

10/2/78

Growth Measure Has Court Date Friday

Measure J, the county's growth management ordinance, is scheduled to go back into court Friday to determine if a hearing should be held to test its legality and constitutionality.

Complainants seeking a court order to stop implementation of the measure which was approved by popular vote on June 6 are Telford Smith, Fred Rule and E. Wayne Moore, represented by attorney Jeff Bosshard.

The first time around on Sept. 14, Bosshard was told by Superior Court Judge Rollie Hall that his client's suit was "premature" and that it should wait until county supervisors have come up with specific regulations to implement the growth measure.

Measure J mandated that the county board has to decide each year what the county's "fair share" of population growth should be and that the county see to it that 15 percent of all new home building be in the price range that is affordable by average and low-income families.

Both mandates are being worked out by

the board which has until Dec. 6 to put Measure J into law.

Bosshard again will approach Hall asking that the suit be reinstated.

Bosshard contends that the county counsel submitted and order that erroneously dismissed the action following the Sept. 14 hearing.

He notes that the court signed the order, but that was not the intention of the court which "intended to keep alive" the suit, according to Bosshard.

The attorney also claims that Measure J cannot have any effect on the general plan, which is legislated by the state, and that the measure was illegally put on the ballot because the board of supervisors had not passed an ordinance to place it on the ballot as required by the elections code.

Assistant County Counsel Terry Slocum commented this morning that he found it unusual that Bosshard was seeking a replay of the Sept. 14 action.

Court time is 8:30 a.m. in Superior Court Department 2.