From: [redacted]
To: Doe, Publications (REG); Carr, Barbara (REG); White, Joshua (CAT)
Subject: FOR BALLOT SIMPLIFICATION COMMITTEE---AUGUST 4, 2014 MEETING
Date: Sunday, August 03, 2014 11:21:04 PM

TO: BALLOT SIMPLIFICATION COMMITTEE, MEETING 8-4-14

MUNI INFRASTRUCTURE IMPROVEMENT BOND---ERRORS
RE: Approved Digest, July 28, 2014

Please don't allow Proponents to inject opinions and hearsay, which are not in the legal language of the Ordinance. By example, the Transportation Task Force was a "political" body consisting primarily of city government/ business staff---not independent transit experts. The projects described by the Ordinance are vague and ambiguous---not as described by Proponents. Since 2009, the Transit Effectiveness Project's partial implementation has cut Muni service in every neighborhood, eliminated 7 bus lines, shortened 22 routes, decreased frequency/ hours---in exchange for rapid corridors on major streets. **Please adhere to the legal language of the Ordinance.**

"WORDS YOU NEED TO KNOW"

The key legal words in the Ordinance are **"may"** and **"shall"**. These words need to be defined---as significant legal terms. "Shall" has legal obligations and "may" does not.

BALLOT SIMPLIFICATION DIGEST MUST MATCH THE ORDINANCE

On the Ordinance's Pages 3-5, under "Projects to be funded under the proposed Bond", the legal language of **"may include"** and **may be allocated"** appears nine times---for all projects. In other words, the projects are NOT required to be implemented.

Throughout the remainder of the Ordinance, the word "shall" is used for all other legally-mandated requirements. In other words, the words "may" and "shall" are intentional and meaningful.

An Attorney's Interpretation of Bond language:

The language of the bond measure is intentionally vague and ambiguous:

- It is silent as to the persons or entities that will decide which projects will be funded.
- It fails to describe any projects to be funded, using the phrases "may be allocated" and "may include but not limited to"

The measure gives Muni free reign to spend the funds in any way it desires. In addition, it is devoid of any mechanism for the public to veto any of the funding decisions made. The measure would literally permit Muni to use all of the funds on roadways, all on non-Muni projects, all on the overruns of current Muni projects, etc. In essence, it asks the voters to choose faith over reason and to trust that Muni will do the right thing.

SUGGESTED CHANGES

The Bond's Ordinance is not specific about which projects will be funded, and does not indicate how the funding is allocated---or by what persons or entities. By example, a portion of the Bond may be allocated to non-Muni projects, roads, traffic signals, cost overruns on other projects, capital projects like the Central Subway….

BOND ACCOUNTABILITY MEASURES: OVERSIGHT

Reviews and reports come after projects are selected and started by unidentified persons or entities.

An Attorney's Interpretation of Bond Oversight:

True citizen oversight of project expenditures is non-existent. The measure's Citizens' Oversight Committee is merely empowered to conduct an annual after-the-fact review of the spending and it then reports its findings to the Mayor and the Board of Supervisors. If, for example, Muni were to allocate all of the funds to one or more of its pet projects, the committee's only authority would be to verify the expenditures made

and then report them to the individuals (Board and the Mayor) who authored and promoted the measure.

Regards,
Howard Wong, AIA