



Living Wage Coalition
of Sonoma County

*A Grassroots Organization of
Community, Labor and Religious
Groups and Concerned Citizens*

Summer 2011

Is the Wal-Mart Way the American Way?

by *Martin J. Bennett*

“We need to uphold the law, we need to apply the law and we need to allow this project to move forward. I believe that not to do so would be un-American.” So stated Rohnert Park (Sonoma County) City Councilwoman Amy Breeze last summer when the council voted to approve a controversial Wal-Mart supercenter--despite a year long campaign against the project by a broad coalition of labor, environmental, and community organizations.

The Living Wage Coalition of Sonoma County challenges

Ms. Breeze’s definition of Americanism. Though we respect her point of view, we think she is dead wrong. Wal-Mart, we believe, has betrayed fundamental American values. As the largest retailer and private employer in America, no other company has such a profound impact upon our economy and labor markets. It is time for Wal-Mart to change, or face a growing opposition to its plan to build at

least one supercenter in every county of California.

The coalition is continuing to make the case to the community that the costs of the project far outweigh the benefits.

There is no better authority on the American economy and American values than our 32nd President, Franklin D. Roosevelt. Roosevelt pro-



posed an ‘Economic Bill of Rights’ in 1944 that would guarantee all Americans “an American standard of living higher than ever known.” Roosevelt believed that all Americans, according to Stanford historian David Kennedy, regardless of race, religion, or gender, were “entitled to a job, a living wage, decent housing, adequate medical care, a good education” as

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Judge Overturns Approval of Rohnert Park Wal-Mart Supercenter

by *Scott Stegeman*

On June 9th Superior Court Judge Rene Chouteau ruled in favor of opponents of the Wal-Mart Supercenter in Rohnert Park who filed a lawsuit claiming that the approval of the Environmental Impact Report (EIR) for the project by the Rohnert Park City Council (in July 2010) violated the California Environmental Quality Act (CEQA).

For the project to proceed, further studies must be conducted in regards to mitigation of noise and traffic, and a revised EIR developed and submitted to the City. The planning commission and city council will likely be required to hold public hearings to consider the revised EIR, invite public comment, and then vote again to recertify the EIR. This process could take a year or more.

The judge’s decision to overturn the approval of the project by the city council is a major victory, but the final outcome is yet to be determined. Wal-Mart opponents, including the Sierra Club and

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SEIU Leads the Fight for a Fair Economy Campaign in Sonoma County

by Chip Atkin

Since this past winter's battle between the Wisconsin Governor and its public employees, progressive organizations have been fighting back against the manipulation of our economy to benefit the rich at the expense of the middle class and the public well being. It is important that progressives join forces in a coordinated effort to combat the inequality in the economy. We must fight for changes that will distribute the benefits of the economy more equitably to working families and preserve public services.

For the past year, in 9 metropolitan areas, Service Employees International Union (SEIU) has led a Fight for a Fair Economy (FFE) Campaign to forward these goals in a methodical manner. In these communities, SEIU, with progressive allies, have done research that reveals how banks and large corporations cheat or legally manipulate the system to avoid paying their fair share of taxes. This research, coupled with large demonstrations at these corporations, has focused public attention on their irresponsibility. In some cases the public attention has forced corporations to make immediate amends. In other

cases, the attention was used to garner support for legislative changes that preclude their continued manipulation of the system.

By showing, in concrete and local terms, how large corporations are avoiding their fair share, we are building support among the general public for needed changes in the tax structure to provide sufficient revenues for government.

In late March of this year, SEIU held a national meeting in Los Angeles to train member leaders on lessons learned from the initial Fight for a Fair Economy Campaigns in the nine metropolitan areas. We learned that from 1947-1979 (when unions were strong), the growth in the economy was shared relatively equally among all income groups.

But from 1979 to 2009 the growth in the economy went primarily to the benefit of the wealthy, while only a pittance went to the middle and working classes.

From 1946 to 2009 corporations have been paying a smaller and smaller share of income taxes, in proportion to the total income generated by the whole economy (Gross Domestic Product). It went

from 5.25 % in 1946 to 1% in 2009.

The example of Alameda County shows how corporations' use of loop holes has shifted the relative tax burden from themselves onto home owners and the middle class. In 1973-74 to 2009-10 the Non-Residential (commercial, industrial, mostly corporate proportion of property taxes) has declined from 45% of property taxes to 25%. That means the property tax burden of keeping government services running has increased from 55% to 75% for residential (mostly middle and working class home owners).

Member leaders were inspired at the LA training to come back to their local communities and to organize FFE Campaigns across the country. SEIU 1021, Committee On Political Education has taken the lead on organizing a Fight for a Fair Economy Campaign in Sonoma County. Representatives of seven organizations, including the Living Wage Coalition, have agreed to participate in this campaign.

Our goal is to identify the specific instances in Sonoma County in which large corporations use their power to avoid paying their fair share of taxes. We are conducting research on this right now. When we have the results of our research we will take public actions to draw attention to their abuses and to show, in vivid terms, how they have cheated the middle and working classes. We will point to law and policy changes that will produce a more fair economy in which the benefits of economic growth are distributed more equitably.

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well as social insurance such as old age pensions, and unemployment and disability benefits. FDR's Economic Bill of Rights, also known as the 'Second Bill of Rights,' asserted that every business should operate in a marketplace free from unfair competition and monopoly control.

Let's compare FDR's vision with Wal-Mart's business practices and ask these questions: What are America's values? What economic rights are all Americans entitled to?

The President proclaimed in 1933, "No business which depends for existence on paying less than living wages to its workers has any right to continue in this country. By living wages I mean more than a bare subsistence level--I mean the wages of a decent living."

Does Wal-Mart meet the "living wage" test? A typical full-time Wal-Mart worker in 2010 earned \$12.10 an hour according to the company. This wage level is well below a self-sufficiency or living wage for Sonoma County in 2010 which the California Budget Project set at \$19.11 an hour, a rate that will enable two parents working full-time to support two children and to pay for housing, food, health care, transportation, and childcare.

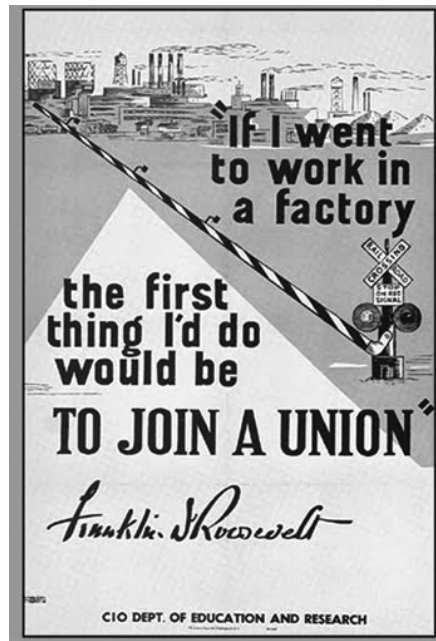
FDR's vision embraced "the right of every family to a decent home." Yet, according to the Center for Housing Policy, in 2009 a family in Sonoma County needed to earn \$96,119 a year to afford the median priced home of \$322,000. However, the annual family income of two parents working full-time at Wal-Mart is \$42,786, or just 45 percent of the income needed to afford the median-priced home.

In fact, the income of the typical Wal-Mart family is so low as to qualify for the Department of Housing and Urban Development Section 8 rent subsidies. Isn't earning an income sufficient to purchase a home or to afford the rent

the bedrock of American values?

Roosevelt's Bill of Rights included "the right to adequate medical care and the opportunity to achieve and enjoy good health." Yet the Kaiser Family Foundation reported that in 2009 less than 50 percent of Wal-Mart employees and their children received health benefits. In comparison, Raley's, Safeway, and Costco in Northern California provide health care benefits to 80 percent of their employees.

Who picks up the tab when uninsured Wal-Mart employees fall ill? A UC Berkeley Center for Labor Research and Education 2004 study found that uninsured Wal-Mart employees in California relied on programs like Medi-Cal and Healthy Families at an



annual cost of \$32 million to the taxpayer.

Moreover, Wal-Mart employees who lack medical insurance also rely on hospital emergency rooms and public clinics. According to the New American Foundation, in 2006 the state of California and all its counties spent \$1.8 billion annually to provide uncompensated care to 1.3 million uninsured adults. What are real American values given this sorry state of affairs?

Roosevelt claimed that all Americans should receive "protection from the economic fears of old age, sickness, accident, and unemployment." Yet Wal-Mart does not offer employees a retirement program that guarantees a fixed monthly income. After one year on the job, Wal-Mart's employees receive a 401K with employer profit-sharing contributions. Due to low pay, unpredictable shift assignments, and the demanding workload, nearly 50 percent of Wal-Mart employees quit in their first year, so only a minority of workers are employed long enough to become eligible for the 401K.

Roosevelt was a strong supporter of organized labor and stated that the federal government must protect the "fundamental individual right of a worker to associate himself with other workers and to bargain collectively with his employer." He championed the passage of the National Labor Relations Act in 1935 that guaranteed the right of all workers to form a union and to bargain for better pay, benefits, and working conditions. Roosevelt declared, "If I were a worker in a factory, the first thing I would do is to join the union."

But not one Wal-Mart in the United States is unionized. Human Rights Watch, in a 2007 report, decried Wal-Mart's legal and illegal union-busting tactics and claimed that "the retail giant stands out for the sheer magnitude and aggressiveness of its anti-union apparatus and actions" and "based on our research we conclude that the cumulative effect of Wal-Mart's panoply of anti-union tactics, is to deprive its workers of their internationally recognized right to organize."

To add injury to insult, Wal-Mart managers and supervisors cut labor costs by refusing to comply with labor protections such as the Fair Labor and Standards Act of 1938. In 2008, the company settled 63 federal and state class-action lawsuits charging that Wal-

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Mart violated wage and hour laws, failing to pay its workers for overtime and off the clock work and denying workers meal and rest breaks. Wal-Mart agreed to pay at least \$352 million and up to \$640 million to present and former employees.

The company also faces the largest class action suit in history on behalf of 1.6 million past and present female employees for wage discrimination and promotion gender-bias. So how does Wal-Mart's record of union busting, disregard for federal labor law, and systematic discrimination against women square with basic American values?

Finally, Roosevelt emphasized in his Economic Bill of Rights that all businesses had the right "to trade in an atmosphere of freedom from unfair competition and domination by monopolies." A recent Retail Forward report found that for every super center that opens in a major metropolitan area, two existing supermarkets will close. UC Irvine economist David Neumark concluded in a 2007 study that for every new job created by Wal-Mart in a county, 1.5 jobs are lost elsewhere as existing retailers and grocers lose mar-

ket share or shut down--and remember that according to the New York University Brennan Center in 2007, the average wage of a Wal-Mart employee was 26 percent less than other large merchandise stores and 18 percent less than large grocery stores.

'Always lower prices' is a consequence of Wal-Mart's relentless quest to drive down labor rates. The Wal-Mart way is based upon poverty-wage jobs and destroying local business, particularly union and nonunion grocers that pay a living wage and provide comprehensive benefits. Is this the American way?

Good jobs and career mobility, equal opportunity and nondiscrimination, fair competition and corporate accountability, and respect for worker's rights are fundamental American values. Wal-Mart needs to live-up to these values--and it can afford to do so.

Wal-Mart's global sales surpassed \$400 billion in 2009 and profits were 14 billion. CEO Michael Duke earned \$19.2 million compensation and total compensation for the top five Wal-Mart executives was \$65 million in 2010. According to Forbes magazine, the combined wealth of Wal-Mart founder

Sam Walton's four children, who hold 40 percent of the company stock, was more than \$84 billion in 2010--an amount greater than the combined annual income of the bottom 40 percent of Americans, or about 120 million people.

So what's it going to be: Wal-Mart's brand of naked greed or the values of Roosevelt and his Economic Bill of Rights? What's really "un-American," Councilwoman Breeze?

Martin J. Bennett teaches American history at Santa Rosa Junior College and serves as Co-Chair of the Living Wage Coalition of Sonoma County.

Go Local!
Say NO to
Wal-Mart
Superstore

eScrip now supports the Living Wage Coalition!

Do you shop at independent grocers such as Oliver's, Fircrest, Petaluma, Sonoma or Glen Ellen Markets? Do you have an Oliver's Shopping card? Now there's a great new way that you can support the work of the Living Wage Coalition and contribute a small percentage of your monthly grocery purchases to the coalition when you shop at these supermarkets:

**Fircrest Market Sebastopol (up to 3%) • Oliver's Market Cotati and Santa Rosa (up to 5%)
Petaluma Market (up to 5%) • Glen Ellen and Sonoma Markets (up to 5%)**

Here is how to support independent grocers and our campaign for living wages with your purchases:

1. Go to eScrip.com and sign up. It's really easy and fast.
2. Be sure to choose Living Wage Coalition as one of your recipients (you can choose up to three). Search by name or by our group number: 500029561
3. Register your shopping cards--this is where you can enter your Oliver's card number. [Note: Safeway is not included in our group's list.]
4. Register your credit and debit cards for additional donations when you shop at other merchants (such as Big O Tires, Sierra Trading Post). See the merchant list on the eScrip web site when you sign up <http://www.escrip.com/merchants/search/index.jsp>

North Bay Organizing Project Convenes First Issues Assembly

by Bonnie Petty

On a Saturday morning in early February 2011, the Santa Rosa city council chamber was packed to the gills with more than 350 people as an historic event unfolded. It wasn't the usual gathering of citizens protesting or supporting an issue before the council members; indeed, there wasn't a single elected official seated at the dais as the first Issues Assembly of the newly formed North Bay Organizing Project (NBOP) came to order.

NBOP is a regional, grassroots, and multiracial organization affiliated with the Gamaliel Foundation. Through community and faith based organizing, leadership development, and coalition building NBOP seeks to build power to address the structural causes of economic and social problems confronting communities in the North Bay.

At the issue assembly hundreds of attendees from over a dozen organizations, representing a broad spectrum of citizen activists were there to "work together - intentionally - to create real change" in Sonoma County, proclaimed Magdalena Ridley, of Land Paths' Bayer Farm project. At least half of the attendees were Latino and probably a quarter were less than 25 years of age, while others represented myriad cultures and age groups. "Today," continued Ridley in her opening comments, "we come to listen to ourselves." Speakers addressed the audience in both English and Spanish, while sign language interpretation was provided for the hearing impaired.

It was the culmination of months of work, during which organizers sought out the community groups that would sign on as charter affiliates of NBOP and organized meetings and trainings for members of these affiliates that led to this issues assembly. The member organizations included: Land Paths/Bayer Farm project, MoveOn, Living Wage Coalition, Graton Day Labor Center, Committee for Immigrant Rights, PODAR, REALSchool,

MECHA (SSU chapter), UNITE HERE local 2850, Sonoma County Conservation Action, and Friends House.

The business of the day was for the representatives of every member group to decide together on the focus of NBOP's work for the next six to twelve months. During the months of planning, representatives from the affiliates had winnowed out three key issues (from the long list of problems facing our community) that had the broadest effect on the most members. It would be the work of the Issues Assembly attendees to determine which two of the three issues before them would be the first projects taken on by NBOP.

The agenda called for speakers for each of the three issues to make a 5-minute presentation-in English and Spanish-at the conclusion of which the members would vote for their two top choices. The assembly was given 15 minutes to move about the room, talk to people and lobby others to vote for their issues, and then to mark their ballots.

Issues Presented to the Assembly:

Car Impounds:

While other California cities such as Berkeley, Oakland, San Francisco, and San Jose have made recent changes to their car impound policies, Santa Rosa and Sonoma County have yet to modify their policy of a 30-day car impound policy for drivers who do not have licenses. For individuals whose lack of proper documentation has prevented them from obtaining drivers' licenses, this becomes an onerous penalty when impound fees add up to thousands of dollars and for many it means loss of the vehicle altogether. As Rosa Becerra, Committee for Immigrant Rights, reported, she and other hard-working families are faced with no means to recover their vehicles which subjects them to job loss, inability to get children to and from school and child care, and undue hardship in getting

to medical appointments or to grocery stores. With the changes occurring in other Bay Area cities, there seems to be more openness and an increased chance of success in promoting such changes in our own area.

Fair Labor Policies:

In 2010, approximately 600 workers at Santa Rosa's Memorial Hospital voted to affiliate with the National Union of Healthcare Workers (NUHW). The successful union drive was the culmination of a 7-year organizing effort, and the hospital's management finally has recognized the union and agreed to begin formal negotiations on a first contract. But foot-dragging and anti-union sentiment has complicated those negotiations. "Labor law is broken in America," explained Marty Bennett, Co-chair of the Living Wage Coalition, and in far too many cases it takes years for workers to finalize those first contracts with recalcitrant employers. A vote for this issue would provide the community support for the Memorial workers through public actions, public education, and lobbying to ensure that management expeditiously negotiates a first contract that includes decent wages, good benefits, and improvements in working conditions and in giving workers a voice in improving patient services. "The right to join a union is a human right that all workers deserve," said Bennett.

Transit & Neighborhood Development:

In November 2008 Sonoma County voters approved a new tax that would help pay for passenger train service along the Hwy 101 corridor from Cloverdale to Marin. Shoppers in the two counties pay this tax every time they shop, and those taxpayers must make sure that the taxes are spent wisely. "We deserve to have a say in how this money is spent," said Una Glass board chair of Sonoma County Conservation Action, "We need

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Sonoma County Conservation Action, raised multiple issues in their lawsuit--the court agreed with some, but not all, of their objections. The main objection of the opponents was the likelihood that the supercenter would negatively impact neighborhood grocers in violation of the General Plan.

The California courts have consistently described General Plans as the "Constitution" for local land use. In this case, the Rohnert Park General Plan calls for locating and maintaining supermarkets in each quadrant of the City to ensure access to retail, groceries, and services close to residents and to reduce traffic in the city.

According to a report by Sonoma State economist Robert Eyler, larger grocers in Rohnert Park such as Safeway and Raley's will likely experience declining revenue and some job loss as a result of competition from the supercenter but these chain stores will not likely close. On the other hand, Eyler and the EIR indicate that approval of the supercenter could force Pacific Market, a store serving the northwest quadrant of the city, to go out of business - and indeed Pacific Market did close down in February 2011, in part due to the anticipated competition from the supercenter.

Opponents argued that if the Wal-Mart supercenter led to the closure of the Pacific Market or other smaller local grocers such as Oliver's, there could be a series of impacts, including: 1) loss of good jobs in the grocery industry; 2) diminished access by residents to neighborhood grocers in violation of the general plan; 3) increased east-west and out of town traffic to the supercenter and; 4) increased greenhouse gas emissions.

Hence, in addition to the project not conforming to the General Plan, opponents raised other negative environmental impacts such as increased traffic and noise impacts. In the end,

the Judge agreed with two of the issues raised by the opposition but denied that approval of the project violated the General Plan.

An EIR must set forth mitigation measures to reduce negative environmental impacts. Put another way, the EIR must indicate a remedy for the negative environmental impacts by changing the project, or placing conditions and restrictions on the project. A city council can approve a project even if all negative impacts are not mitigated--if elected representatives clearly demonstrate that proposed mitigations are infeasible and not practical.

The judge claimed the council did not adequately study and evaluate all mitigation measures that would reduce the traffic impacts. These included employee options such as carpooling, vanpooling, subsidies for car-pooling



Pacific Market in Rohnert Park closed last February and only 40 jobs were lost.

or van pooling, a guaranteed ride home for an employee with a family emergency and staggered work schedules (to avoid peak AM and PM traffic flows).

Judge Chouteau also agreed with opponents that the council did not adequately study and evaluate cumulative noise impacts. Cumulative impacts are another key part of an EIR. The idea is to not just analyze the short-term negative impacts of the project, but also the impacts over time as other projects are approved. Individual projects might each have limited negative impacts, but multiple new projects could have a much

larger impact. The judge concluded that the EIR did not provide an analysis of cumulative noise impacts nor demonstrate that proposed mitigations were not feasible.

For the moment, the post-Court decision paperwork continues, such as finalizing the precise wording of the decision, and allocating costs. There is a key fork in the road that lies ahead. If Wal-Mart does not appeal the decision, then a revision of the EIR will have to revisit the traffic and noise impacts, and give closer scrutiny to each and every option offered up by the opposition, and either detail these extra conditions/mitigation or prove that they are infeasible. Simply put, the burden is on the revised EIR to prove proposed mitigations cannot work.

This will also open up new issues of HOW the EIR errors are corrected. Do state agencies like Caltrans get a second chance to comment? Another question to be answered is whether new information or issues can be raised that weren't known before, such as the new studies regarding local heat island impacts and increasing unpredictability of water supplies (and the implications for site landscaping), and so on.

All of these should be clarified when a final ruling is provided by the court. Given the omissions in the EIR it is highly likely that there will be hearings on a completely revised EIR and then public comment and response by city consultants and staff prior to the a vote on recertification by the planning commission and city council.

But in the meantime, Wal-Mart can't move forward until the dust settles. Wal-Mart could appeal the Superior Court decision, but this would only delay further revising the EIR and beginning the process to recertify the EIR.

Breaking ground on the supercenter is not going to happen in the near future and opponents now have considerable time to continue organizing, educating the public, and building an even broader coalition to oppose the project when it comes before the city council again.

Scott Stegeman is a land-use planner and consultant who has worked for numerous organizations opposing new big box retail in the North Bay and Central Valley.

affordable housing, buses and bike routes to connect riders and pedestrians to the trains and businesses providing good jobs nearby the stations," continued Glass. These decisions need to be made "with our communities in mind. We need good transit and safe neighborhoods," she said.

Final voting results were:
 Car Impounds-296 votes
 Fair Labor Policies-177 votes
 Transit/Neighborhood Development-186 votes

With the announcement of the two top issues-Car Impounds and Transit/Neighborhood Development-participants immediately began forming the two task forces that would meet, plan and implement the actions needed to mobilize the NBOP membership and utilize the enormous energy that was evident in this first Issues Assembly. Participants were assured that the third, unselected issue would not simply disappear but would remain on NBOP's priority list for the next round.

At the close of the Issues Assembly, it was clear that there was much work to be done. But participants were infused with optimism that, here at last, was a vehicle that would facilitate the ongoing

discussion and promote action by local citizens to demand that policy makers take the needs and desires of the community seriously. "Now," said Mike Siegel in his call to action, "the public action begins. Get ready for the real work--take your breath now!"

In the month since the February assembly, the two task forces have been actively meeting and pursuing their individual goals through research, meeting with public officials, recruitment of allies, and in developing their strategies.

The Impounds task force has had some success in pushing local law enforcement officials to reform their policies. The Sonoma County Sheriff's office now officially gives only a warning on the first "offense" of driving without a license and allows the vehicle to be safely parked until a licensed driver can retrieve it, without the automatic impound. The task force is still working with other law enforcement agencies, countering expressed concerns about drivers whose identity, citizenship status and criminal record are unknown. There is still work to be done; the first-offense policy still does not go far enough, but it is a start. The task force is also now addressing the issue of verifiable identification and documentation such as the City of Richmond's municipal identification card.

The Transit task force has been actively

involved in the ongoing planning meetings of the Sonoma-Marin Area Transit (SMART) board and the related agencies. They have been making their voice heard on issues such as the proposed connector/bridge that would link Santa Rosa Junior College with the proposed SMART train station near Coddingtontown. Citing the thousands of residents of the area, with the students at both the college and the high school, all of whom would use the connector for both transportation and shopping needs, they have changed the perception of planners that the connector would only benefit the high-end cycling world. The long list of benefits to a broad segment of Santa Rosans has been made evident as the planning process proceeds. But, this too is only a start and there is much that remains to be done as SMART and the local agencies and developers embark on this huge, multi-year project.

Next steps:

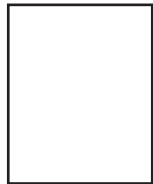
On Sunday October 23rd at SRJC's Burbank Auditorium from 2-4 pm the NBOP will hold its founding public meeting and 800-1000 participants are expected. Please consult the Living Wage Coalition web site for more information and details.

Bonnie Petty is a retired Sonoma County Library employee, a freelance journalist, and Co-Chair of the Living Wage Coalition.



Support a Living Wage! Start or Renew a LWC Membership Today!

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Organization		Supporter	\$100	Sustainer	\$250 and up
Address		Benefactor	\$500 and up	Student/Low Income	\$10
City/State/Zip		Phone /Email			
<p>Enclosed is my contribution of \$ ____.</p> <p><input type="checkbox"/> Check here if you do <u>not</u> want your name distributed (very infrequently) to other progressive organizations</p>					
<p>Please make checks payable to: Living Wage Coalition of Sonoma County. The Coalition is a 501(c)(3) nonprofit; Contributions are tax deductible to the full extent allowable by law.</p>					



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Many Thanks

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Labor and Materials donated by SEIU 1021

Save these Dates!

League of Women Voters Forum on Community Impact Reports

Saturday, September 24, 2011; 10am-12pm
Santa Rosa City Council Chambers, 100 Santa
Rosa Avenue, Santa Rosa

Founding Public Meeting, North Bay Organizing Project

Sunday, October 23, 2011; 2pm-4pm
Burbank Auditorium, SRJC, 1501 Mendocino
Avenue, Santa Rosa

Next Living Wage Coalition General Meeting

Monday, October 24, 2011; 6:30pm-8:30pm
SEIU 1021, 600 B Street, Santa Rosa

Coordinating Committee meets
on the 4th Tuesday of each month
at 6:30pm, SEIU 1021. All meetings and
events are posted on our web site