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September 14, 1988

Dear Mayor Anne Rudin:

This is a package of Proposition 95 information. The package includes memos from the California Environmental Health Association, California Restaurant Association, California Grocers Association and California Taxpayers Association on their assessment of Prop 95. Please review the material along with the ballot initiative. I am asking as the President of Sacramento Chapter of California Restaurant Association, that the Sacramento City Council pass a resolution against Prop 95 as an ineffective way to solve the Hungry & Homeless Problem.

Respectfully,



Sam D. Manolakas
President
Sacramento Chapter
Calif. Restaurant Assoc.

SDM/tld

Jack McGuire
ext. 22040

Hunger / Homeless Initiative

The California Environmental Health Association (CEHA) represents over 1,100 environmental health specialists, primarily working in local county environmental health agencies, who would be affected by passage ^{the} of this initiative. We agree with the proponent of Housing and Nutritional Assistance initiative that hunger and homelessness in California are severe problems. However, we strongly disagree with the bureaucracy created to address the problem for the following reasons:

- 1). Local government is already overburdened with state mandated programs. Violations of food and housing regulations would require mandatory fines. Local governmental agencies would be responsible for collecting 50-90 million dollars annually. The passage of this initiative would change the role of county agencies from enforcement of food and housing laws to revenue collectors for the state.
- 2). Existing programs for nutrition and housing should be expanded and improved, rather than creating another bureaucratic agency at the state level. Cost effectiveness and efficiency of existing services should be assessed. Creation of another costly state agency and throwing 50-90 million dollars a year into resolving the problem will not be the answer to the housing and nutritional problems of the state.
- 3). By the establishment of mandatory fines for violations of the state housing code, fewer homes may be available for low income people because funds that could be used for rehabilitation would be used to pay fines.
- 4). Issuance of an infraction notice with a mandatory fine may create situations where local government employees are put in highly hostile situations. In most cases annual permit fees are already being paid by food establishments.
- 5). County agencies will be pressured into assessing fines to maintain a local flow of money into the local housing and nutritional programs. Basically staff will be required to find violations to fund another state mandated program.

Again, it must be emphasized that the California Environmental Health Association supports programs for providing housing and nutritional programs for the citizens of California. However, we strongly feel, for the reasons stated above, that the mechanism established by this initiative will create another expensive state agency and add a time-consuming and costly burden to local government. We urge a no vote.

Phone or write contacts to:

Jeff Palsgaard
Merced County Env. Health
385 E. 13th St Merced, CA 95340

(209) 385-7391

Comments must be received by 7/12/88 Tuesday.

Jeff Palsgaard, President
California Environmental Health Association

Thanks
Jack



CALIFORNIA RESTAURANT ASSOCIATION

THE ONLY STATEWIDE REPRESENTATIVE FOR CALIFORNIA'S FOOD AND BEVERAGE SERVICE INDUSTRIES

GOVERNMENT AFFAIRS OFFICE: 1600 K Street, Suite 100, Sacramento, California 95814 916/447-5793

I. Summary of the Initiative Statute

This Initiative has qualified and will appear on the November ballot. It creates a new corporation and a board of directors to administer programs to meet the nutritional and housing needs of hungry and homeless people in California. Funding for this new corporation, its board, and the programs it will administer will result from a system of citations and fines imposed upon the restaurant and housing industries. This new citation system will be similar to current traffic or parking citation systems. Health and Building inspectors would issue these citations whenever they found any violation of health and safety laws existing on the premises of a restaurant or in rental housing. The fines will be established by the Judicial Council and will range from \$1 to \$250 depending upon the violation. The proposition requires the Judicial Council to raise between \$50 and \$90 million a year from these citations.

II. Impact on Restaurants

The impact of passage of this Proposition on the restaurant industry will be substantial since it requires \$50 - \$90 million to be raised essentially from this industry. Passage of this proposition will also certainly change the relationship currently existing between health inspectors and restaurants. No longer will a health department official have the discretion to require correction of a problem without issuing a ticket resulting in a fine.

The provisions of this Proposition are ambiguous (as were the prop 65 provisions) and raise questions including, but not limited to the following:

1. Under the California Uniform Retail Food Facilities Law ("CURFFL"), certain violations of its provisions constitute felonies. For example, Health and Safety Code Section 26801 says that if a violation is committed after a previous conviction under the section, or if the violation is committed with intent to defraud or mislead, the violation will be deemed to be a felony. Section 31003 of the initiative indicates that if the prosecuting attorney wishes to do so, he may charge the offense as a misdemeanor, as opposed to an infraction. Does this mean that the felony provisions of Health and Safety Code Section 26801 would be nullified by the initiative?

Also, Section 31003 of the initiative states that if a condition constituting a violation continues "unabated" for 24 hours from the first notice of violation, the prosecuting attorney can treat the matter as a misdemeanor. Does this mean that a restaurant or hotel which committed multiple similar offenses (and, therefore, could be charged with a felony under Health and Safety Code Section 26801), can avoid those felony provisions and, perhaps, misdemeanor penalty provisions altogether by abating the condition within 24 hours? This would seem to be a real loophole for the very type of "bad apple" violators that the initiative purports to punish.

2. Could a single violation be both an infraction and a misdemeanor?

3. A local health official or building official will have no discretion and must cite each violation as an infraction. As you know, many health officials and building officials enforce the laws under their respective jurisdictions by education and negotiation in most instances, and criminal charges are brought only in the most flagrant cases. These officials are concerned that they will no longer have the ability to "work with the industry" to deal with the most typical health and building code violations.

4. To what extent will health officials and building officials be subjected to liability in the event that they fail to cite each and every arguable violation in a premises? To what extent can cities and counties be held liable for the failure of health officials and building officials to cite each and every such arguable violation?

5. Can a health officer/building official treat a continuing violation as one infraction, or must the health officer/building official treat them as multiple infractions?

6. The purpose of the initiative is to raise between \$50 million and \$90 million per year. Is the Corporation for California (see Section 8699.1 (e) of the initiative) prohibited from accepting more than \$90 million per year?

Conversely, if the schedule of fines established by the Judicial Council fails to raise enough money each year, will the fines be increased to raise sufficient monies? In other words, is the penalty for an infraction going to be the amount necessary to pay off the bonds, or is the amount of the penalty going to be related to the seriousness of the crime? This is an important issue, and it is akin to saying that the penalty for, for example, speeding on the freeway should be sufficient to pay for funding the highway patrol or for funding all of California education, regardless of whether a speeder is one mile over the speed limit or 50 miles over the speed limit. This goes against the whole concept of making the punishment fit the crime.

7. Health and Safety Code Section 26586 requires a hearing in the event of a violation of CURRFL, and Health and Safety Code Section 26587 states that hearing is necessary to prosecution and publication. The initiative would repeal Section 26586. This creates a very muddy situation in which an essential part of the enforcement mechanism under CURFFL will be missing.

8. If an individual pays a fine rather than contest an alleged violation, what effect will this have? Is it akin to a guilty plea? Will it be usable against the individual if it is claimed that there is a subsequent violation (see discussion above regarding treating multiple offenses as felonies). What about double jeopardy?

9. The initiative will cover violations of the provisions of California's Sherman Food, Drug, and Cosmetic Act as they pertain to alcoholic beverages, bottled water, and numerous other food products.

10. The question has arisen as to whether the initiative would apply to commercial buildings. Specifically, the initiative states that provisions of building codes pertaining to residential occupancies will be covered. Many commercial buildings (eq., office buildings) contain residential occupancies.

11. It appears that all food facilities and food establishments including schools, emergency kitchens, shelters for the homeless, missions and food banks, as well as Bed and Breakfast Inns, grocery stores and sidewalk vendors will be subject to fines for inspection violations.

12. Will governmental agencies be liable as landlords/food service operators?

13. The initiative provides for appropriations by the Legislature. Therefore, it is unclear exactly how much money the people of the State of California are ultimately going to end up paying for all of this.

14. Implementation of this Initiative will involve start up costs which are not provided for in the statute. Who will fund the printing and distribution of citation books, the \$1500 per day for the Board meetings, plus the initial staff hiring expense?

15. In addition to the fine for the underlying violation, a provision is made to assess a processing fee for each violation. How will the administrative fees interface with the processing fee? The amount of this final combined fee is unknown at this time.

16. Potential violators will be entitled to demand administrative or search warrants as well as an opportunity for a trial. This will result in an unknown burden for the court system that may or may not be offset by the penalties collected.

17. In order to protect against charges of bribery or actual bribery, solicitation of bribes, graft or corruption, at least two health inspectors may be sent to each rental unit or food facility inspection, thus increasing the county's manpower needs.

LAW OFFICES
KAHN, SOARES & CONWAY

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1400 "K" STREET, SUITE 201
SACRAMENTO, CALIFORNIA 95814
(916) 448-3826
(FAX) (916) 448-3850

REPLY TO: Sacramento

June 14, 1988

TO: CASSANDRA PYE
CALIFORNIA GROCERS ASSOCIATION

FROM: GEORGE H. SOARES *GHS*

RE: HOUSING AND NUTRITIONAL ASSISTANCE INITIATIVE

You requested that I review the above-referenced initiative and advise you as to its effect on the California Grocers Association and its members. I have done so and have set forth below my impressions of the initiative.

1. The initiative appears to overstate its case by claiming that the hungry and homeless have reached "epidemic proportions". The initiative does not substantiate the assertion nor does it reference supporting documentation. However, insisting that the sponsors prove their assertions could cast opponents of the measure in a bad light.
2. It claims to alleviate the problems of hunger and homelessness without raising taxes or imposing new taxes on the public. It ignores the fact that the \$50 million to \$90 million of annual expenditure will come from the very citizens it says it will not tax through higher costs.
3. Definitions for affordable housing, homeless person and hungry person are arbitrary at best. For example, affordable housing would mean housing costs not exceeding 25% of gross income. Most middle class homeowners pay in excess of 25% and therefore would be a part of the group that would be subject to the housing and nutrition assistance law as proposed by the initiative. Additionally, the definition for homeless person in part includes anyone who lacks "community ties needed to obtain housing", whatever that means.

MEMORANDUM

June 14, 1988

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4. The Board of Directors which operates the corporation that handles the funding would consist of four members appointed by the Governor, five by the Senate Rules Committee and five by the Speaker. It may be more appropriate to authorize the Governor to make all or nearly all of the appointments to the Board and give the Senate Rules Committee confirmation authority.
5. The Board voting procedure would allow any five of the fourteen members to make decisions for the entire Board. In light of the fact that the Board will be dealing with up to \$90 million a year, there should be greater involvement by Board members in the final vote.
6. The Executive Director shall be compensated at the same rate as the President of the Public Utilities Commission. The initiative does not set forth the actual salary which is \$78,495 annually.
7. Twelve and one-half percent (12½%) of the annual income to the fund goes for administrative overhead. It seems like it would be more fiscally prudent if any monies collected under the initiative be distributed to counties on a formula basis thereby eliminating the need for another layer of government. The 12½% cap could allow the expenditure of over \$11 million for program administration.
8. Beside the 12½% administrative costs, the program can be charged another 10% by local counties to pay for their administrative costs. This could be another \$9 million which, when combined with the \$11 million available to the corporation's Board of Directors means that over 22% of all collected monies can go for administrative overhead.
9. The initiative states that the problems of hunger and homelessness are matters of statewide concern. That being the case, it seems more appropriate that the state through the General Fund be impacted rather than penalizing businesses which are not in themselves responsible for the problem.
10. The initiative claims that the infraction penalties must be reasonable but instructs the judicial council to work with local agencies and the courts to ensure that a minimum of \$50 million per year and a maximum of \$90 million per year is collected in infraction penalties statewide. If the initiative passes, the businesses subject to the initiative such as retail food facilities, bakeries and retail food processing will be under attack by government employees trying to meet their quota.

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11. In addition to the actual penalties, local agencies can charge a processing fee for each violation in any amount that is needed to cover actual costs. So, beside the \$50 million to \$90 million cost to business, several more millions of dollars will be charged.

GHS/lem

Cal Tax

PROPOSITION 95

HOUSING AND NUTRITIONAL ASSISTANCE.

An initiative statutory amendment placed on the ballot by receiving the required number of signatures.

Summary:

This initiative, promoted by State Board of Equalization member Conway Collis, would create a new government agency to be called the Corporation for California. This independent body within the state Business, Transportation and Housing Agency would oversee new programs for homeless and hungry persons. It would distribute revenue produced from a new citation system to local agencies and charitable organizations for transitional services for hungry and homeless persons.

The initiative would establish a uniform citation system of fines and penalties for housing and food preparation offenses. Violations would constitute an infraction and not a misdemeanor. Penalties for violations are capped at \$250 a day. Citations could be issued each day until violations are corrected.

The citation process in the initiative would be a similar citation process for traffic violations. There would be opportunities to pay the penalty, or challenge the citation.

Misdemeanor penalties would continue to be available at the discretion of the prosecutor for violations existing for more than 24 hours from the notice of violation, or if the violation resulted in injury to any person.

The initiative would establish a 15-member board of directors to administer the Corporation for California. The Board would consist of four members appointed by the Governor, five members appointed by the Senate Rules Committee, five members appointed by the Speaker of the Assembly, and the state Treasurer. The Corporation would have broad authority, including authority to promulgate regulations and to issue revenue bonds and savings bonds.

The initiative would establish within the state Treasury a California Emergency Housing and Nutrition Fund, which would receive 80% of proceeds of penalties collected. It would also establish the California Housing Fund, which would receive 10% of all penalties and proceeds from loans and bond sales. Counties would retain 10% of penalties for paying administrative costs of local agencies issuing citations.

The initiative would provide that 87.5% of revenues in the California Emergency Housing and Nutrition Fund be dispersed to local agencies and 12.5% be used for administration, research, and staffing. It would further provide that 90% of the California Emergency Housing and Nutrition Fund money be allocated back to counties where fine revenue was derived.

County boards of supervisors would be required to appoint committees of no less than nine members to prepare and submit a county plan consistent with specified guidelines that propose spending for emergency shelters, transitional housing, emergency food, nutrition referral programs, health screening, job

medical and psychological referral services.

Fiscal Analysis:

According to the Legislative Analyst and the Department of Finance, this initiative would produce an unknown increase in infraction penalties for violations of various codes. However, the initiative states that a minimum of \$50 million and a maximum of \$90 million per year would be collected.

Supporting Arguments

- o Estimates range between 100,000 and 200,000 homeless in California, including large numbers of children, elderly, and Vietnam-era veterans. This is a critically important social problem and little is being done about it.
- o One in ten residents of the state is on a food assistance program, while others are turned away. These problems are acute social concerns.
- o The citations would average between \$30 and \$60 and more serious offenses would receive the maximum fine.
- o Revenue produced through the citation system would be put to work productively, paying for much needed emergency and transitional services for the homeless.

Opposing Arguments

- o This initiative would set up a new government bureaucracy with a state-level agency and counterpart agencies in each county. This new bureaucracy would be very difficult for the legislature to control and beyond the reach of the governor. It would have authority to raise \$90 million per year or more, appropriate public funds, issue revenue bonds and savings bonds and spend the proceeds, and promulgate regulations.
- o The new citation system would be a full employment act for health inspection officials. The system would allow local agencies to fully recover the administrative cost of inspections. Up to 25% of the fine revenue could be available to the county for administration. An additional 12.5% would be available for research and administration.

- o On the November 1988 ballot, voters will have an opportunity to vote for a \$300 million bond issue for housing for the homeless. This is an easy choice compared to the establishment of a new systems of fines on homes and businesses, and a new bureaucracy.
- o The citation system is not just directed at slumlords. It would authorize citing to homeowners for such things as dislodged baseboards and broken wall plates. Any home could be subject to code violations.
- o Serious problems are also created by earmarking a new revenue in the manner established in this initiative. Earmarking is inconsistent with sound budget policy. It builds rigidity into budgets and impairs the unity of the overall budget. Earmarked revenue tends to stay outside periodic legislative scrutiny of the budget process and priority-setting. Earmarking also results in too little or too much revenue for the purposes for which it is designated.
- o There is a growing trend toward earmarking and "ballot box" budgeting. In 1988, there were at least twenty earmarking proposals before voters, circulated for initiative signatures, or considered by the Legislature. This kind of earmarking has produced a substantial portion of the federal government's current "off budget" financing problems. It is a trend that California should avoid.

Staff Recommendation:

Oppose

Californians Working Together AGAINST HUNGER AND HOMELESSNESS

ADVISORY COMMITTEE (partial listing)

Proponents of the Initiative

Irving Amiff
President
MCA Music Entertainment Group

Gene Beutler*
Manager
Emergency Services Team
Los Angeles United Way, Inc.

Catherine Camp*
Chair
California Organizing Committee
for the Hungry and Homeless

Samuel R. Campi
President and C.E.O.
Greater Los Angeles
Partnership for the Homeless

The Honorable Conway Collis*
Chairman
California State Board of Equalization

Anthony M. Frank
Chairman and C.E.O.
First Nationalwide Financial Corporation

Sparby Harlan*
Executive Director
Bill Wilson Center

Raymond L. Johnson, Jr., Esq.
President
Los Angeles, NAACP

Robert M. Kardon
Executive Director
California Association of Nonprofits

Ken Kory*
Administrator
Ford & Nutritional Services, Inc.

Arthur P. Roger M. Mahony

of Medvetry
Group

Donald D. McGee
Managing Partner
Ogilvy and Mather

Grover McKenna
Managing Director
L.F. Rothschild, Ueberberg, Towbin

Gordon Pickett
Chairman, California Council
Vietnam Veterans of America, Inc.

Donald Reiss, Esq.

William R. Robertson
Executive Secretary-Treasurer
L.A. County Federation of Labor
AFL-CIO

Marion B. Standish*
Executive Director
California Rural
Legal Assistance Foundation

William M. Wardlaw
Managing Partner
Ripstein and McKelvie

Lynne Wasserman, Esq.
Senior Vice President
Weintraub Entertainment Group

Rev. Aimeed P. Wright-Riggins*
Southern Christian Leadership Conference

Rabbi Uriah Zalkin
Shephar & Wise Temple

(Organizational names for
identification purposes only)

* denotes Member of Board of Directors

Barry [redacted] Esq.
Legal [redacted]
Jerry [redacted] Esq.
[redacted]

October 14, 1987

Honorable John Van de Kamp
Attorney General
1515 K Street, Suite 511
Sacramento, CA 95814

[Received
2:40 PM
Oct 14, 1987
Floyd Shum]

Re: California Hunger and Homelessness Act;
Submission for Title and Summary.

Dear Mr. Van de Kamp:

I am the proponent of the enclosed California Hunger and Homelessness Act. Pursuant to California Elections Code Section 3502, I hereby request that you prepare a title and summary of the chief purposes and points of the proposed measure so the initiative petition may be circulated for signatures. Pursuant to Elections Code Section 3503, enclosed please find a check in the amount of \$200.

Please do not hesitate to contact me at this office if there is any additional information I can provide. I can also be reached through 213/451-5777 or 415/982-7100.

Sincerely,

Conway H. Collis

Conway H. Collis
On Behalf of
Californians Working Together

Proposition 95
Initiative Statute
Proponent: Conway H. Collis

Date: July 21, 1988

BALLOT TITLE AND SUMMARY

HUNGER AND HOMELESSNESS FUNDING. INITIATIVE STATUTE. Creates public corporation to disburse funds to counties, other political subdivisions of the state, and non-profit organizations pursuant to county-wide plans, to provide emergency and transitional services for hungry and homeless persons, and for low-income housing as specified. Funding to come from new fines for the violation of existing laws and regulations relating to housing and food preparation, and bonds secured by the revenue from these fines. Includes other provisions. Summary of Legislative Analyst's estimate of net state and local government fiscal impact: The revenue to be collected from new fines is unknown because (1) the measure does not specify the amount of each fine and (2) the measure lets cities and counties decide the number of fines given out. Possibly, several millions of dollars could be collected each year.

BALLOT LABEL

HUNGER AND HOMELESSNESS FUNDING. INITIATIVE. Creates funding program to assist hungry and homeless persons by collecting fines and issuing bonds. Fiscal impact: Amount of fine collections are unknown - possibly, several millions of dollars a year.

AB filed
Ex. II

BALLOT ARGUMENT
AGAINST
PROPOSITION 95,
THE HOUSING AND NUTRITIONAL ASSISTANCE ACT

Finding solutions to the problems of the homeless is a critical concern to every Californian. But Proposition 95 is a costly, unfair, and ineffective way of addressing this serious social issue.

Proposition 95 creates an expensive new government bureaucracy and unfairly penalizes a few to pay for society's responsibilities.

Local grocers, restaurants, innkeepers, apartment owners and even homeowners are the target for \$50 MILLION TO \$90 MILLION IN NEW FINES THAT MUST BE IMPOSED -- to meet the law's quotas -- by local building and environmental health inspectors in every community of the state.

ONE OF EVERY THREE DOLLARS raised can go to pay millions in SALARIES, BENEFITS, OVERHEAD AND RESEARCH costs for this bureaucracy -- not to the homeless.

Worse still, it does not effectively deliver the services most desperately needed to break the cycle of homelessness -- job training and placement, substance abuse counseling and health care for mental and physical illness.

Here are the facts:

- * Proposition 95 creates a new state agency that has virtually no accountability for how it raises and spends public money. It has the power to issue bonds, spend taxpayers' money, impose quotas for fines and establish costly rules and regulations.
- * Fourteen new political appointees and an executive director -- guaranteed \$78,000 annually in salary -- will direct the new bureaucracy. Who knows how many lawyers and other staff will be added?
- * Each of the 58 counties can also establish new committees, headed up by nine more political appointees, to implement Proposition 95.
- * These fines will be levied on grocery stores, restaurants, inns, or rental properties, for even the most minor violations -- such as a leaking faucet or missing light bulb. Owners and managers will be given no warnings or time to comply -- fines will be issued automatically to meet the law's quotas.

- * There are OTHER HIDDEN COSTS. Local taxpayers will pay additional costs for processing Inspection and Arrest Warrants, and prosecuting violators through the court system.

Does this sound like an effective way of helping people in need of a home or medical care?

We've heard these promises before -- how one more new government program will help fill an important social need or fund a social program. Remember the campaign promises made about how the lottery would save public education in California?

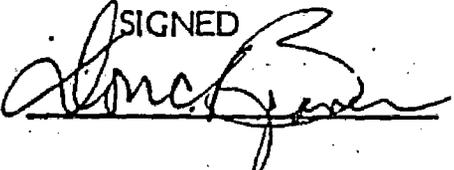
Proposition 95 is unfair and it hurts entrepreneurs and small business, as well as consumers and renters who will eventually pay higher prices and rents to cover the costs of these fines. - Innkeepers, corner grocery store owners, family restaurateurs and property owners will be forced to pay for a problem that belongs to us all -- with millions wasted on an unnecessary new government bureaucracy.

We urge you to vote NO on Proposition 95. It's a well meaning, but misguided proposal for California.

STATEMENT TO BE FILED BY AUTHOR OF ARGUMENT

All arguments concerning measures filed pursuant to Division 5, Elections Code shall be accompanied by the following form statement, to be signed by each author of the argument:

The undersigned author(s) of the primary argument
(primary/rebuttal)
against 95 ballot proposition at the
(in favor of/against) (name or number)
general election for the State of California to be held
(title of election) (jurisdiction)
on 11/8/88 hereby state that such argument is true and correct to
(date)
the best of his knowledge and belief.
(his/their)

SIGNED	ADDRESS	DATE
	<u>1400 K ST Suite 208 Sacramento</u>	<u>7-11-88</u>
<u>President, California Grocers Association</u>		
_____	_____	_____
_____	_____	_____

Contact Person concerning this argument:

Name: Stanley Kyker, Executive Vice President, California Restaurant Assn.

Address: 3780 Wilshire Blvd., #600
Los Angeles, CA 90010

Telephone: 213/384-1200

In compliance with California Elections Code Section 3564, the California Grocers Association hereby submits, on behalf of the organization, the following names and addresses of two principal officers:

**Charles R. Collings
Chairman of the Board
California Grocers Association
1400 K Street, Suite 280
Sacramento, CA 95814**

**Roger K. Hughes
First Vice Chairman
California Grocers Association
1400 K Street, Suite 280
Sacramento, CA 95814**

STATEMENT TO BE FILED BY AUTHOR OF ARGUMENT

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The undersigned author(s) of the primary argument
(primary/rebuttal)
against ballot proposition 95 at the
(in favor of/against) (name or number)
general election for the State of California to be held
(title of election) (jurisdiction)
on 11/8/88 hereby state that such argument is true and correct to
(date)
the best of his knowledge and belief.
(his/their)

SIGNED

ADDRESS

DATE

Jeff Palosquez 2616 Piedmont Merced 95340 7.13.88
President, California Environmental Health Association

Contact Person concerning this argument:

Name: Stanley Kyker, Executive Vice President, California Restaurant Assn.

Address: 3780 Wilshire Blvd., #600
Los Angeles, CA 90010

Telephone: 213/384-1200

In compliance with California Elections Code Section 3564, the California Environmental Health Association hereby submits, on behalf of the organization, the following names and addresses of three principal officers:

**Jeff Palsgaard, President, California Environmental
Health Association
2616 Piedmont
Merced, CA 95340**

**Ron Duncan, Vice President, California Environmental
Health Association
P.O. Box 314
Rescue, CA 95667**

**Dick Pantages, Past President, California Environmental
Health Association
P.O. Box 3962
Hayward, CA 94540-3962**

STATEMENT TO BE FILED BY AUTHOR OF ARGUMENT

All arguments concerning measures filed pursuant to Division 5, Elections Code shall be accompanied by the following form statement, to be signed by each author of the argument:

The undersigned author(s) of the rebuttal argument
(primary/rebuttal)
against 95 ballot proposition at the
(in favor of/against) (name or number)
general election for the State of California to be held
(title of election) (jurisdiction)
on 11/8/88 hereby state that such argument is true and correct to
(date)
the best of his knowledge and belief.
(his/their)

SIGNED	ADDRESS	DATE
<u>Stanley R. Kyker</u>	<u>3780 Wilshire Blvd.</u> <u>Suite 600</u> <u>Los Angeles, Ca. 90010</u>	<u>7-20-88</u>

Executive Vice President, California Restaurant Association

Contact Person concerning this argument:

Name: Stan Kyker, California Restaurant Association

Address: 3780 Wilshire Blvd., #600

Los Angeles, CA 90010

Telephone: (213) 384-1200



CALIFORNIA RESTAURANT ASSOCIATION

THE ONLY STATEWIDE REPRESENTATIVE FOR CALIFORNIA'S FOOD AND BEVERAGE SERVICE INDUSTRIES

GOVERNMENT AFFAIRS OFFICE: 1600 K Street, Suite 100, Sacramento, California 95814 916/447-5793

In compliance with California Elections Code Section 3564, the California Restaurant Association hereby submits, on behalf of the organization, the following names and addresses of two principal officers:

Eppie G. Johnson, President
California Restaurant Association
3780 Wilshire Blvd., #600
Los Angeles, CA 90010
213-384-1200

Jim Pardini, Vice President
California Restaurant Association
3780 Wilshire Blvd., #600
Los Angeles, CA 90010
213-384-1200

HUNGER & HOMELESSNESS IS UNACCEPTABLE IN CALIFORNIA

Proposition 95 will help get hungry and homeless people off the streets and into a job and permanent housing without spending one dollar of tax money!

Proposition 95 will provide a range of services for those who are hungry and homeless. The money will come from fines imposed on slumlords and unsanitary food establishments - not from your tax dollars!

Proposition 95 will make sure this money goes to those people who need help - not to some ineffective state bureaucracy!

How Serious is the Problem?

Hunger and homelessness have reached epidemic proportions in California, particularly among children, the elderly and Vietnam era veterans:

- *One in ten Californians, including more than one million children, rely on emergency food programs, while thousands more are turned away.

- *An estimated 250,000 Californians are homeless - over 25% are families and children - most are frightened and new to the streets.

Most hungry and homeless people are victims of circumstance - an illness, unemployment, an injury - things that could happen to anyone at anytime.

Hunger & Homelessness is . . . a pregnant teacher's assistant who cannot work until after delivery and her husband, a carpenter, who hurt his back. One day, their money is gone. They end up sitting on a bus bench, wondering where they will live and what they will eat.

Hunger & Homelessness is . . . a mother of two children, running from a violent husband who physically abuses his family. She has run out of time at the local women's refuge. With nowhere to go and no money, the mother and her children are living in the same car they escaped in. For food, they stand in line at a soup kitchen.

Hunger & Homelessness is . . . a Vietnam veteran who suffers seizures from his war experience, whose benefit checks did not arrive because he changed addresses and now finds himself hungry and living in a park.

Hunger & Homelessness is . . . a 61 year old woman whose husband recently died, following a prolonged illness which depleted the couple's savings. She can no longer afford the rent on the apartment they once shared, and now finds herself wandering the streets in search of food and shelter.

How will Proposition 95 Work?

Proposition 95 is an innovative new measure which would impose a fine - similar to a traffic ticket - on lawbreakers who violate health, safety and building codes. Money from the fines will go to local governments and non-profit charitable organizations - those most able to make a difference.

Proposition 95 is cost-effective and comprehensive. The program will provide:

- *emergency food and shelter
- *job counseling
- *emergency rent assistance
- *drug and alcohol treatment
- *health screening
- *child care

Proposition 95 will create a new California Savings Bond in small denominations of \$100 or less. Just as small investors once funded a war effort, Californians will help win the war against hunger and homelessness by investing in California Savings Bonds.

Proposition 95 enjoys strong bipartisan support. It will attack the problems of hunger and homelessness without spending one dollar of tax money.

VOIE YES ON PROPOSITION 95

Rebuttal to Ballot Argument for Proposition 95

Homelessness is unacceptable. BUT Proposition 95 is ineffective, unfair and wasteful ... and could make the problem *even worse*.

THE HOMELESS WON'T BE HELPED BY:

- creating a huge new government bureaucracy with dozens of political appointees and highly-paid staffers. Fully 25% of funds could be spent for county administration, plus millions more for State staff and administration;
- burdening local taxpayers and governments with heavy new legal and court costs;
- creating an unworkable penalty system using mandatory quotas to raise 50 to 90 million dollars annually. This system is strongly opposed by the same environmental health inspectors required to administer it.

Proposition 95 could make it harder to help the homeless by giving State government an excuse to wash its hands of the problem.

58% of the homeless are mentally ill, alcoholics or drug addicts. Proposition 95 will be ineffective at helping these individuals and gives only lip service to rehabilitation and job training.

PROPOSITION 95:

- Automatically fines and unfairly penalizes even minor code violations in restaurants, homes, grocery stores and apartments without allowing time for correction.
- Singles out small businesses, entrepreneurs and property owners to pay for a nationwide problem without requiring most big corporations to pay a dime to help the homeless.

Under Proposition 95, even local grocers and restaurants providing excess food for the hungry are penalized -- as are school cafeterias and soup kitchens. Did they cause the homeless problem?

WE CAN HELP CALIFORNIA'S HUNGRY & HOMELESS

Proposition 95 is an innovative and cost-effective attack on hunger and homelessness -- without using tax dollars or creating a big new bureaucracy. Proposition 95 will provide direct assistance to the hungry and homeless and will help thousands of people become productive members of society.

Here are the facts:

- *Proposition 95 is fair. Its funding comes from fines against negligent slumlords and unsanitary food establishments found guilty of serious violations of health and safety codes. There is no tax increase and no responsible business person will pay any added costs. Only lawbreakers who endanger our health and safety will be penalized.
- *Proposition 95 is cost-effective. Instead of creating a big new state bureaucracy it specifies that services for the hungry and homeless be provided by local governments and non-profit agencies. In fact, Proposition 95 has a strict limit on administrative costs and specifically authorizes only two staff positions.
- *Proposition 95 is innovative. It attacks the causes of hunger and homelessness. It provides funding for job training, drug and alcohol treatment, health care and mental health counseling. In addition to emergency food and shelter.

With each passing day the problem only grows worse and the solution becomes more costly to us all. By acting now we can begin to put an end to the crisis of hunger and homelessness.

Proposition 95 will begin to move hungry and homeless people from the streets and into a job and permanent housing without increasing taxes.

VOTE YES ON PROPOSITION 95

Tom Bradley
Mayor, Los Angeles

William Campbell
State Senator, 31st District

Robert W. Stringham, President
California Association of...