

## LARA WEISIGER

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**From:** Robert Schrader <rjschrader@yahoo.com>  
**Sent:** Tuesday, July 12, 2016 12:26 PM  
**To:** Trish Spencer; Frank Matarrese; Tony Daysog; Marilyn Ezzy Ashcraft; Jim Oddie; Jill Keimach; LARA WEISIGER  
**Cc:** Paul Foreman; Penelope Schrader  
**Subject:** Upon Consideration -

Considering the issue of putting Ordinance 3148 on the ballot - I submit the following input as input for Agenda Item 6D on July 19th City Council Meeting:

I expect both the tenants and landlords to be active positively for their ballots, and negatively for the opposing ones. Including Ordinance 3148 on the ballot will make this REALLY complicated, as the voters will no longer just have to consider voting yes or no on the two ballots, but also yes or no on converting 3148 from an ordinance to a charter amendment - and this last issue is a complicated one, as it effects the way this program is administered and may be modified - a very serious issue as we proceed forward.

Without putting 3148 on the ballot, the choices are:

- Rent Control (ARC=Yes, LND=No)
- No Rent Control (ARC=No, LND=Yes)
- Leave things as they are with Ordinance 3148 (ARC=No, LND=No)

Two choices with three possible outcomes.

With putting 3148 on the ballot, the choices are:

- Rent Control (ARC=Yes, LND=No, 3148 No)
- No Rent Control (ARC=No, LND=Yes, 3148=No)
- Move 3148 from an Ordinance to the City Charter (ARC=No, LND=No, 3148=Yes)
- Leave things as they are with Ordinance 3148 (ARC=No, LND=No, 3148=No)

Three choices with four possible outcomes.

I expect the arguments put forth by the tenant and landlord activists will remain pretty simple - albeit emotional in content. 'Profit vs People, Protect the Unfortunate, Punish the Greedy, Keep Families in Their Homes' vs 'Rent Control is a Failed Policy, Look at Berkeley and Oakland, Rent Control will Ruin Alameda, Protect our Quality of Life, Take our Island Back, Stop Government Intrusion'.

Just what equivalent argument do you think can be made for converting 3148 from an Ordinance to a City Charter Amendment? As a middle ground policy, it really does not lend itself to emotional retort - 'A Reasonable Compromise, Best for All Concerned, etc.'

I just don't see it adding anything to the emotional conversation above. Instead, I think that the City Council should actively encourage thoughtful consideration as opposed to emotional response. These are serious matters - and anything added to the City Charter should be considered a Big Deal. Bringing forward the argument that either ballot measure is 'cast in concrete' (to use Ashcraft's terms) if approved as opposed to the

constant review and periodic modification by local officials is a major benefit of the Ordinance - even if it fails to provide the onerous protection that some tenants seem to require, and intrusively affects the home-provision business that most landlords resent.

While I expect each group to 'go to the voters' with emotional arguments, I think the city and council should 'stand on the mountainside and watch the tigers fight across the valley' and provide a clear choice for adaptability and reason. By putting 3148 on the ballot, it surrenders that option - and enters the fray largely weaponless.

I then also think that the City should position itself on the high ground, and instead of sacrificing its pre-eminent position as reasonable and just - snub the emotional arguments with reasoned comparative material - bringing forth on a level playing field the rationale behind Ordinance 3148 versus the two ballot amendments. That will give the voters a clear choice as above. Putting Ordinance 3148 on the ballot positions the city as an equal player, and actually, it is not. It is prevented by its very nature from participating in the emotional fray, and while it reports ultimately to the voters, it is in-fact chartered with the responsibility to manage city issues day-to-day. That has to amount to something - and puts the city in a preferred position of knowledge, capability, and balance.

In today's confrontational and emotional environment surrounding these ballot measures, such a position is golden - and great care should be taken to protect and reinforce it - not sacrifice it through unwise and reactive behavior.

Just my thoughts.

Best Regards,

Robert Schrader

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**From:** Paul Foreman <ps4man@comcast.net>  
**To:** 'Robert Schrader'  
**Sent:** Monday, July 11, 2016 3:20 PM  
**Subject:** RE: Rent Initiatives

Robert,

I appreciate your well expressed opinion and until this morning I would have agreed with you, but after considering all sides of the issue, I must disagree.

You admit that both the landlords and the tenants will argue strongly for their positions, while you are urging Council to take a neutral public information position. To my thinking that is tantamount to arming the landlord's and tenant's Initiatives with assault rifles and arming the poor City Ordinance with a BB gun!

While I fully agree and have stated in this email chain the need for a neutral workshop on the three alternatives, I am not as confident as you that a majority of voters will avail themselves of this opportunity to be informed. **if there are only two items on the ballot, that of the landlords and the tenants, the chance of one of them receiving a majority is almost assured, especially if Council elects not to post an argument against them in the voter's guide, and probably even if they do.** Although I, like you, mourn the loss of flexibility for the Ordinance if it is incorporated into the Charter, I see no other way to assure that all three alternatives get fair consideration from the voters. Also note that the Ordinance, even if incorporated in the Charter, does provide for annual review and change if needed, and that can be accomplished by Council

placing an amendment or repeal initiative on the ballot without the need for a petition and signature drive as required for citizen-driven initiatives, so there will be a flexibility factor still in place.

Paul

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**From:** Robert Schrader [mailto:rjschrader@yahoo.com]

**Sent:** Monday, July 11, 2016 2:11 PM

**To:** Tony Daysog; Paul Foreman

**Subject:** Re: Rent Initiatives

Having read the Merry Go Round piece, Paul's response to it and to you, Tony, and your summary of thoughts behind your position - I have the following comments.

1. I don't think that the City Council should argue for or against either of the two ballot initiatives. In this, I agree with Matarrese, who seems to be of the solid opinion that it is not proper for the Council to take a stand one way or the other - but to let the voters decide on each ballot measure. However, I **DO** consider it very appropriate for the City Council to direct staff to actively educate the voters on the issues surrounding each measure, and actively compare it to the existing Ordinance 3148. I find a great lack of knowledge about the existing ordinance - and the construct of the proposed ballot measures, and placing 3148 on the ballot it not the best way to address this issue. Direct, neutral comparison information, and encouragement to review it (raising that this is an important vote - through whatever means available) is the best way to handle this. Both the renters and landlords will actively promote their measures, and the city should (while maintaining a neutral stance) inform the public of the true state of affairs (e.g. that 3148 will stay intact if both measures are voted down) should negate your concerns with the voters feeling they have to vote for something - as if nothing has been done already.

2. I do not support the idea of making Ordinance 3148 an amendment to the City Charter. This is obviously a very divisive issue, and one of the great features of the present ordinance is that it can be modified at will by the City Council. This, in fact, was one of the strong points precipitating its passage - that while it was not perfect, or even complete in its present form, it could be modified on demand as more experience was gained in its application. I strongly suggest that you do not concede your power to do so - in the fear that if you do not compete at the ballot box against the other two measures, one of them will be adopted to your detriment. You should instead actively deal with the real problem - the level of ignorance by the voting public as to what you have done. I assure you that between now and November there will be a great deal of dialog about these issues. Neither renters nor landlords will sit by the wayside quietly letting the voters determine their fate. They will each repeatedly state their opinion. Council members can (and should) too, of course, and the City of Alameda should, again, provide clear differentiation of the features of the three pieces - and again speak to the advantage of an Ordinance over a City Charter Amendment.

Lastly, I simply do not think you or anyone else should operate out of fear. We have seen far too much done to appease bullies, or those who see this solely as a personal and emotional issue, without considering the effect of an onerous solution on the community at large. You and other Council members do not just represent the people of Alameda - nor are justified in responding only to those most vocal. You are guardians of Alameda community values - and should strive to rise above the current noise of the crowd and consider carefully your actions on those values that the community holds dear.

Not that I think you are not - just restating a principle here. You in particular, Tony, have been refreshingly outspoken. I encourage you to remain so.

Best Regards,

Robert Schrader

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**From:** Tony Daysog <[TDaysog@alamedaca.gov](mailto:TDaysog@alamedaca.gov)>

**To:** Paul Foreman <[ps4man@comcast.net](mailto:ps4man@comcast.net)>

**Subject:** RE: Rent Initiatives

Paul,

I don't mind filing arguments one way or the other -- I'm fine with that and I think I said as much last Tuesday. I think further discussion needs to occur and to be shared as to why we might have to place our ordinance onto the ballot, which I am happy to share right now. It comes down to this (and please feel free to share this as you wish):

My deep concern is that, on the day of the vote (by mail or in the booth), I worry that if the Alameda voter (who are to a 'T' middle-of-the-road, thoughtful persons) is faced with the two choices, of either voting for the landlord's 'no rent control' initiative or voting for the ARC 'Berkeley-style rent control', the middle-of-the-road Alameda voter could potentially go with the latter, because this voter would rather 'do something' about the rent crisis in which we are mired as opposed to 'do nothing' -- not quite realizing the March Ordinance we adopted and its early-return, positive effects thus far in dealing with excessive rent increases. But, in so opting for the Berkeley-style rent control out of a right and good desire to 'do something', potentially opt for it not quite realizing the repercussions of implementing a Berkeley-style rent control. Because, in my opinion, the magnitude of the damage that a Berkeley-style rent control would reek on almost all of Alameda's neighborhoods is so high (given the number of single-family homes [which are included in this initiative -- state law notwithstanding] and duplexes), I am CURRENTLY in the belief that it is not enough to simply write opposing views to the Berkeley-style rent control initiative, but, also offer an alternative, ie the March-enacted ordinance 4138, which as I said previously already is showing positive effects already in fighting excessive rent increases that brought us here in the first place.

Of course, as all of you are aware, I have my qualms (i.e. relocation penalty impacts on smaller mom and pops) with Ordinance 4138 -- but those qualms are issues about fairness that pale in comparison with the stakes involved in having a Berkeley-style rent control the law of the land in Alameda. Given the imminent danger, in my opinion, of having a Berkeley-style rent control, I would consider placing the Ordinance on the ballot as a necessary 'broken arrow' act (see <http://bit.ly/29ysYWD>). Beyond 'tactics', it so happens that the Ordinance represents a middle-of-the road path or compromise between the total control of the rental housing market of the Berkeley-style rent control and the laissez-faire approach imbued in the other initiative. So I think substance-wise, our Ordinance (qualms notwithstanding) is aligned with the middle-of-the-road Alamedan.

So, that's my opinion thus far: I share you with you so that you can talk amongst yourselves about this in advance of the July 19 meeting, as well as give me feedback. Thank you.

/s/ Tony

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**From:** Paul Foreman <[ps4man@comcast.net](mailto:ps4man@comcast.net)>

**Sent:** Monday, July 11, 2016 9:18 AM

**To:** Tony Daysog

**Subject:** Rent Initiatives

Tony,

I hope that you have or will read the latest Merry-Go-Round and my comment posted to it, and that it will convince you to change your mind about placing the Ordinance on the ballot and to argue even more strongly for Council defending the Ordinance by filing arguments against both Initiatives in the pre-election booklet.

Paul