

**MEASURE SUBMITTED TO THE VOTERS**

**MUNICIPAL**

**CITY OF NOVATO  
AMENDMENT OF SECTION 1  
OF MEASURE D  
MEASURE F**

**F** To allow the City of Novato increased flexibility to seek voter approval to construct city facilities, shall Measure D enacted in November of 1987 be amended to allow for projects of this nature to be voted upon in special elections as long as there is another measure or matter on the same ballot to reduce the costs of holding such special elections?

**CITY OF NOVATO  
AMENDMENT OF SECTION 1  
OF MEASURE D  
FULL TEXT OF MEASURE F**

The people of the City of Novato do ordain as follows:

"Section 1 of Measure D, adopted by the City's voters as an initiative ordinance in 1987, entitled 'To Restrict the Incurring of Certain Kinds of Long Term Obligations by the City of Novato' and codified in the Novato Municipal Code as Section 2-26.2, shall be amended to read:

"Without prior approval by a simple majority vote of the city electorate at a regularly or specially scheduled election (provided, that at any such special election the city electorate must be voting on at least one other measure or a candidate for public office), the City of Novato shall not enter into any lease or other transaction by which it obtains the use of real property if all of the following factors are present:

1. The property will have a total cost of construction (or if it is already built and has a Fair Market Value) in excess of one million (\$1,000,000.00) dollars; this amount shall be automatically increased or decreased in proportion to increases in the "San Francisco - Oakland - San Jose All Items" Consumer Price Index or successor index published by the U.S. Department of Labor.
2. The lease or other transactions will continue in excess of four (4) years.
3. Upon completion of the term of the lease or termination of the other transaction, whichever is applicable, title to the property will in any manner vest in the city without its paying the then Fair Market Value of the property."

**IMPARTIAL ANALYSIS BY THE CITY ATTORNEY  
MEASURE F**

Measure D was adopted by the voters of Novato in 1987. Generally, Measure D requires prior voter approval of the construction of any new City facility or the alteration or acquisition of any existing facility if: (1) the costs of such are to be financed through a lease or other transaction; (2) the cost of constructing the facility (or if the facility is already built, the property's fair market value) exceeds \$1 million, adjusted by the CPI (now, due to CPI changes since 1987, the threshold is about \$1.7 million); (3) the lease or transaction will continue in excess of four years; and (4) upon completion of the lease or transaction, the City will obtain title to the property without paying fair market value.

Measure D also provides that the only time the City Council can place such a proposed construction project before the voters is at the City's regular elections. The City's regular elections occur every two years, in November of odd-numbered years.

If adopted by the requisite majority vote, Measure F will amend Measure D to allow the City Council to schedule a vote of the electorate on a proposed construction project governed by Measure D at a special election. State law controls the specific times when such a special election can take place. If adopted, Measure F would provide the City Council additional opportunities during odd-numbered and even-numbered years to place a Measure D project on the ballot, consistent with State law. However, the Council's discretion in this regard is not unlimited. Measure F permits scheduling such a special election only if at that special election another measure or a candidate for public office is also set to be voted on by the City's voters.

The amendment proposed by this ballot Measure F would be adopted if approved by a simple majority of those electors voting on the measure at the November 2, 2004, election.

JEFFREY A. WALTER  
Novato City Attorney



## ARGUMENT IN FAVOR OF MEASURE F

This measure allows the City of Novato flexibility to call a vote of the electorate at the first possible election in 2006 rather than waiting until November 2007 to save money in rent and in constructing and rehabilitating City Hall.

In 1987, Novato passed Measure D. It requires voter approval before the City of Novato can borrow more than \$1.7 million (2004 dollars). Further, Measure D restricts ballot measures to 'regularly scheduled elections' which are held every two years in odd numbered years - November 2005, 2007, 2009, etc. This was in response to a proposed new City Hall that was too big, too expensive and out of character.

In 2004, the City Council decided to explore a **less expensive City Hall complex** that houses all employees in one new building and calls for renovating the Church. The Community House and City houses along Sherman Avenue will be renovated in the future to retain the character of our community.

The new City Hall plan, Environmental Review, complete financing strategy and extensive public involvement should be complete by December 2005. The City would like to bring this plan to voters at the earliest and most realistic date the people could vote, which is 2006. Without this measure, the vote could not happen until November 2007.

In 2004, the City commissioned an engineering analysis that found most city hall buildings unsafe and in violation of the American Disabilities Act. Therefore, funds will be used in relocating employees to rental space. The Council wants to bring the City Hall plan to voters at the first possible election after completion of the Plans and Environmental Review to save money.

**VOTE YES ON MEASURE F.** Give Novato the opportunity to vote during any city, county, state or national election as long as another matter is on the same ballot to save election costs.

s/ Pat Eklund, Mayor, City of Novato

s/ Jeanne MacLeamy, Councilmember, City of Novato

s/ Dave Milano, Former Novato Mayor and  
Original Measure D Committee Co-Chair

s/ John Stuber, Novato Business Leader

s/ Marie Hoch, Novato Planning Commission

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE F

VOTE "NO ON MEASURE "F" BECAUSE

A YES VOTE ALLOWS the CITY COUNCIL to WASTE YOUR TAX DOLLARS for SPECIAL ELECTIONS!!!

MEASURE "D" language should not be changed!  
Measure "D" ordinance protects us from the City at SPECIAL ELECTIONS, with LOW VOTER TURNOUT, trying to slide thru MAJOR PROJECTS by only a SIMPLE MAJORITY vote!

EMERGENCY not flexibility is ONLY reason to hold SPECIAL ELECTIONS!

Simply use Civic Center Fund (balance over \$3,000,000) and save money:

1. By adding only new offices with LESS square footage
2. By NOT renting (cost over \$60,000 per year) CIP space
3. Make this a LESS EXPENSIVE Civic Center Complex
4. Rehab some of the buildings

The engineering analysis comments include making some buildings safe.

This MEASURE "F" gives the Council the right to keep us from voting on important and Major Facility Projects at the SAME TIME as regular City Council elections when you want to know EXACTLY WHERE THOSE RUNNING FOR COUNCIL STAND ON THESE DECISIONS!

PROTECT MEASURE "D"

VOTE NO ON "F"

"F" is for FAILURE

NEED EXACT PLAN FIRST TO SEE IF BORROWING MONEY IS NECESSARY!!!

We should have to vote on the idiotic renting of space, 4 years costs  
\$2,000 000 (500,000 per year).

The Novato City Council:

1. rushed to August 6<sup>th</sup> deadline
2. approved argument only 4 members attending
3. spent \$14,000 for survey

PROTECT MEASURE "D"

"F" is for FAILURE

VOTE NO ON "F"

s/ Gail E. Meyers, Public Advocate  
Representing NO on F Committee

MEASURE F CONTINUED ON NEXT PAGE



## ARGUMENT AGAINST MEASURE F

Dear Novato Voter,

Help keep intact our

LONG TERM OBLIGATIONS INITIATIVE Measure "D".

Initiative FACTS:

PASSED...74.7% YES in 1987 ... OVERWHELMING majority

CONSUMER PRICE INDEX requires anything over \$1,700,000 be placed on the ballot. Civic Center Fund resolution states this money in the fund can be used for new offices.

ARGUMENT IN FAVOR states a Citizens initiative ... by petition of thousands of Novatoans to demand the RIGHT TO VOTE. The measure goes beyond the Civic Center however.

PAUL GANN drafted our initiative and final version was written by former City Attorney.

It will guarantee the RIGHT TO VOTE on major public projects. It won't prohibit any kind of major project the VOTERS APPROVE OF ... signed by Dave Milano, Chairman, Betty Machado, Frederik H. Raab and Christine Knight.

NO ARGUMENT AGAINST THIS MEASURE WAS SUBMITTED.

First we tried a referendum, Gail Meyers and Betty Machado began this ... shy some few signatures a new group was formed for Measure "D" including Clark Palmer former city attorney, was mentioned in argument in favor. No one now working on "F" was involved as much as Gail Meyers, some didn't even live here yet!

Council members Dillon-Knutson and Meyers said this could be placed on the Nov. '05 ballot if the project isn't ready to submit by Aug. '05 deadline for Nov. '05 ballot.

\$27,000 cost for THIS SPECIAL ELECTION is not being fiscally responsible!!!!!!!

Please consider this example: a city project to buy a \$3,000,000 building would have fewer voters in Novato approving / disapproving borrowing funds. Wouldn't you want more voters having their say by voting in a REGULAR ELECTION THAT ALSO ELECTS THE City Councilmember who would state how she or he stands on the issue?

Protect measure "D"

"F" is for FAILURE

PLEASE VOTE NO ON MEASURE "F"

s/ Gail E. Meyers, Public Advocate  
Representing NO on "F" Committee

## REBUTTAL TO ARGUMENT AGAINST MEASURE F

Measure F gives Novato the RIGHT TO VOTE before the City can borrow more than \$1.7 million (2004 dollars). A yes vote on Measure F will allow the City Council to call for an election in 2006 on a plan to renovate the church and construct a less expensive City Hall complex instead of waiting until 2007.

Measure F will SAVE MONEY in construction and rehabilitation. The City Hall plan along with the financing strategy, Environmental Review and public involvement should be complete by December 2005. Rather than wait until 2007 when construction costs are higher, the City Council would like to call an election in 2006 on a plan to construct the City Hall complex and rehabilitate the church, Measure F would allow Novato to vote on the project in 2006.

Measure F will help bring our EMPLOYEES BACK DOWNTOWN. An engineering analysis of city buildings found them unsafe and not compliant with the American Disabilities Act. The City rented space for their employees to ensure their safety and reduce the City's liability to suit. The City Council would like to begin construction of a City Hall and renovate the church as soon as possible to save money in rent and return employees to our downtown City Hall.

Measure F will SAVE MONEY AND TIME. It will give us the opportunity to bring before the voters a well conceived plan for City Hall that is less expensive and more in character with Novato's small town charm.

Measure F – Please vote YES on Measure F.

s/ Judy Arnold, Councilmember, City of Novato

s/ Ernie Gray, Mayor Emeritus, City of Novato

s/ Donna Falzon, Realtor

s/ Dennis Hagerty, Novato Business Leader

s/ Phil Brown, Former City Manager, City of Novato

END OF MEASURE F

