

Measure 'J' Constitutional, SF Appellate Court Rules

By PAUL BEATTY
Sentinel Staff Writer

Measure J, the county's growth management referendum passed last year, is legal and constitutional, the First District Appellate Court in San Francisco has ruled.

However, the appellate court decision has not ended court tests of the methods being used by county supervisors to implement growth management.

Wednesday, the Santa Cruz County Builders Exchange filed a lawsuit in Superior Court to stop in-lieu fees from being charged to builders of homes to raise money for low cost housing. Date of the court hearing is Oct. 12.

The decision by supervisors to borrow 80 low-cost permits and release them to the general market is expected to be challenged soon by the Resource Defense Fund of the Environmental Council, an environmentally concerned citizens group.

On being informed of the appellate court's decision this morning, Supervisor Gary Patton, who authored Measure J,

said, "I am, in a sense, not surprised, but I am pleased that the Appellate Court has found that our community has the right to plan its own community."

Jeff Bosshard, the attorney who pressed the appeal for client Telford Smith, a local landowner, said he does not expect to take the case to the state Supreme Court.

Asked why he would stop at the Appellate Court decision, Bosshard answered, "You've got to be kidding. If

there's a court that will uphold the appellate decision, it is the state Supreme Court."

Bosshard said he is planning to legally attack a number of the methods used to implement Measure J and "now that we know the appellate courts says that J is constitutional, that will dictate our courses of action."

Bosshard said he also is considering suing the Board of Supervisors "for not
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Aptos County Bank Robbed

A man claiming he was armed took approximately \$3,000 in cash from County Bank's Aptos branch at about 11:15 this morning.

Reports of the robbery were sketchy at presstime, but reportedly, the thief left the bank with the cash in a plain white envelope which he had taken into the bank.

Early reports indicate the subject stated he had a weapon on his person,

although no weapon was seen.

County police agencies were searching for a white male — possibly of Latin decent — approximately 25 years old, 6 feet, 180 pounds with dark curly hair and brown eyes.

He reportedly was wearing dark-rimmed sun glasses, faded jeans and a light tan jacket with knitting at the cuffs and at the bottom of the jacket.

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implementing Measure J," but would not discuss particulars of that possibility.

The Builders Exchange, along with two couples who were charged the in-lieu fees for low cost housing (between \$500 and \$3,000 per home), is saying that the fees are a form of property taxation and therefore illegal under Proposition 13.

That proposition came from a successful initiative last year and requires a two-thirds vote of approval before new property taxes can be added to the restricted Prop. 13 rate.

The builders exchange also states that whether or not the fees are a form of property taxation, the county still lacks the authority to impose such fees.

From the other side of the political spectrum, the Resource Defense Fund is attempting to prevent the county from borrowing low cost permits this year for release to the free market because the Measure J referendum mandated that 15 percent of all houses each year be in the low cost range.

The Appellate Court decision upheld local Superior Court Judge Rollie Hall's decision to sustain the county's request that the Smith suit be thrown out of court. Hall's decision in effect gave court validity to Measure J.

Scholars Advance

Six students from Santa Cruz County high schools have qualified as semifinalists in the 1980 National Merit Scholarship competition.

The students are Cynthia Bernardi, Andrew Levin, and Douglas Shepherd from Harbor High School; James Kliegel from Santa Cruz High School; and Michelle Kozsey and Mary Thomas from Soquel High School.

Those selected are from the top half of 1 percent of the state's high school seniors.

Semifinalists who advance to finalist standing will be considered for approximately 4,300 Merit Scholarships to be awarded in the spring of 1980.

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