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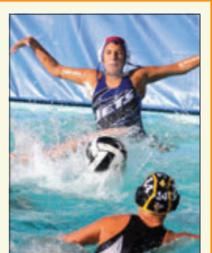
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JoanAnn Radu-Simak

Alameda Sun Almanac

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Today	06:58	17:49
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Lawsuit Looms over AUSD

Measure B1 parcel tax in question

Dennis Evanosky

Three owners of commercial property in Alameda — Nelco, Inc., Santa Clara Investors II and Edward Hirshberg — have filed suit in Alameda County Superior Court against the Alameda Unified School District (AUSD). Records list Hirshberg as president and two other members of the Hirshberg family — Jerilyn and Wilson — as part-owners of Nelco Inc.

The suit challenges the validity of Measure B1 that Alameda voters approved on Nov. 4, 2016. The school district put Measure B1 on the ballot to extend the life of Measure A, which voters passed in 2011. Measure A is set to expire in 2018. Measure B1 essentially extends the Measure A parcel tax through 2025.

These same three plaintiffs sued AUSD over two other school bond measures. They were parties to the 2008 lawsuit that George Borikas filed over Measure H. They sued again in 2011 over their obligations to pay the Measure A parcel tax.

On Feb. 21, 2008, Borikas & Co. sued the school district, claiming that Measure H's different rates for residential and commercial property owners were not uniform, something state law requires.

On June 3, 2008, Alameda County Superior Court Judge Kenneth Mark Burr ruled in AUSD's favor. In his ruling Burr stated that the tax structure of Measure H was acceptable. Borikas & Co. appealed, and in a unanimous decision, the California Courts of Appeal agreed with them. On Dec. 6, 2012, the First District, Courts of Appeal declared "Measure H's property classifications and differential tax burdens exceed the (School) District's taxing authority."

AUSD appealed the ruling to the California's Supreme Court. The judges at the highest state level refused to hear the case. The Courts of Appeal ruling stood, and in 2014, the school district refunded some of the money that the plaintiffs had paid as their share of the tax.

In 2011, while the appeals in 2008 lawsuit over Measure H were still underway, the plaintiffs were back in court. This time they were suing over Measure A, the school bond measure that voters approved on March 8, 2011. Less than two months later, on May 6, 2011, Hirshberg told the courts that Measure A "implements the same unfair tax structure as its predecessor."

New AMP GM Named

Sun Staff Reports

City Manager Jill Keimach announced yesterday the appointment of Nicolas Procos as general manager of Alameda Municipal Power (AMP). He replaces Glenn Steiger, who retired in August. Procos will step into his new job on Feb. 22. He has more than 17 years of experience with electric, gas, water, wastewater and fiber optic utilities.



Courtesy photo
Nicolas Procos

Procos most recently worked as manager of utilities administration for the Port of Oakland. He was responsible for the port's utility functions, including power procurement, renewable strategy, rate making, regulatory compliance, legislative advocacy, energy efficiency, distributed generation and strategic planning. He holds a Bachelor of Science degree from McGill University in Montreal, Canada.

"We are delighted that Nico has accepted the challenge to lead AMP," said Keimach. "We conducted an extensive national search and ended up finding an experienced power utility professional with an impressive career right here in the East Bay."

The city manager is responsible for hiring AMP's general manager. Procos will report to both the city manager and the Public Utilities Board (PUB). Assistant City Manager Liz Warmerdam has served as AMP's interim general manager since last September.

That same month, Measure A opponents submitted documents to the Attorney General of California's office stating that they could establish that school employees used district computers and other resources to campaign for Measure A.

On Sept. 13, 2011, the courts ruled in favor of AUSD. Hirshberg & Co. did not appeal the ruling.

On Nov. 6, 2016, in a record turnout, 74.2 percent of Alameda voters approved the Measure B1 parcel tax. In a press release rebutting the lawsuit against Measure B1, AUSD stated that Hirshberg & Co.'s actions threaten more than \$12 million in annual revenue, the school district's second-largest revenue stream.

AUSD stated that this money is "allocated to a wide range of programs and services, including small class sizes for grades K-3, neighborhood elementary schools and high school sports." Loss of this money could also jeopardize Advanced Placement (AP) classes, programs to close the achievement gap, as well as visual and performing arts, AUSD stated.

"We are disappointed that these plaintiffs continue to try to block this funding. But we structured Measure B1 in a way that we believe is fair and legal, and we will fight for this tax, these students and our community with determination and diligence," said Superintendent Sean McPhetridge.

Ironically, some claim that the Measure B1 tax is unlawful because it imposes a cap of \$7,999 per parcel. Critics have pointed out that the measure benefits the owners of large properties, like the current plaintiffs, Hirshberg, Nelco, Inc. and Santa Clara Investors II.

Local Donates Heart Health for Heart Month

Randy Lantz

Leaving several thousand dollars behind in Las Vegas can be a painful experience. But in my case, I ended up far richer and better informed than when I arrived. What I learned prompted me to donate two Automated Electronic Defibrillators (AEDs) to the Alameda Boy Scout Council and Girls Inc. of the Island City.

I had the privilege of meeting with two dozen professional rescuers from throughout the United States — three who were survivors of sudden cardiac arrest (SCA) — that all have dedicated their lives to saving others.

February is National Heart Month and the speakers who had survived SCA were sharing their stories of being rescued by AEDs. A few weeks ago I was invited to attend a conference on AEDs, as I have been involved in training professional rescuers, firefighters, police and civilians in Cardio Pulmonary Resuscitation (CPR) and AEDs since I served as a director of pre-hospital care and as a Police Emergency Medical Technician in Los Angeles. I thought I knew everything about AEDs, and I was shocked to learn the realities.

Few know the difference between a heart attack and SCA. A heart attack occurs when the blood flow to the heart is blocked or interrupted and causes destruction of heart tissue and often results in pain, discomfort, dizziness and other symptoms. SCA happens when the heart's electrical system malfunctions and the heart stops beating normally and stops pumping blood, often with no warning at all. SCA strikes about 400,000 people in the United States every year, including more than 9,000 youth at middle schools and high schools. That is like two 747s crashing into each other every day of the year, but the quick use of CPR and an AED can save lives.

Dr. James Francis "Frank" Pantridge served with the British Military during World War II, and is known worldwide as the "Father of Emergency Medicine." Pantridge

AED: Page 3



Courtesy photographs

Visitors to Alameda beaches can find three boxes like this one along the shoreline encouraging cleanup by every day users of the beach.

Beach Cleanup Made Easier

Sun Staff Reports

The East Bay Regional Park District has teamed up with All One Ocean to help keep plastic and other litter from invading San Francisco Bay, killing birds and fish. They have installed three boxes and stock them with recycled coffee bean bags. Visitors to the Alameda shoreline are invited to take these bags and use them to pick up any plastic they find, put the plastic into the coffee bags and dispose of the bags in the nearby garbage cans.

Every week Katie Cameron collects recycled coffee bags from the local coffee houses and uses them to replenish the boxes. She also restocks the boxes with hand cleaner. "Instructions on the box tell you what to pick up, and what's too dangerous," Cameron said.

The boxes with the coffee bean bags and hand cleaner are located at: Shore Line Drive and Park Street; at Crown Beach near the Crab Cove Visitor Center; and at Encinal Beach near the Encinal Boat Ramp to the west of Encinal High School.

All One Ocean is a project of the Earth Island Institute, which provides simple, inexpensive, community-based solutions to keeping trash out of the oceans. All One Ocean works to educate and inspire people to help clean up the oceans with boxes along shorelines with educational signs, kids' art and repurposed bags so everyone can pick up debris while they enjoy the beach.

Put Hands Across Alameda Monday

Sun Staff Reports

Residents of Alameda and surrounding cities will meet along the Alameda beach to create a human chain to promote inclusiveness.

The event, Hands Across Alameda, is scheduled for Monday, Feb. 20, which is also President's Day. Alamedans are set to continue a tradition of inclusiveness as they cross the partisan divide by crossing hands together. The event was organized through social media and promoted by the city.

"This is not a fundraiser," said community organizer John-Michael Kyono. "It is simply a gesture of support and unity for all residents in Alameda and beyond."

Residents should gather along the shoreline in an effort to have the chain stretch as far and wide as possible. There will be four main meet-up locations: Crown Memorial Beach, Grand Avenue at Shoreline, Park Street at Shoreline Drive and on the Bay Trail in front of the Harbor Bay Club.

"Following on the heels of a community event last month at the Islamic Center and the Women's March in Oakland and San Francisco, Alamedans are seeking ways to support each other and share their love of our Island," said City Manager Jill Keimach. "I can't think of a better way to say everyone belongs here than to join hands."

The event starts at 3 p.m. For more information on Hands Across Alameda, contact Kyono at jmkyono@alamedavictorians.com or Sarah Henry, Alameda Public Information Officer, at shenry@alamedaca.gov.

Alameda to Celebrate Black History Month

Sun Staff Reports

To mark Black History Month, the City of Alameda plans to place banners at City Hall, on Central Avenue and on Webster Street during the last two weeks of February. The banners illustrate the influential faces of John Lewis, Maya Angelou, Ruby Bridges, Barack Obama, Barbara Lee, James Baldwin and Elector Littlejohn.

At the Tuesday, Feb. 21, City Council meeting, Mayor Trish Herrera Spencer will issue a proclamation, encouraging Alamedans to observe and celebrate Black History Month with appropriate programs, ceremonies and activities.

The city will also join Alameda Unified School District's Black Achievers Alliance and the Bay Area Community Re-

sources (BACR) LEAPS expanded learning program to showcase and recognize African-American history.

The event will take place from 6:30 to 8:30 p.m., Thursday, Feb. 23, in the multi-purpose room at Ruby Bridges Elementary School, 351 Jack London Ave. Participants will collect winter coats and non-perishable food items, including chili beans, raisins, trail mix and sunflower seeds, as well as disposable containers and spoons.

Then, on Saturday, Feb. 25, the BACR LEAPS "Hearts & Hand" service project will prepare and distribute hot meals along with warm coats to Alameda and Oakland residents, who are currently homeless and living on the streets.

Daughters, Dads Dance in Valentine's Tradition

Photo and story by Dennis Evanosky

Jeremy Reiss and his daughter Emily rock the night away at last week's Father-Daughter Dance at the O Club at Alameda Point. Girls Incorporated of the Island City joined the Alameda Parks and Recreation to co-host the 16th annual affair for girls in kindergarten through fifth grade and their fathers, or other favorite male role models. This year's theme was "Jungle Safari." The event features delicious food and drink, arts and crafts, dancing to a DJ and special mementos for the girls.

