

People's Press

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The Buy & Sell

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A group of people have presented Santa Cruz County with a document - a charter - which they say "may be thought of as a new bill of rights, a declaration of independence, or a constitution to govern the county." The charter advocates claim it is time to regain independence from federal and state government "intrusions" into local affairs.

Although most of the Citizens' Charter Committee members still wish to remain unnamed, coordinator R.W. "Bill" Johnson said the proposal was worked on by former State Bar counsel Lamar Forshee and local lawyer-columnist Jeff Bossard. The Committee's work was financed by a group known as Public Trust, which was formed by individuals who worked successfully in 1978 to recall Supervisors Ed Borovatz and Phil Baldwin. Rancher - developer Telford Smith, his assistant Robert Morton, Proposition 13 leaders Robert Moreland and Mel Nomhoff are among those active in Public Trust.

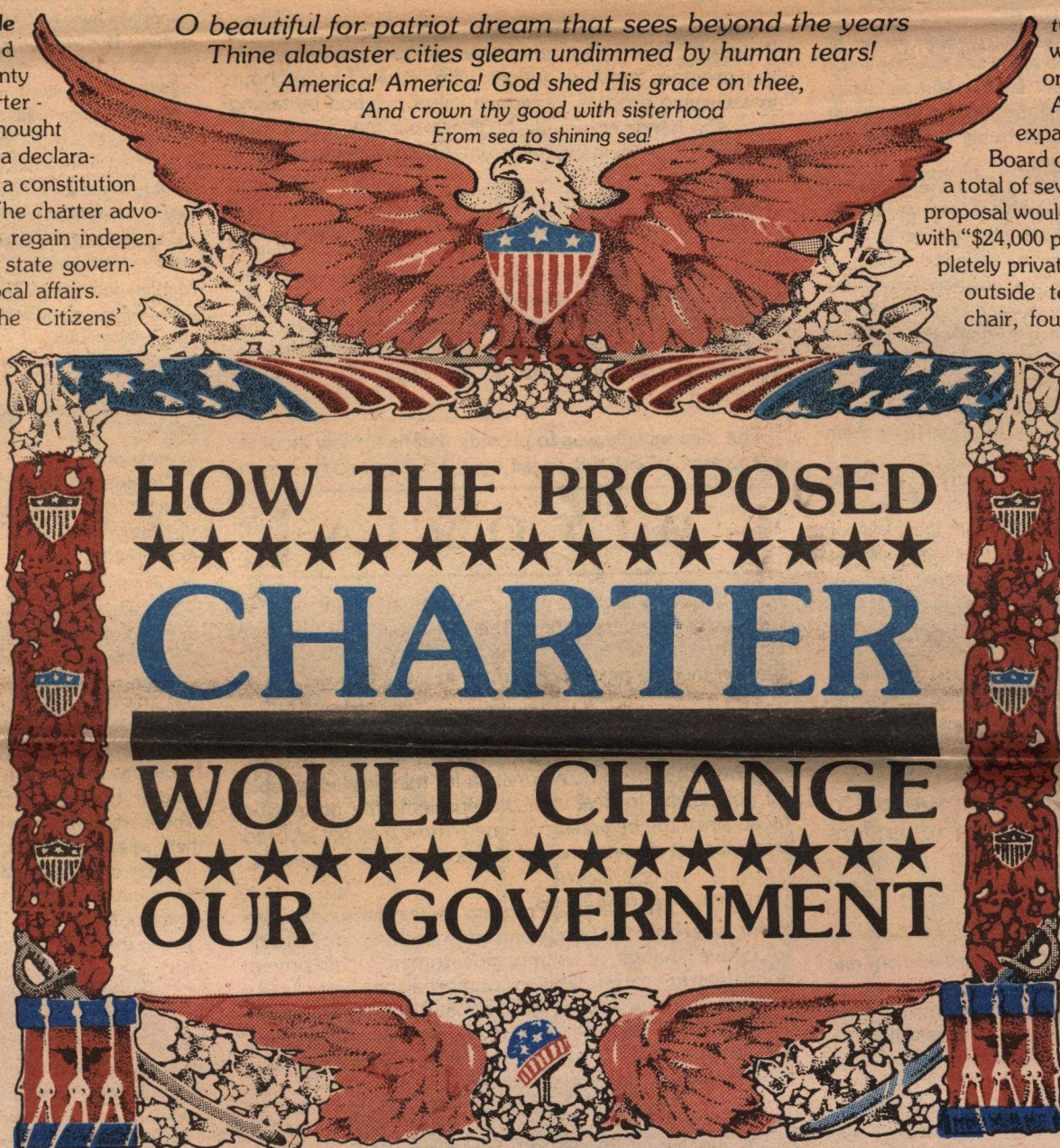
The Citizens' Charter Committee hopes to have the Board of Supervisors vote in August to place a Charter before the electorate in November, when we will be voting on bussing, government spending limits, and school board seats. A recent attempt by Public Trust to expand the Charter Committee attracted about thirty-five persons interested in helping to review and revise the original proposal.

Attending the June 22 Seascapes Club gathering to expand the Charter Committee were: former judge Nick Drobac, Santa Cruz Planning Commissioner Betsy Darrow, developers Ed Hansmann and Hal Shores, insurance men Robert Rittenhouse and Ted Harbert, and former County Assessor John Seidlinger. Supervisor Pat Liberty has said she asked Attorney Ray Scott to sit in for her with this Charter review group.

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*O beautiful for patriot dream that sees beyond the years
Thine alabaster cities gleam undimmed by human tears!
America! America! God shed His grace on thee,
And crown thy good with sisterhood
From sea to shining sea!*



HOW THE PROPOSED ***** CHARTER ***** WOULD CHANGE ***** OUR GOVERNMENT

Consider
Celebrating
in Santa Cruz

JULY 4th INDEPENDENCE DAY

The larger Citizen Committee will look at a document which, if enacted by the people, will change Santa Cruz from a "general law" to a "charter" County. Adoption of such a charter may give a county freedom to create unique internal governing structure. However, the claim of charter "supremacy" over certain state and federal legislation - especially in areas of assessment practices, land use, and health/welfare - is fundamental to this particular charter proposal. At more than 120 pages, the proposed charter is a somewhat detailed document. Section 12008 would require "at least ten percent of the parking spaces in the County Government Center parking lot" to be metered and "open to public at

twenty-five cents per hour with a four-hour limit and a one-hour minimum."

Along with the proposed expansion of the present Board of Supervisors from five to a total of seven members, the Charter proposal would provide each Supervisor with "\$24,000 per" year as well as a "completely private office . . . with two direct outside telephone lines, desk and chair, four chairs for visitors . . ."

While another section would provide for cost of living raises for elected Board members, details such as these are to be placed in what amounts to a local constitution.

That is, if R.W. Johnson and the Public Trust Citizens' Charter Committee win the votes first of the current Supervisors and then the County electorate. These details and hundreds of more significant ones would then be supreme County law; Charter sections could not be changed.

In Section 4011 of the Public Trust proposed Charter on elected officials' conflicts of interest says "(b) Properly reported campaign contributions to or on behalf of any supervisor, or to the support or defeat of any recall . . . shall not be presumptive evidence of any conflict of

interest by any supervisor, even when voting on an issue in which the contributor has an interest." This section is an apparent hedge against a court ruling that financial campaign contributions can prevent an official from voting on certain issues because there is "an appearance" of conflict of interest or bias. Such a ruling was handed down in a Los Angeles County court and is now being appealed.

The Public Trust Charter would "automatically" repeal the limited ordinance on campaign contributions here and prohibit the passing of any other law "limiting the amount of campaign contributions in connection with any County election."

Article XII, titled "PROHIBITIONS," would prevent the County from interfering with the conversion of apartments to condominiums or from establishing an anti-speculation tax on the transfer of real estate. A prohibition against "fixing prices at which privately-owned property, real or personal, may be sold" could be aimed at a Measure J inclusionary zoning policy which requires developers to build fifteen percent low and moderate income housing.

Article XII would also deny the County its ability to "enforce any limitation on building permits except as to the safety of the structure, conformance to the Uniform Building Code, and agreement with the General Plan." The County currently has set a numerical limit on the number of building permits which will be issued in a given year; this building permit limit was enacted to implement growth management initiative Measure J.

Measure J, according to some Charter critics, is also targeted under Article XIII, which would give the new seven member Board of Supervisors "power to repeal any initiative or referendum ordinance adopted prior to Charter date . . . not automatically repealed or amended" which County Counsel finds to be

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What the Charter Would Do

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“unlawful or unconstitutional.”

While the proposal would specifically except (allow) nuclear electric power plants in the County, it would “prohibit . . . the construction or operation of any . . . plant engaged in the business of nuclear weapons manufacture where such plant regularly employs or uses . . . any dangerous radioactive materials for which a license is required from the U.S. Nuclear Regulatory Commission.”

Another significant prohibition would prevent the passage of any ordinance or “rule” which in the opinion of “expert testimony” (under oath) will if adopted “increase generally the cost of residential housing in the unincorporated area . . . by a significant amount.” The Charter proposal defines significant amount as anything more than one-tenth of one percent.” While some Charter opponents see this section as a prohibition of rent control, others claim it would terminate park dedication fees, school impact fees, traffic mitigation requirements (such as a new traffic signal or access road often required now when big developments are approved) as well as prohibit down-zoning and urban limit lines under growth management.

The section in Article XI on property tax assessments apparently would put Santa Cruz County in conflict with the California Constitution as interpreted by a six person majority of the State Supreme Court. In October of 1978, that Court ruled that inequities between similar properties or homes as a result of Proposition 13 are constitutional (and not a denial of due process or equal protection) because the much higher assessments on a newly sold home relate directly to the latest cost of acquisition, just as do the smaller assessments on houses purchased before 1975. The “Amador Case” holds the current assessment inequities to be constitutional since they reflect what purchasers on their own free will were “originally willing and able to pay.” The Amador ruling contradicts Section 6401 d,e,f of the proposed Charter, according to State Board of Equalization Assistant Chief Counsel, Glen Rigby.

After having seen only the summary of the Charter proposal, County Assessor Bob Peterson questioned the legality of one section in Chapter 4, “Requirements for and Limitations on Revenue and Expenditures.” Section 6401(d) would have the Assessor “appraise . . . all real property . . . to be substantially equal to the appraised values of similar properties in the immediate vicinity.”

The reason for this clause and another one establishing a County Board of Equalization which would also “equalize property values,” according to the next section (6401f) “is to eliminate the inequity which would otherwise result from the enactment of Article XIII A (the Jarvis Amendment) . . . thereby

equalizing the tax assessments among properties of substantially equal actual value, without regard to time of acquisition, construction or improvement.”

With the Proposition 13 mandate to use the '75-'76 assessments plus two percent per year increase, the financial impact of using this same assessment level for all properties — sold or not, newly constructed or not — has yet to be calculated.

It is possible the Charter Committee considered this impact, for the group has claimed that enactment of the Charter will save the County some \$3,000,000 annually “mostly in personnel costs.” Apparently, the Committee believes that the majority of the salary savings will come by employee terminations in the new “Department of Public Assistance” (formerly the Social Services Department) and in the “Department of Public Health and Safety” which is to include public, mental, and environmental health functions.

Statements by Charter Coordinator Johnson and in the Charter Summary Report clearly denote which employees are targeted under the proposal. All staff of the welfare and health departments would, according to the plan, be exempt from Civil Service “because it is in these two areas that major organic changes will have to be made to bring the County budget within the limitations of Article XIII A (the Jarvis amendment) once state supplemental funds are no longer available.”

“The committee felt that exempting these organizations would make it easier for the necessary changes to be made; after this is done, the reorganized groups can be restored to Civil Service . . .” Also excluded from Civil Service would be Community Action Program personnel (the last remnants of the War on Poverty) and virtually all C.E.T.A. “Emergency Employment Act” employees paid with federal funds.

County Social Services Director David Singleton responded to the proposed exemption of his entire staff from Civil Service: “That can’t be done. The Social Security Act requires that federally funded employees” (including most in Social Services) “must work under the merit system.”

Santa Clara County has been a charter county since the 1950’s. Assistant County Counsel there, Don Baker, said the Santa Clara Charter has provided them with an independent “internal system” and more freedom regarding contracts and wages. Baker noted, however, “You remain a political subdivision of the State” despite Charter adoption “and you don’t free yourself from State legislative mandates.”

Both Counsel Baker and Board of Supervisors aide Peter Szego claimed the Santa Clara Charter or any county charter provides little, if any, local freedom from State or federal mandates in the areas of land use, health and welfare. ■