

IMPARTIAL ANALYSIS OF BALLOT MEASURE J AN ADVISORY MEASURE  
REGARDING BAYFRONT PARK

The Menlo Park City Council voted to place an advisory measure on Bayfront Park before the voters to help determine the level of community support for, or opposition to, the possible construction of sports fields at this City-owned park. Located at the eastern end of Marsh Road, Bayfront Park is a 160-acre passive open space park built on a former solid waste landfill. The Park is adjacent to the San Francisco Bay and the federally funded Salt Pond Restoration Project, an expansion of the Don Edwards Wildlife Refuge.

Preliminary concept plans show an area of between 10-17 acres (depending on the number and configuration of fields), roughly in the center of the Park, that could be developed with up to two full-sized regulation, lighted soccer fields and 1-2 adult baseball diamonds or combination multiuse areas. Preliminary cost estimates range from \$10-17 million for the construction of the fields and related infrastructure (utilities, parking, restrooms, concession stand). Further detailed studies would be required to determine the cost of developing sports fields on the closed landfill and identify sources of funding for both the capital cost to build the facilities and the operation and maintenance expenses.

In accordance with the California Elections Code, advisory measures such as this one are nonbinding; meaning that neither a "yes" vote nor a "no" vote will

result in the construction of any sports fields or the necessary roads or utilities without further public hearings, environmental studies and approval from various regulatory agencies, and the identification of funding for construction and maintenance.

The effect of a "Yes" vote will be to advise the Menlo Park City Council that there is voter support for the City of Menlo Park having the option of constructing sports fields at Bayfront Park. If a majority of the votes cast on the Advisory Measure are in favor of the Measure, the Advisory Measure shall be deemed to have been recommended by the voters of the City of Menlo Park. The effect of a "No" vote will be to advise the Menlo Park City Council that there is not voter support for the City of Menlo Park constructing sports fields at Bayfront Park. If a majority of the votes cast on the Advisory Measure are opposed to the Measure, the Advisory Measure shall be deemed not to be recommended by the voters of the City of Menlo Park.



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The above statement is an impartial analysis of Measure J. If you desire a copy of the Measure, please call the City Clerk's Office at 650/330-6620, and a copy will be mailed at no cost to you. A copy of the Measure may also be found at [www.menlopark.org](http://www.menlopark.org)

**CITY OF MENLO PARK  
CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE K  
UTILITY USERS TAX**

Measure K, if approved by a majority vote, would authorize the collection of a utility users tax in the City of Menlo Park. The tax would be imposed at the rate of not to exceed two and one-half percent (2.5%) on communications services (such as telecommunications and video services) that are primarily used within the City's boundaries and not to exceed three and one-half percent (3.5%) on the use of electricity, natural gas and water supplied to service users within the City. The City Council has authority to reduce the tax rate(s) or to eliminate the tax at any time by a simple majority vote of the Council.

The utility users tax is a general tax intended to alleviate an ongoing general operating budget deficit. All revenue generated by the tax would go to the City's general fund to provide general city services including, police, emergency preparedness, street and storm drain maintenance, libraries, youth and senior services. It is estimated that the tax will generate approximately \$2.5 million per year, which represents approximately 7.7% of the City's general operating budget.

Several exemptions to the tax are expressly provided. Low income electricity and gas users who qualify for the California Alternate Rates for Energy (CARE) Program pursuant to the California Public Utilities Code are exempt from the tax on gas and electricity usage. Electricity produced for self-use by solar electricity generation or co-generation is exempt for six years (which may be extended). The tax would not be levied against entities exempt by law, including federal and state agencies and public schools.

The tax would be computed on the basis of monthly usage and service charges, and would be collected by the utility service provider. The maximum annual cumulative tax payable by any service user for electricity, gas and water pursuant to this measure would be \$12,000.00 per fiscal year. A service user with more than one meter or billing

invoice per utility service at a single contiguous location may combine all billings for purposes of calculating the maximum tax amount.

The levy of the utility users tax is subject to review by the City Council not later than June 30, 2008, and every two years thereafter. If the Council fails to make findings by a two thirds vote that such tax is necessary for the financial health of the City, the levy of the tax will terminate on December 31<sup>st</sup> of the year in which the Council fails to make the required findings.

A "Yes" vote means the voter is in favor of authorizing the City to collect a utility users tax. A "No" vote means the voter is not in favor of the City collecting a utility users tax. In order for the City to collect a utility users tax, the ballot measure must be approved by more than fifty percent (50%) of the voters voting on the measure.



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