts Senior Clipper card applications and can issue these special Clipper cards between 9 am to 4 pm weekdays. The Human Services Department office is at Fremont City Hall, 3300 Capitol Ave, Building B.

Bring in acceptable proof of age such as a driver's license, state ID card, passport, birth certificate, alien registration/permanent resident card,

Judicial review is increasingly needed due to by-passing legislative check and balances that occur with the usual legislative route. Unfortunately, the judicial system is reluctant to rule before a vote of the people. In fact, since 1974 only eight initiatives have been overruled.

Conflicting ballot measures leads to confusion of voters trying to ascertain the differences between the measures.

There is also the question, is there less accountability from elected representatives?
Are legislators left off the hook on controversial issues that are left undecided only to turn up on the ballot?

Finally, with the influx of big money can this lead to more potential to harm minority interests?

Overriding question: how effective are the initiative and referendum in meeting the challenge of balancing liberty and freedom for all of our different communities? Proposals for change in the study cover the following aspects of the process:

- Drafting , review and titling the ballot measure
- Qualifying for the ballot
- Campaigning for or against a ballot measure
- Disclosures required
- Voting Methods, numbers and timing of elections
- After the election
- Legal aspects

matricula consular/consular ID card, SF City ID, military ID card or a medical benefit card with date of birth and complete the Senior Clipper Card Application. For more information call the City of Fremont Human Services Department at (510) 574-2050.

Clipper is an all-in-one transit card that keeps track of any passes, discount tickets, ride books and cash value that you load onto it. Senior Clipper cards are specially programmed to purchase discounted passes and receive a discount when paying with cash. Clipper is accepted on AC Transit, BART, Caltrain, Golden Gate Transit and Ferry, SF Muni, SamTrans, San Francisco Bay Ferry, and Santa Clara Valley Transit Authority (VTA). For more information on Clipper or to download an application go to www.Clippercard.com.

Bay Area League Day:

WATER: CALIFORNIA'S GOLD 2013

Saturday, February 2, 2013

9:00 a.m. – 2:10 p.m.

**First Unitarian Church of Oakland
685 14th Street at Castro, Oakland, CA 94612.**

The site is reachable by BART and a short walk.



**Join us to learn about the
importance of water in California.**

**Experts will inform us about
Background, Governance and Conveyance.**

Cost in advance: \$30 (\$15 without lunch); at the door \$35 (\$20 without lunch).

**The League of Women Voters of Fremont, Newark and Union City will
pay the registration fee for any of its members.
To register please let Miriam Keller know.**

Jan. 10	Education Committee	9:30 AM at Miriam's House
Jan. 17	Action Committee	12 noon at Kay's House
Jan. 22	Board Meeting	6:45 PM League Office
Jan. 28	Ohlone and the Community College Student Success Initiative	7:00 P.M. General Meeting 6:30 Networking Fremont Main Library
Feb 2	Bay Area League Day	9:00 AM to 2:00 PM First Unitarian Church of Oakland
Feb 6	Great Decisions	7:30 PM (Call Anne MacLeod)

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.

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