

## Kelly, Sherry

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**From:** Cheshireaw@aol.com  
**Sent:** Tuesday, July 20, 2004 3:19 PM  
**To:** Kelly, Sherry  
**Subject:** Opposition to proposed thousand Oaks Heights Utility Undergroundi ng District

July 19, 2004

From:  
Rosemary Green  
504 Boynton Avenue  
Berkeley 94707  
Cheshireaw@AOL.com

Dear Mayor Bates,

I was not in favor of the proposed utility undergrounding district for Thousand Oaks Heights when the initial district was much larger than the present proposed district, and, hence, would have been less costly because fixed charges would have been shared by many more property owners.

On June 1, 2004, the City Council voted to reduce the requirement to pass from 70 to 60. As far as I know, only members of the Organizing Committee knew of this public hearing, and some of them may or may not have been present. Had I known, I would have made my opposition known to you and the other members of the Council. I understand that Mim Hawley has acknowledged that proper notice of the hearing had not been made.

My last minute display of opposition is caused by the change in the percentage to pass from 70/30 to 60/40. I had opted to remain silent because I did not want to cause friction with my neighbors who want to participate. I wanted to await the outcome of the July 20 election when the percentage was 70/30. If the vote went against my position, then I would try to live with the financial burden of my helping to enhance the bay view of a select number of property owners, as well as to give them a false sense of safety. When the requirement to pass was reduced surreptitiously from 70 to 60, I felt I should no longer remain silent.

The issue of safety is now being stressed over an enhanced view. Any meaningful safety for Berkeley lies in the undergrounding of the entire city. Utility poles and lines abound in front of buildings housing emergency equipment. In the event of a major catastrophe, resulting in citywide downed utility equipment, how will emergency vehicles access this little island of safety? Moreover, how will those who could be safe from falling lines and poles going to get out when they will be surrounded by streets still having overground utilities?

As my property is located just two houses from the end of the district on Boynton, overground utilities will be in plain view. If I had been in favor of this venture, I would be sorely disappointed at my portion of the touted benefits.

If an enhanced view is not a major reason for this endeavor, why then do those property owners who will have enhanced views pay more and will have a more heavily weighted vote?

As assessment districts are not considered taxes by the U.S. Internal Revenue Service, I cannot declare as taxes a large portion of my annual outlay. Assessment districts avoid the mandatory requirement of two-thirds voter approval. This may be legal but it does not strike me as being ethical and fair. When I write out a check twice a year to the Alameda County Tax Collector, it covers both taxes and assessments, but it all feels like taxes.

I urge a reversal of the percentage to pass or fail from 60/40 to 70/30. To do so, will facilitate my ability and

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willingness to vote favorably on the parcel tax measures on the November ballot.

Sincerely,

Rosemary Green