

CITY GOVT

Probably Nov. 3

8-11-81

# SC Vote On El Salvador Ordered

By BILL NEUBAUER

Sentinel Staff Writer

The city of Santa Cruz must hold an election on the controversial initiative petition seeking to terminate U.S. military intervention in El Salvador, Superior Court Judge Harry Brauer ruled Monday.

But Brauer gave the Santa Cruz City Council until Thursday to decide whether to hold the election Nov. 3 or to submit the measure to the voters in a special election.

If the City Council fails to make a decision between now and Thursday, Brauer said, he will order that the election be held Nov. 3 and that it be consolidated with the municipal election already set for that date.

The City Council meets today and, if a quorum is present, can set the election date itself. Or, it could call a special meeting Wednesday to do the same thing. But if no action is taken, Brauer made it clear the election will be held anyway.

Brauer's decision was in response to a lawsuit filed by the Coalition Against U.S. Intervention in Central America following the failure of the City Council July 28 to either adopt the initiative legislation as an ordinance or to order an election.

These two courses were the only ones permitted the City Council by the state Election Code because the Coalition petitions bore more than enough validated signatures of registered voters to compel one or the other of the actions.

Brauer agreed at the outset of the court hearing Monday with attorney Thomas Brown's contention that case history compelled him to grant the requested writ of mandate and to direct the issue to be put on the ballot Nov. 3.

From then on the key legal issue was whether Brauer would order the El Salvador petition election consolidated with the municipal election. Had he not done so, and if the City Council itself failed to order an election, then the El Salvador election would have had to be conducted separately at a greatly increased cost to the city.

Brauer was clearly loath to order the consolidation. He said at one point: "It is up to the City Council, not the court, to determine when to submit the issue to the voters."

Brauer said also: "This is a partisan political issue

that I am extremely reluctant to get into. It is an open secret - it was even said so in my chambers - that it is the view of the left and the right that to have this election combined with the general election is an advantage to the left."

Brown said, "I did not say that, your honor," then returned to the contention that the law provides for an issue to be decided at the next general election if it is not made the subject of a special election.

Brown stressed time is running out because of various deadlines that govern the general election.

But Brauer ascertained from Brown that Friday is the last reasonable date for consolidating the election, then gave the City Council the option of choosing either a special election or a Nov. 3 election.

The city was not represented at the hearing, a fact Brauer assumed to indicate the city had no argument to make about the law involved.

The City Council has twice failed to act on the initiative. On July 28 there were insufficient votes to either adopt the legislation as law or to set a date. Then at a study session last Tuesday there was no action.

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