



The Voter

“ . . . to promote informed citizen participation in government.”

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November 2010

Conversation: Health Care

Conversations at the League will resume in December. The Health Committee will be participants in this Conversation.

When: Tuesday, December 7, noon-2:00 pm

Where: Albany Public Library, Edith Stone Room
1247 Marin Avenue

We will be talking about the national health insurance reform bill (PPACA), how it will affect individuals, providers, and small business, and where we should go from here, especially since SB 810, the California bill for single payer health insurance, was not brought forward for a vote in the state assembly. We are looking for a small business owner (preferably a League member) who would like to participate in the discussion, and we welcome all interested League members and their friends.

P.S. You may bring lunch and water, but no other beverages.

Li-hsia Wang
Healthcare Director

Update on Sunshine in Berkeley

Around 10 years ago, a push began from several sources to adopt a comprehensive “Sunshine Ordinance” for Berkeley. Efforts are now becoming more intense, and we thought you would like to get a status report on where things stand, as 2010 concludes. The concept of a “sunshine ordinance” is to expand by law public accessibility to city records and documents, and to allow for widest possible citizen input as government decisions are made.

A “citizens draft” of a “Berkeley Sunshine Ordinance” has been circulating for signature collection in an initiative effort. Although there were insufficient signatures by the cutoff date for placement on this November’s ballot, the proponents now believe that enough people signed by the later deadline that would assure it a place on the November 2012 municipal ballot. That will be determined by some time in November of this year, according to representations from the office of the Registrar of Voters. To see the contents of that circulated initiative, go to www.berkeleysunshine.org.

When a “citizens committee” was formed a few years ago, in response to some opposition to ordinance language proposed by then-City Attorney Manuela Albuquerque, the League was invited to participate and for a good portion of those discussions and drafting, we were at the table. We made several suggestions that were listened to, and the final document reflected some changes that were made to accommodate our concerns.

When the decision was made by the majority of that committee to circulate the document as an initiative, the LWVBAE Board voted not to participate in the circulation of the document for signatures. The League’s primary goal is to help achieve a workable balance between providing a maximum amount of information in a timely manner, and a prudent allocation of staff and Council resources to ensure that the work of the City can be accomplished. It was the League Board’s consensus that details of the proposal tipped the balance of the scale too far in the direction of excess cost to the City budget, and burden on City staff.

Continued page 2

Environmental Concerns

When: November 8 from 7:30-9:00 p.m.

Where: 1037 Mariposa Street.

Parking is easy and the house is wheelchair accessible.
Contacts: Carol Stone seastone11@hotmail.com or
Gail Schickele gails@bayarea.net.

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Sunshine

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At a Council work session on Sunshine matters held on September 28, several members of the drafting committee of the initiative came before the Council to defend their product and to take issue with City staff analyses that had projected costs as high as \$3 million, including start-up costs, primarily because of increased staffing needs and enforcement expenses. The initiative proposes a new Commission and allows for outside counsel to be hired when issues are brought before it.

Former LWVBAE President Nancy Bickel and I were at the September 28 session and I spoke for the League during the Public Comment portion of the meeting, acknowledging the goals of open government. I offered our services to the Council and City staff as work progresses on proposals. City Deputy Manager Christine Daniel promised that City staff would be bringing a proposal back in January 2011, for consideration by the Council as a possible counter-proposal to the “citizens’ initiative”.

During the discussion among the Mayor and Council members that followed the presentations, there were several areas of agreement. The lateness of availability and receipt by the Council of the information packets that accompany the Agenda for Council meetings were the major problem that most agreed on. Neither the Council nor the public has the ability to read through these in time for Council meetings, and addenda come in as late as minutes before meetings start. That seemed to be the first priority in the minds of the Council members who spoke—getting that problem fixed through imposing earlier deadlines. There also appeared to be consensus on the inadequacy of the current Council chambers, both in size and amenities, like audio and visual equipment.

The length of Council and Commission meetings was another area of agreement, which sometimes run past midnight and usurp the time scheduled for equally important matters that happen to be placed far down the Agenda. Several Council members also indicated their willingness to start Council meetings earlier in the evening, possibly even in late afternoon.

The Council could adopt what it likes from the proposed initiative, as Councilmember Kriss Worthington emphasized, even if the measure qualifies for the ballot.

Public and Council comments at this meeting and those that will continue to be sent to City staff will contribute to the draft that Council will see in January.

The League will continue to follow all this with great interest, and report to you as proposals evolve.

Sherry Smith
President

350.org Mobilizes to Combat Climate Change

A “global work party” day of action on 10-10-10 spearheaded by the 350.org international campaign to unite the world around solutions to climate change was presented by Anna Goldstein at Environmental Concerns meeting September 13.

In October 2009, 350.org coordinated 5200 simultaneous rallies and demonstrations in 181 countries, what CNN called the ‘most widespread day of political action in the planet’s history.’ This year’s October 10 ‘global work party’ encouraged people to put up solar panels, dig community gardens and other activities designed to send a strong message to our leaders: ‘If we can get to work on solutions to the climate crisis, so can you,’ Goldstein said.

350.org was founded by environmental writer and activist Bill McKibben based on data showing 350 parts per million (ppm) is what many scientists, climate experts, and some national governments are now saying is the safe upper limit for carbon dioxide (CO₂) in our atmosphere. Accelerated arctic warming and other early climate impacts have led scientists to conclude that we are already above the safe zone at our current 392 ppm - an almost 40-percent increase from the pre-industrial revolution level - and that, unless we are able to rapidly return to below 350 ppm this century, we risk reaching tipping points and irreversible impacts such as the melting of the Greenland ice sheet and major methane releases from increased permafrost melt.

Getting back to 350 ppm means building solar arrays instead of coal plants, planting trees instead of clear-cutting rainforests, increasing efficiency, decreasing waste and other solutions that 350.org says will become easier if we have a global treaty grounded in the latest science and built around the principles of equity and justice. To get this kind of treaty, 350.org says we need a movement of people who care enough about our shared global future to get involved and make their voices heard.

The U.S. has been producing more CO₂ than any other country and leads the industrialized world in per capita emissions. Even though China now produces as much CO₂ annually, the U.S. still produces many times more carbon per person than China, India, and most other countries.

350.org takes its name from the research of NASA scientist James E. Hansen’s landmark paper, “Target CO₂: Where Should Humanity Aim?” Hansen focused on CO₂ as the key greenhouse gas because it is the most prevalent in our atmosphere, has the longest life-cycle, meaning we’ll be dealing with the consequences of our actions today for over 100 years, and it is most integrated into industrial

Continued on page 6

Letter from Professor Lakoff

Note: The October *Voter* included an open letter to Professor Lakoff from the LWVC, which commented on remarks he made about the League at LWVBAE's Community Luncheon. Below is the Professor's response to the LWVC letter.

September 8, 2010

An Open Letter

To Helen Hutchison, Vice President for Advocacy and Program

League of Women Voters

1107 9th Street, Suite 300

Sacramento CA 95814-3608

lwvc@lwvc.org

Re: Address to the League of Women Voters of Berkeley/Albany/Emeryville

Dear Ms. Hutchison:

Thank you for writing. Your letter contained important information, and I'm grateful for it.

I'm sorry you were taken aback at my talk, but there are some things you should know as background.

I was invited to speak at a fundraiser for the League of Women Voters of Berkeley/Albany/Emeryville on August 19, 2010. Because of my deep respect for the League, at both state and local levels, I accepted. The event was a success—an audience of over 200 came. Afterwards, I received dozens of strongly positive comments, for which I am grateful.

When I was invited, I asked what my hosts wanted me to speak about. They responded that they wanted me to talk about the state budget issues and about my ballot initiative. I mentioned that I had a difference of opinion with the state office of the League about the initiative. I was told that I should not hesitate to voice any such differences at the meeting, that the League had a policy of open discussion, and that it might be good for the organization to hear differing opinions. I complied, in the hope that such a discussion might make collaboration with the League possible in the future.

At the event, just before my speech, I asked my hosts to permit open discussion afterwards. They said they had strict time constraints and suggested taking written questions instead. I obliged as a matter of politeness. I'm sorry your objections were not voiced then.

I think that my hosts at the local League did an excellent job of organizing a large, complicated event, and though I regret the lack of an open discussion, I understand their position fully.

When I called the state League office last year about the

Democracy initiative, I was told that the League did not support ballot measures before they qualified. That was the only reason given for lack of support of the Democracy initiative. I am delighted to hear that the person I spoke to was misinformed on the subject and that the League does support ballot initiatives before they qualify.

About "mistakes" in the wording of my initiative: There were typos, which neither I nor the typist nor the editors caught, nor did the Attorney General's office, nor did the Secretary of State's office, nor, apparently, did the person I spoke to at the state League, who never mentioned them. As I understand it, innocent typos not caught by the state offices can be corrected without withdrawing and starting over, if approved. As soon as we caught them, we sent the typo corrections in to the Secretary of State's office at their direction and were not told that we had to withdraw and start again.

I did state at the fundraiser that the state League, as of that date (August 19), had not taken a public stand against minority rule in the State Senate and Assembly on matters of both revenue and budget. That was true then, and it is true today. You say, "nothing could be farther from the truth" and cite the state League position on Proposition 25. Here is the League's official position on Proposition 25 as of today, September 9, 2010

(see <http://ca.lwv.org/action/prop1011/flyer.html>).

"The LWVC supports this measure, which would change the vote required for the Legislature to pass a budget from the current two-thirds to a simple majority. Majority rule is a fundamental part of democracy. The majority should set priorities for spending and take responsibility for them. This measure will change the negotiations over the budget and reduce the stranglehold the minority now exercises over the process. Under Proposition 25, legislators will forfeit salary if they fail to meet the deadline for passing a budget. Budgets that are late and full of gimmicks harm all Californians, damage our economy, and hurt the state's credit rating."

This says nothing whatever about going to a simple majority for raising revenues via taxation. You provide a statement not yet posted on the website. Your quote starts with:

"We support a simple majority vote by the public or governing body to adopt, repeal or change a revenue or finance measure. To ensure flexible government, we support adoptions of budgets, appropriations, taxes, other revenue sources and changes in rates and schedules by a simple majority vote of the governing body. "

That is what my Democracy initiative proposed, and I am delighted that the state League has decided to publicly support that position, though it is too late to do any good for

the next two years. When Californians for Democracy re-introduces my initiative, we will quote this statement of the League's and will ask for the League's support when the initiative is introduced, which of course will be before the initiative qualifies. Perhaps the League would like to be a co-sponsor. I have enormous respect, as I said repeatedly at my talk, for the League and would like to work together. As of today, the League has not officially posted this new statement on its website, and so still has not publicly come out for that position. I do not know whether my remarks on August 19 (had an influence) on the League decision to post a new statement on Proposition 25. I hope that the wide approval of the Democracy Initiative by the League members had something to do with the state League's decision to post this change on their website. And perhaps the efforts of 1600 volunteers throughout the state, many of them League members, also helped.

Thank you again for writing, Ms Hutchison. I am glad to have had an opportunity to clear this up. I am especially appreciative of your informing me of the League's new position in support of the content of the Democracy initiative. Could you let me know when this new position actually appears on the League's website, so that I can let the members of our organization know.

Please make sure that this letter is circulated to the same audience as your open letter.

With warmest regards to all at the League,

George Lakoff
Richard and Rhoda Goldman
Distinguished Professor
Of Cognitive Science and Linguistics

Cc:

Janis Hirohama, President, League of Women Voters
Sherry Smith, President, League of Women Voters of Berkeley/Albany/Emeryville
Jill Kaiser Newcom, Executive Director, League of Women Voters of California
Anne Henderson, State and Local Finance Program Director, League of Women Voters of California

LWVC's original letter to Professor Lakoff

<http://lwvbae.org/OpenLetterSeptember2010.pdf>

The Tip of the Iceberg

In all the power games the budget process has endured this year, (as we go to press the legislature still hasn't come to an agreement), the scary number bandied about has been roughly \$19 billion, the shortfall in revenues to cover expenditures in the General Fund. But in the longer perspective, a look at the books reveals that California's fiscal problems are far deeper and longer-lasting than the typical newspaper editorial gets excited about.

The general economy has been rough for everyone, of course. California lost more than a million jobs from July of 2007 to December of 2009, and a third of those displaced have been out of work for over 6 months. Food stamp use went up 43% in the period from October of 2007 to October of 2009. As a result, state income and sales tax revenues have gone down just when people are in greatest need of assistance.

But even if the economy turns around, the Legislative Analyst estimates that major budget shortfalls are in our future at least through 2015. The problem is not only the part built into current income. Over the next decade, the bills will be coming due on the \$120 billion in bonds voters approved in better times. The debt service ratio, the portion of state revenues required to pay back the principal and interest on those bonds, has nearly doubled, from 3.5% of the General Fund in 1999-2000 to 6.9% in 2009-10, and is slated to rise to 9% in 2014-15 even if none of the \$5.5 billion in approved but unsold bonds are kept off the market.

The tax structure has been redesigned so that personal income taxes now account for more than half of all the state's revenues. Corporate taxes, which used to account for 25% of state funding is now only 11%.

Other sources of predictable trouble down the road are due to deficits in funds reserved for future state employee retirees. The state retirement system, CalPERS, has a deficit of \$16.3 billion, and the set-asides for retiree health care are \$51.8 billion below calculated costs. When all these outstanding underfunded or unmet fiscal obligations are added up, the \$19 billion shortfall in this year's budget calculations is truly the tip of the iceberg—about 90% of the missing money is under the surface.

Helene Lecar
Education Director

Office Volunteers

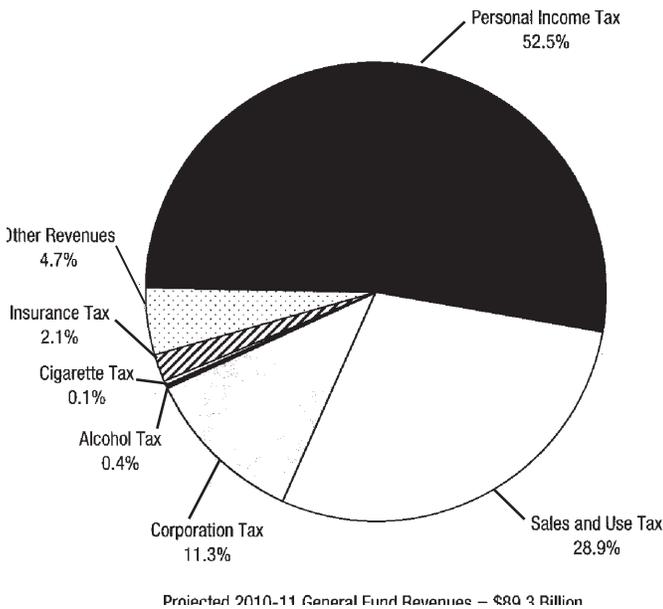
Put on your volunteer cap and join us in the League office as a volunteer at the volunteer desk: collecting mail, recording checks, answering the phone, AND coming up, helping answer questions related to the Nov. 2 election...an especially busy time.

To lend a hand call Jane Barrett at 845-8055 OR leave a message at the League office. Training is arranged to fit your schedule.

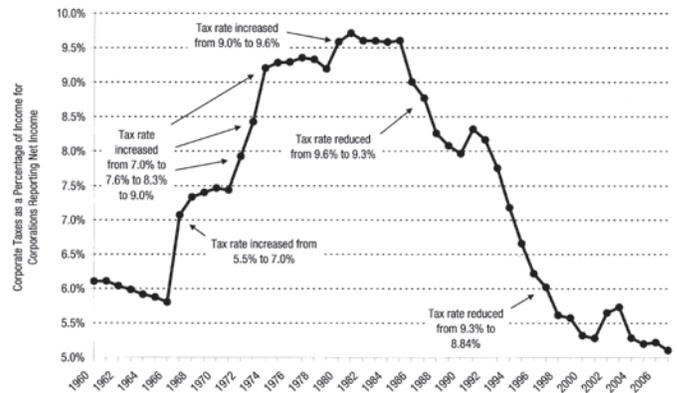
From the California Budget Project

The California Budget Project (CBP) is a nonprofit, non partisan organization engaged in independent fiscal and policy analysis. LWVC works closely with the them. The charts below are from the CBP's publication *Searching for Balance: The Social and Economic Context of the Governor's Proposed 2010-11 Budget*. The full document is available at <http://cbp.org>.

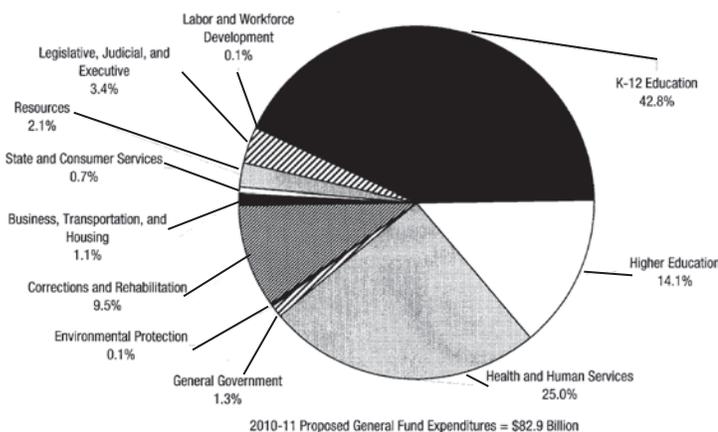
The Personal Income Tax Provides More Than Half of 2010-11 General Fund Revenue



The Share of Corporate Income Paid in Taxes Has Fallen by Nearly Half Since 1981



General Fund Spending by Agency



How Do California's Schools Compare?

	California Rank	California	US
K-12 Per Pupil Spending (2009-10)	45	\$8,825	\$11,052
K-12 Spending as a Percentage of Personal Income (2008-09)	46	3.3%	4.1%
Number of K-12 Students Per Teacher (2009-10)	51	21.3	14.4
K-12 Per Pupil Spending, Adjusted for Regional Cost Differences (2006-07)	46	\$8,164	\$10,557
Percentage of K-12 Students in Districts With Adjusted Per Pupil Spending at or Above the US Average (2006-07)	21	34.6%	40.5%
Percentage of High School Students Who Graduate With a Diploma (2005-06)	36	67.5%	69.2%

New LWVC Budget Reform Listserv

LWVC has started a new listserv to talk about what we can be doing, both locally and on a state level, to promote state budget reform. To subscribe send an email to: lwvc-budget-reform-subscribe@yahoogroups.com.

The discussion will start as soon as there a few members who want to talk.

economies. 350.org posits that cutting CO₂ is the key challenge in combating global warming, and will be the key feature of any international climate treaty.

Bill McKibben frequently writes about global warming and alternative energy and advocates for more localized economies. In 2010 the Boston Globe called him “probably the nation’s leading environmentalist” and Time magazine described him as “the world’s best green journalist”. His first book, *The End of Nature*, was published in 1989 by Random House after being serialized in the New Yorker. It’s regarded as the first book for a general audience about climate change, and has been printed in more than 20 languages.

Gail Schickele
Co-chair Environmental Concerns

Measure R Pro/Con Forum

The LWVBAE-sponsored forum on Tuesday, October 5 at Berkeley City College on Berkeley’s Measure R, (the Green Vision for Downtown), was, by League standards, an often heated exchange between pro-and-con speakers. Nevertheless, our experienced moderator, Marion Taylor, President of the League of Women Voters of the Bay Area, and Phoebe Watts, our time keeper, led us through a well-paced meeting. The pro speakers were Jim Novosel standing in for Mayor Bates. He is a candidate for Council District 4, a member of the Planning Commission and an architect. He served on the Downtown Area Planning Committee (DAPAC), the appointed group of Berkeley residents who formulated the original Downtown Area Plan. The other pro speaker was Tim Frank, an environmental consultant. Those speaking against Measure R were two former DAPAC participants: Jessie Arreguin, Council member from District 4, which includes the Downtown area, and Patty Dacey, a Planning Commissioner.

Fundamental differences between the two sides emerged clearly during the opening and closing statements.

Jim Novosel cited two reasons the downtown has been improving; first, because historic preservation in the area has led to the restoration of many buildings, and second, because the thousands of new housing units downtown have brought new life and new vitality to the streets. Without both, he maintained, downtown would be a ghost town. Measure R, he said will continue the improvement.

Jessie Arreguin, speaking against Measure R, charged that many statements in advocates’ pro-Measure R flyer are false: the measure is not legally a plan, he said; it con-

tains no assurances that low-income housing will be built in the downtown, nor does it guarantee green development or open spaces; moreover, he said, the process of creating Measure R was not transparent and voters don’t actually know what it will do. Further, he argued the measure encourages demolishing historic buildings by weakening the Landmarks Preservation Ordinance, and that it throws out five years of good community processes to create a plan.

Tim Frank, the second pro-Measure R speaker, emphasized that Measure R is an advisory measure, similar to the vote of Berkeley residents in favor of reducing greenhouse gas emissions that led to the City’s Climate Action Plan. Mr. Frank pointed out that Berkeley’s population has declined as people moved to the periphery of the Bay Area, resulting in increasingly long commutes to work and increases in greenhouse gas emissions. Transportation accounts for about half of all such emissions, he noted. Because Measure R provides for more downtown residents to live near transit and near their jobs, he said, greenhouse gas emissions will diminish; in addition, the Measure will create jobs for local construction workers, who have been hit hard by the recession.

Patty Dacey, speaking against the measure, urged the audience to “follow the money.” She reported that the campaign funds donated for Measure R total \$32,000; \$25,000 of that amount is from one contributor, Sam Zell. Mr. Zell, she said, is a right-wing billionaire who is buying up properties in the downtown, and he is not interested in creating a green downtown. Ms. Dacey also stated that she disagrees with the science that shows infill development cuts vehicle miles travelled (VMT), and cited two studies that found this assumption to be questionable. She argued that the way to decrease VMT is to have more poor people in town because they don’t drive.

Some of the major issues discussed by the speakers emerged from audience questions.

Building Heights

CON R: Mr. Arreguin stated that the opponents of Measure R want new housing downtown, but in smaller buildings than called for in Measure R. He argued that smaller buildings could accommodate enough housing to meet the State and regional mandates for greenhouse gas reductions. He pointed out that Berkeley is already a dense city, and that we shouldn’t have to carry the burden of housing for the entire area. Ms. Dacey agreed that Berkeley is already very dense, and said we should fix the sidewalks, rather than build tall buildings.

PRO R: Mr. Novosel pointed out that the DAPAC plan, voted for by both opposing speakers, called for greater building heights and more tall buildings than does Measure R, and that the building heights in the measure are

absolute limits that won't be affected by State density bonuses. He also stated that tall buildings can leave room for green spaces; smaller, five-story buildings fill their lots.

Historic Preservation

PRO R: Mr. Novosel explained that Measure R calls for an expedited landmarking process, with a limit of 90 days under some circumstances for the Landmarks Preservation Commission to designate a historic building in an area targeted for development. He argued that this is ample time to complete the process.

CON R: Mr. Arreguin responded that the proposal for a 90-day time limit was part of a measure to amend the Landmarks Preservation Ordinance that voters defeated. Ms. Dacey recalled that she once worked many hours on a landmark designation, and since this time-consuming work is done by unpaid citizen volunteers, a 90-day limit is inadequate for the work.

The University

PRO R: Mr. Frank said he believes UC has negotiated with the City in good faith and will abide by the provisions of Measure R. Mr. Novosel agreed that the University will adhere to the height limits established by the plan. The University, he said, owns the northeast quadrant of the downtown and will build there.

CON R: Mr. Arreguin pointed out that the University is exempt from local zoning rules and could build many 100 foot buildings in the downtown. Ms. Dacey noted that the University is not mentioned in Measure R, although it owns much land in the downtown, because the people behind this plan don't want voters to know that UC can develop an unlimited number of tall buildings.

Low-income Housing

CON R: Ms. Dacey maintained that all we will get downtown is more student housing, and in addition we'll get million-dollar condos so that developers can make money. Mr. Arreguin pointed out that Measure R does not guarantee we will get low-income housing downtown, so in his opinion we won't get either low-cost housing or housing affordable to the City's work force or to young people.

PRO R: Mr. Frank said true advocates for affordable housing are supporting Measure R because the "green pathway" for the permit process as described in Measure R provides an incentive to build low-cost housing. He noted that a recent court decision makes it illegal for local governments to require that developers provide low-cost housing, and therefore, without Measure R, it's unlikely any would be built.

Green Buildings

PRO R: Both Mr. Frank and Mr. Novosel agreed that the gold LEED standards required for the expedited permit processes are rigorous and will result in environmentally

green buildings. Mr. Frank pointed out that the higher, platinum LEED standard has seldom been used in buildings because it is difficult and expensive to attain, and requiring the platinum standard would mean that no new buildings would be built. He also noted that the "green pathway" described in Measure R requires management of construction waste, and that if a small building is demolished to build a taller one, housing more people, there will be a net gain in greenhouse gas reductions.

CON R: Mr. Arreguin said Measure R isn't green because it allows older buildings to be torn down, rather than reused. Ms. Dacey notes that adaptive reuse is not in Measure R, and Sam Zell doesn't want it. She suggested that platinum LEED standards are better than the gold, which in her opinion are too easily met.

It's not clear whether any minds were changed as a result of the forum, but it is likely that most attendees left with new information to consider as they vote on November 2.

Mim Hawley
Director-at-large

Salient Forum Quotes

Pro Measure R

"We have the opportunity to vote on something that is good for the downtown and good for the environment and will make Berkeley a better place, and it will help the fiscal situation." Tim Frank

"Measure R is a very good compromise from the original DAPAC, (which) had 10 tall buildings, then the DAP, then Measure R down to five tall buildings... there's no going into the buffer zones with tall buildings. The opposition baffles me because they voted for 225 foot buildings then are now going against 180 feet – very confusing. I do think we'll go back to zero if Measure R isn't passed. I'm concerned (about) another five years of querulous discussion – I'm really mystified how to find compromise." Jim Novosel

Con Measure R

"There is no buffering to minimize the impact on residential buildings in surrounding areas. The Council of Neighborhood Associations is against Measure R because of the impact it could have on surrounding residential neighborhoods." Jesse Arreguin

"If you are against Prop 23 partly because the Koch brothers are funding it and if you are against the enormous amount of money being spent by Meg Whitman to promote herself, you should be against Measure R since it is largely funded by the real estate group that bought out Patrick Kennedy—Equity Partners—with large holdings in Berkeley." Patti Dacey

Gail Schickele, Co-chair Environmental Concerns

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The League of Women Voters is a nonpartisan political organization that encourages active and informed participation in government, and influences public policy through education and advocacy.

Calendar — Berkeley addresses unless otherwise noted

October

18	Mon	1:30-3:30 pm	Health Care Com. LWVBAE Office	L. Wang	848-5765
18	Mon	7:30-9:00 pm	Environmental Concerns 1037 Mariposa St.	C. Stone	549-0959
20	Wed	8:30 am-3:30 pm	Mock Elections, Berkeley High School	B. Chapman	527-0827
21	Thur	8:30 am-3:30 pm	Mock Elections, Berkeley High School	B. Chapman	527-0827
22	Fri	8:00 am-3:00 pm	Mock Elections, Albany High School	B. Chapman	527-0827
27	Wed	3:00-5:00 pm	Board Meeting, LWVBAE Office	S. Smith	548-1769

November

2	Tuesday	Election Day Polls Open 7:00 am-8:00 pm			
5	Fri	5:00 pm	Deadline for Winter <i>Voter</i>	F. Packard	845-3037
8	Mon	7:30-9:00 pm	Environmental Concerns 1037 Mariposa St.	C. Stone	549-0959
15	Mon	1:30-3:30 pm	Health Care Com. LWVBAE Office	L. Wang	848-5765
17	Wed	3:00-5:00 pm	Board Meeting, LWVBAE Office	S. Smith	548-1769

December

7	Tues	noon-2:00 pm	Conversation: Health Care Albany Library 1247 Marin Avenue, Albany	G. Polack	841-4546
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