

February 18, 2014

**SUBJECT: Professional Services Agreement Related to Potential 2014 Revenue Measure,
Agenda Consent Item No. 7**

Dear Mr. Mayor and Members of City Council:

Earlier this month I was surprised to receive the City's glossy mailer that proposed an increase in the City's sales tax. This was the first I had heard of such an idea. Wanting to understand why anyone would suggest yet another tax burden on Hayward residents, visitors, and businesses, I visited the City's website for an explanation.

The City's webpage dedicated to this proposal states that this tax increase is necessitated by four critical needs in the areas of Fire, Library, Police, and Road Maintenance. Upon review of the arguments provided, I found myself in a state of disbelief.

The listed arguments are weak, do not appear entirely credible, and in fact, seem misleading with an alarmist point-of-view. I cannot believe that this is the justification by which an expensive campaign to engage residents was launched and is now the basis for which you are considering additional expenditure.

Let's review.

FIRE

For the case of Fire, the webpage states that the City's Fire Stations are old and aging, have water damage, cracked foundations, and electrical systems that do not meet current code.

So what? All buildings age, many are old, most have suffered from a leaky roof or pipe at one time or another. Cracked foundations are commonplace in our region of expansive clays. And there are probably very few buildings in the City that meet the current code, considering that a new edition with new requirements became effective only last month. None of this indicates that any of the existing facilities are the least bit dysfunctional or unsafe.

If problems beyond that which most everyone lives and works with each day are to be portrayed as critical, then at least reference some qualified inspection reports that identifies and quantifies the structural and environmental hazards of these facilities along with the cost of necessary remedies. If such reports are indeed available, then answer this: What is the City doing with funds generated by the Emergency Facilities Tax (EFT)? According to the City's Municipal Code, the EFT funds are supposed to be used in part to rehabilitate emergency facilities, including fire stations, "to maximize their availability and resistance to damage."

LIBRARY

With respect to the Library, this is not a critical need—period. If it were, a new one would have already been built. It would have been built with funds received for selling-out the City's bay front for a new power plant. Wasn't that the promise? In exchange for permitting the power plant the City was supposed to receive a huge initial windfall, followed by something like \$5M each year thereafter in property taxes. We now have a dozen or so exhaust stacks greeting visitors from the Peninsula, but no new library. Where is this money going? Apparently it's going toward furthering this campaign to increase taxes according to the staff report for this agenda item

Of course, the fact that we do not have a new library is just as well, since building a new one now would be a fool's endeavor. Even if construction were to begin today, by the time it was completed the City would be hard pressed to find any tangible new media to put in to it. Certainly you are aware that, printed books, newspapers, magazines and all physical forms of audio/visual productions are rapidly going the way of the horse and buggy. I know this is disturbing to many people, but the City's limited treasure needs to be spent wisely given a new reality and not on some nostalgic grandeur. Hayward does not need a new museum for musty books when just about everyone these days carries access to all of the world's literature and knowledge in their pocket.

Any honest assessment of the City's library today would acknowledge that it principally serves as a daytime homeless shelter and as an Internet cafe for teens looking for entertainment on the web. This is not to say that these functions have no merit, but going forward there are more effective and economical ways to serve these interests than under the guise of a new multi-million dollar library.

POLICE

In regard to Police, the webpage states that the department needs increased staffing "in order to keep pace with technology and crime patterns." This is simply illogical and appears contrary to fact. The very aim of technology is to increase efficiency, and proper investment in it should reduce the need for staffing, not increase it. The police chief supports this notion each time she touts how the department is doing more with less thanks to statistics driven crime fighting. Indeed, it is this very technological efficiency that is largely credited for the general reduction of crime across the country.¹ Hayward's overall crime pattern emulates this national trend, according to data published by [City-data.com](http://www.city-data.com) (next page). This is despite the "Great Recession" and diminished neighborhood patrols.

While I appreciate and generally support the City's current policing effort, I find it inappropriate and highly objectionable to suggest our safety and security is again critically at risk without additional taxation. The fact is we have heard it all before and approved additional taxation as a result. Just five years ago City voters approved a 5.5-percent utility tax "to prevent severe cuts to Hayward city services including: maintaining...fire stations, and neighborhood police patrols..." Given this, you will have to excuse me for not believing in or supporting this effort now.

¹ <http://www.csmonitor.com/USA/Justice/2012/0109/US-crime-rate-at-lowest-point-in-decades.-Why-America-is-safer-now>

Crime rates in Hayward by Year						
Type	2006	2007	2008	2009	2010	2011
Murders (per 100,000)	4 (2.8)	8 (5.7)	7 (5.0)	7 (4.9)	13 (9.0)	7 (4.8)
Rapes (per 100,000)	33 (23.3)	48 (34.1)	57 (40.4)	29 (20.4)	48 (33.2)	44 (30.2)
Robberies (per 100,000)	423 (298.8)	538 (382.6)	517 (366.7)	446 (313.6)	391 (270.6)	360 (246.8)
Assaults (per 100,000)	316 (223.2)	287 (204.1)	287 (203.6)	259 (182.1)	200 (138.4)	168 (115.2)
Burglaries (per 100,000)	1,196 (844.9)	965 (686.3)	1,080 (766.0)	979 (688.3)	1,097 (759.1)	988 (677.3)
Thefts (per 100,000)	2,343 (1,655.2)	2,021 (1,437.4)	2,114 (1,499.5)	1,974 (1,387.9)	1,649 (1,141.1)	1,693 (1,160.5)
Auto thefts (per 100,000)	2,197 (1,552.0)	1,681 (1,195.6)	1,343 (952.6)	1,452 (1,020.9)	1,007 (696.8)	1,101 (754.7)
Arson (per 100,000)	74 (52.3)	60 (42.7)	72 (51.1)	51 (35.9)	55 (38.1)	16 (11.0)
City-data.com crime rate (higher means more crime, U.S. average = 307.5)	421.2	408.2	395.1	353.0	317.8	294.1

ROAD MAINTENANCE

With respect to Road Maintenance, the need here is not critical either. The City’s website points out that the condition of our roadways are rated at 69, “fair,” which is one point less than a classification of “good” and three points better than the average of all Bay Area cities according to the Metropolitan Transportation Commission (MTC)². Would we all like to have excellent pavement conditions throughout the entire city? Of course, just as we would like to have all new fire stations, training facilities, libraries, community centers, homeless shelters, and a police officer for every criminal. But this is obviously not possible. Consequently we must live within our means.

So in summary, what we have here is not a list of critical needs, but of hopeful desires—desires that in some cases may be unnecessary or even imprudent and in other cases will be funded in due time by measures already taken. Measures such as the emergency facilities tax, the utility tax, power plant fees and its associated property taxes, streetlight conversions, etc. collectively generate and save millions of dollars each year. These are funds specifically acquired by promises to address the very issues outlined here.

In conclusion, I believe this campaign to promote a sales tax increase has been a complete waste of money and propagating it further with additional funding would be incredibly irresponsible. I urge you to reject the continuation of this professional services agreement and drop this tax idea entirely.

Respectfully yours,
Lawrence Johmann, P.E.
Hayward resident, property owner and business owner

² http://mtc.ca.gov/news/press_releases/rel586.htm