

Santa Clara Libertarian

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PREPARATION FOR MOUNTAIN VIEW ENERGY TAX INITIATIVE DOMINATES OUR MARCH ACTIVITIES

Rollback Versus Repeal Settled By Voter Poll; Who Can Solicit, Petitions Needed, Deadline To File, All Uncertain; Petitioning Begins April 20th

by Marv Rudin

LPSCC March activities were dominated by information gathering and rollback vs repeal debate in preparation for the planned petitioning of Mt. View voters to put the Energy Tax Initiative on the November 2002 ballot. The biggest issue began when MV ETI project manager Steve Prestrelski wrote on March 9th:

“I spoke with Tony Tanke this afternoon and it appears that the Utility Taxes in Mountain View are not ‘illegal’. Thus, we need to make a decision whether to proceed with the current “rollback” initiative or submit a new “elimination” initiative. We had a lot of discussion about the pros and cons of each at today’s ExecComm meeting so I think that we’re ready to vote on the matter after maybe a couple of days discussion. Again, I would prefer a new initiative based on eliminating the tax altogether.”



Steve Prestrelski

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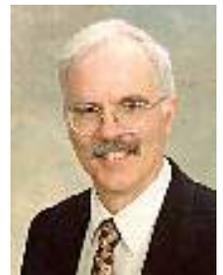
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The following day, March 10th, Ray Strong summarized the situation as follows:

“The Energy Tax Revolt is a program initiated by LPC Chair Aaron Starr. Most of our activities are incremental with progress hard to measure. The idea of these initiatives is to give the LP wins that are clear statements of accomplishment. The idea of rolling back energy taxes to before the energy crisis in California seems to have great appeal and to receive a good voter response.

Some energy taxes and tax increases that were enacted after specific propositions became law in California are illegal. They continue to be collected illegally while their fate is resolved in the courts. The utility tax charged by Santa Cruz County is an example of such an illegal tax. Voters recently repealed that tax by passing Santa Cruz Measure L (which was supported by the Sant Cruz LP and many other organizations). The Mountain View utility tax is not one of these illegal taxes.

The LPSCC has endorsed an energy tax rollback initiative in Mountain View. Based on this endorsement, we have a current budget for the project of \$2000 and have spent somewhat less than \$1000 to date. An initiative has been prepared and published at a cost of almost \$700. We have plans to circulate petitions on Tax Day and on Saturday, April 20. These plans allow time to rewrite an initiative and complete its processing to bring it to the current state, at a cost of republishing (<\$700). If we obtain the required signatures, the initiative would be on the November ballot.



Ray Strong

We believe the number of signatures required is roughly 5,000. The Mountain View authorities allege that more than 10,000 are needed (editor’s note: later these estimates were reduced by Ray to 2000 or 4000 and on other theories, even less). We also believe that any California registered voter may circulate petitions. Mountain View authorities point to law requiring the

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(MV Tax Rollback - Continued on page 4)

CANDIDATES HONE SKILLS AT MARCH SPEAKERS MEETING

Reported by Randy Overbeck

On the night of Thursday March 14th, 6 members of the LPSCC and 2 Republicans met to help three upcoming Libertarian candidates in future interview sessions. The event began with dinner at Coco's and started off with a bang with debate on the equalization of the

sentencing guidelines of crack vs. powder cocaine. Ervan Darnell, who is running for Senator for District 10, argued that this is an obvious case where the law is out of touch with reality.

The discussion/interview session quickly changed to more general questions. One excellent point that was brought up is that short answers on issues are much better for radio or print interviews and more thorough descriptions work much better on a candidate's

website. This obviously led to the suggestion that all the libertarian candidates should work to set an informative and useful website that can be referenced whenever an opportunity to talk is available.

Ervan Darnell certainly has a leg up here as his site (www.darnellin2002.org) does exactly what was suggested. Dennis Umphress who is running for CA US-House-16 can be reached via email at dmumphress@hotmail.com and at his web-site <http://www.theron.net/umphress>

worked to organize the meeting and produced a very useful list of interview questions to be ready for. Elizabeth Briely also attended. She is running for a position on the State Board of Equalization.

Overall the session seemed to very successful as it carried on well past the original 9pm finish. The conversations were lively and I believe quite valuable to get different opinions on what to focus on in their upcoming interviews.



Dennis Umphress



Ervan Darnell



Bill Chapman, Laura Stewart, Bill Smith, and Elizabeth Briely listening intently at candidate practice session at Cocos Sunnyvale banquet room

COMING EVENTS...

Central Committee Meetings: 2nd Thursday in July/October/January; Location to be announced

LTE Sunday - 3rd Sunday of month, 3:00pm - 5 pm; Stoddards Brewery and Eatery, 200 E. Campbell Ave. at 2nd, Campbell

Executive Committee Meetings Normally 1st Saturday of month, 10:00am

Next executive committee meeting: *Saturday 4 May* at Rosegarden Library, Naglee & Dana Aves, San Jose

Candidate practice: *Saturday 4 May 1 pm - 5 pm* at Rosegarden Library, Naglee & Dana Aves, San Jose

Speakers Meetings 2nd Thursday in months without central committee meeting

Cocos Restaurant, Sunnyvale (Oakmead Pkwy & Lawrence Expy)

Next speakers meeting: *Thursday 9 May*

Come at 7pm for dinner, meeting at 8pm

Mt. View Petition Drive - April 20, 21; April 29, 30 if more signed petitions needed - call party telno for information.

TS Gun Show - June 8th & 9th - San Jose Fair Grounds

LPSCC EXCOM MEETS BEFORE LPC EXCOM Heavy Focus On MV Petitioning Campaign

Reported by Allen Rice & Marv Rudin

The Executive Committee of the Libertarian Party of Santa Clara (LPSCC) held its monthly session earlier than usual Saturday morning, April 6, in the 8:00 to 10:00 time period to allow some of its members to go from there immediately to the LP California Exec Comm meeting that was to run in the same venue, the Courtyard by Marriott, near the San Jose airport.



Guest, Allen Rice

Lacking the quorum of six necessary to conduct business, the early rising five present around eightish (Strong, Umphress, Dehn, Hinkle, and Prestrelski, and guest Allen Rice) used the time effectively to discuss strategy for the upcoming petition campaign in Mountain View, to roll back the energy tax windfall. When Stewart arrived around 8:30, and Rudin somewhat later, allowing the obligatory approval of the Minutes of the last meeting and setting of the agenda for this one, several issues had been resolved and planning began in earnest.

The weekend of April 20-21 will be used for door-to-door petitioning. The number of verified signers needed is 981, which is 5% of the Mountain View vote for Governor in the last election. For insurance against invalid signatures, petitioners will be trying to get padding over that amount, up to about 1500 total signatures. Strong estimates that that number of signatures will require about 56 volunteer days, meaning 28 volunteers over each of the two days of the weekend. It's hoped these volunteers will be among the attendees at the Central Committee meeting to be held April 18. In the meantime, commitments are made and responsibilities accepted, to get the Petition written, proofread, published, and delivered to Petition Headquarters well before the critical weekend.

The second topic on the agenda was the LP California 2003 Party Convention; Hinkle urged that the LPSCC submit a bid to produce it. He said past history for this sort of thing, using local organizers, has been very good – each past convention has made money for the LPSCC and garnered positive comment from attendees. Some differences this year are 1) the preferred hotel, Doubletree, is already booked up for the President's Day weekend in 2003, and 2) rather than keeping the full profits, Hinkle proposes a split, with 20% going to the State Party.

Santa Clara Libertarian – Schedule of Publication to Year End

COVERAGE PERIOD	FINAL EDIT	PUBLICATION
April Issue:	May 10th,	on web site May 13th
May Issue:	June 10th,	printed & bulk mailed June 20th
June Issue:	July 12th,	on web site July 15th
July Issue:	August 9th,	on web site August 12th
August Issue:	September 10th,	printed & bulk mailed September 20th
September Issue:	October 11th,	on web site October 14th
October Issue:	November 15th,	on web site November 18th
November Issue:	December 13th,	printed & bulk mailed December 20th
December Issue	January 10th	on web site January 13th

The LPSCC Exec Comm were interested, but being aware of the corresponding risk – that the Convention could lose money, for which the LPSCC would be liable -, and being under the gun to make room for the rowdy LP California Exec Comm members gathering in the hall, agreed to submit the matter to an email discussion and vote to bid, or not to bid, in no more than 2 weeks time. The meeting adjourned at 10:15, with most attendees headed for home and the LPSCC's state reps - Hinkle and Dehn - donning new hats to carry out their roles at the State meeting.

Although in a pre March 5th election note to the LPSCC Excom, Chair Ray Strong said "Lets talk more about how to grow the LP on 3/9. See you then," there was again - for the 15th successive month, no such discussion at this Excom meeting, excepting the possibility of registering people who may want to join the LP during the MV petitioning drive.

(MV Tax Rollback - Continued from page 1)

petitions to be circulated by Mountain View residents. We have good reason to believe that we would win both of these points in court, but that we may very well have to take Mountain View to court in order to get on the ballot.

Energy prices that had increased dramatically last year have come down this year. Moreover, the pro-government media have characterized the energy crisis as a myth. The public currently believes there is no energy crisis. This may change before November.

A conservative estimate of the number of volunteer petitioners is 15 including at most 5 Mountain View residents. A concerted effort to bring in more volunteers from surrounding regions, may produce double that number. A concerted effort to contact registered Libertarians in Mountain View for help, may produce 2 or 3 more Mountain View resident circulators. A volunteer day is unlikely to produce more than 100 valid signatures. Asking each signer to also sign as circulator would solve the Mountain View resident requirement but will greatly increase petition printing costs and somewhat reduce volunteer productivity. In any case, with the number of volunteers we expect, two or three days of petitioning will be required to reach the smaller number of valid signatures. The larger number is effectively out of our reach. Thus we must be prepared to go to court. We don't have any idea of the costs involved. The current initiative has language that is somewhat ambiguous. There is a reasonable interpretation that would achieve what we want; but the initiative is likely to be challenged during the election and, if it passes, in the courts. The problem is that it is complicated to specify exactly how to compute a tax that "would have been charged" on a given date. It would be much cleaner and simpler to go for complete repeal.

We don't have any idea how much voter support would be won or lost by changing the initiative to a simple repeal of all Mountain View Energy Taxes. We can carry registration materials with us as we request signatures. If we register a few hundred of the thousands of signers, that would be a dramatic increase in the LP registration in Mountain View. We endorsed the energy tax rollback in general at our January Convention. I interpret that endorsement as extending to a rollback to 0.

There are two items where research would be very helpful in coming to a conclusion: (1) the likely amount of court costs at risk in taking MV to court to get any initiative on the ballot, and (2) voter sentiment for rollback versus elimination of energy taxes. I propose we undertake a small sample telephone poll of voters in Mountain View, asking them 1. would they vote for energy tax elimination? 2. would they vote for an energy tax rollback to 1/1/2000? 3. would they be willing to help circulate a petition for either? We could include half registered Libertarians in the sample, to gauge their support and attempt to recruit more volunteers. A random sample of about 30 non-LP voters and 30 registered Libertarians would give us a much better idea of how to proceed."

Ray's interest in polling to assess voter sentiment was no doubt influenced by the fact that Steve's preference for repeal was shared by Campaign Chair Dennis Umphress, but not by your reporter or Campaign Chair Zander Collier, or Secretary Joe Dehn who believe that a rollback has a better chance to pass. In this regard in Excom email debates we wrote:

Zander wrote: " I'll outline, in my mind, the arguments for and against, and from those describe why I'm voting the way I am:

Why we should go ahead with the original initiative (Hold taxes to current levels): 1.) We have already paid \$700 for the filing fee and advertising. 2.) Changing our course of action would cost another \$700, at least. 3.) Steve has already done the legwork with the lawyer so that we could submit something that would be accepted by the city lawyer 4.) The brief has already been accepted by the city attorney. 5.) Aaron Starr had already been drumming up support for this and had outlined a strategy whereby the course of action would be to hold the tax to current levels. 6.) The only work left to be done to get this on the ballot is to gather the appropriate amount of signatures. 7.) The current tax has been in place for 30 years without any serious opposition from the community. 8.) Building political capital: By passing this we can point to a concrete achievement of the LPSCC. 9.) It is a moderate position and therefore possibly more palatable to the constituents of Mountain View

Why we should change course and submit a new initiative (Repeal the tax): 1.) Concerns about how our original (hold taxes) submission can be interpreted, thereby allowing a technicality to circumvent all the work done to pass it. 2.) Simplicity. It's easy to communicate to the voter what this initiative will do. 3.) Moral Question: It is the Libertarian position that taxes can and should be repealed whenever possible. By following this course, we stand true to our principles. 4.) Building political capital: By passing this we can point to a concrete achievement of the LPSCC. 5.) It is a bold proposal and therefore passage would boost the credibility of the LPSCC.

If it were possible to assign a value to each of the points above, it should be quite easy to make a decision. Unfortunately, this is next to impossible. I would like to see the Energy Tax in Mountain View repealed, however, I honestly believe that this is something that is within our vision yet outside our grasp. I believe we could get an initiative on the ballot to abolish the energy tax. I believe it would fail in the election. I have no way to quantify this. My gut tells me so. Is this a bad way to prognosticate? Absolutely. In the absence of data, it's all I have. I would much rather see a large number of small victories than a few scattered large ones. Ideally, I'd like to see a large number of large victories, but the reality of our time doesn't offer us this luxury. I believe we must meter our forces and our resources wisely. I do not mean to suggest that there are not times to strike boldly and forcefully. There are. If this tax were being gathered illegally I would be among those vociferously calling for repeal. As you all probably know, I called for, contingent on the illegality of the tax, for us to fight the court battle to allow our initiative circulators to be from outside the community. But the tax isn't "illegal"; it has the weight of its history (30 years), and what appears to be a complacent citizenry.

While the anecdote of Santa Cruz is an inspiring one, I believe that its circumstances are completely different, and therefore not applicable to Mountain View. The Mountain View Energy Tax is not, on the face of it, the gross violation that the Santa Cruz one was. Accordingly, it is my belief that this battle is a strategic one, not a tactical one and that therefore we should proceed with capping the tax as it currently stands. I believe it will be much easier to convince the electorate to cap energy taxes than to abolish them.

Here is why I see this battle as strategic, and not tactical: If after passage the City Council interprets the changes to the law in a manner which is unfriendly to our original conception, then I believe it will be much easier to convince the electorate that repeal of the tax is the "solution of last resort". We can argue that we attempted to take the moderate path and that in doing so our efforts were subverted by a city council voracious for ever more money. At that point, I argue, we have the high moral ground and passage of complete repeal is that much easier. In either case: We win and cap the tax and the City Council complies, we have a (smaller) victory. If the City Council subverts the intent, then we put forth an initiative to repeal and have a (bigger) victory."

Joe Dehn wrote in response to Zander's " I am simply trying to convince Steve to pursue rollback instead of repeal and the rest of this group to postpone." said "My preference is rollback and not postpone. We have a rollback petition already filed, and we have a petitioning date."

In addition, your reporter submitted Energy Tax Rollback originator LPC Chair Aaron Starr's comments which favor increasing the chance of success by going for a rollback:

"If you insist on doing no homework as to the likelihood of passing an outright repeal, doing no analysis of the opposition's arguments & how the public will respond to it, convincing volunteers to expend time and money putting measures on the ballot to eliminate the tax, and wind up losing on election day, I don't relish the idea of trying to pick up the pieces of the libertarian volunteers who are left de-moralized in one more losing effort. Losing sucks, no matter how righteous our side may be."

LPSCC Chair Ray Strong then decided to follow Starr's advice, and do some "homework" by polling Mt. View voters to get their reaction to repeal versus rollback:

First he did a brief preliminary poll himself and said: "It is very enlightening to talk to the

PRACTICE SESSION WILL HELP CANDIDATES MAKE IMPACT

Campaign Chair Dennis Umphress will lead a candidate video practice session at the Rosegarden Library room (at Naglee & Dana Avenues) from 1-5PM on Saturday, May 4th . Members to simulate reporters' questions are invited.

The agenda will be:

1. Each candidate present a 5 minute opening statement which will be video recorded.
2. Review each opening statement for 15 minutes.
3. Have a moderator ask 5 questions which the candidates were given several days before the session. The candidates will have 2 minutes for their answers. The answers will be video recorded.
4. Review each answer for 5 minutes.
5. Have a group of mock "reporters" ask the candidates 3 questions. The candidates will have 2 minutes for their answers. The answers will be video recorded.
6. Review each answer for 5 minutes.

(MV tax rollback continued from page 5)

average voter. Everyone should try it. I contacted a small sample of registered voters this evening and learned that the average voter probably does not understand the phrase 'would you support' and definitely does not understand the word 'repeal.' Those who are making calls in Mountain View will need to explain that 'support' means 'vote for' and 'to repeal a tax' means to 'stop collecting the tax because the voters voted to stop.' The most prevalent response I have so far is '?' rather than 'Yes' or 'No.' This 'don't know' response occurs after I explain 'support' and 'repeal.' Also, it looks like our pollsters will need more than 30 names to complete a set of 10 polls. I'll send more names to each volunteer in the morning."

Then with the help of Dennis Umphress and Laura Stewart in polling a small sample of Mt. View voters he reported as follows:

"I believe we have sufficient data from our polling to weigh heavily in the direction of rollback rather than repeal.

Based on a contacted sample size of 32 registered voters (with 10 declining to be polled), we have the following preliminary results: On the question of support for repeal, 36% favorable; On the question of support for rollback, 64% favorable. Here is a breakdown by party affiliation (where known): Party number %favoring repeal %favoring rollback, Democrat 7 29% 43% Republican 5 40% 80% Decline to State 9 33% 67%. Of special note: a significant 33% of those registered Decline to State (who agreed to be polled) volunteered to circulate petitions for rollback. That number is 11% of all those in our polling sample who were registered Decline to State, whether we were able to contact them or not. If our sample were representative of the entire population, we could expect to recruit 11 volunteers for every 100 voters registered Decline to State that we attempt to contact. I am not suggesting that these volunteers would actually work all day and collect 100 signatures each. I am suggesting that these volunteers could each have a potentially pleasant experience working with Libertarians toward the cause of rolling back a tax. It would seem that this kind of experiment might provide a new efficient source of growth for the LP.

To me it seems worth our efforts to see if it will pay off, even though we know that getting a ballot victory (or even getting on the ballot) is not assured. How sure are we of victory, if we get an initiative on the ballot? We must assume that the City will win all the neutral and unfavorable voters by means of slick, expensive advertising. But we have a reasonable chance of holding onto a majority, if we start from 64% favorable before the campaign. With only 36% favorable to start, I would have recommended against proceeding. On the question of getting on the ballot, we anticipate having to go to court to force MV to certify the initiative as qualified. I believe we should start raising pledges toward a legal fund. We could phrase the request for a pledge as, 'if we collect the required 5% of valid signatures, and if Mountain View challenges these signatures either on the basis that they believe 10% are required or on the basis that not all circulators were Mountain View residents, then your pledge will become due.' On this basis, I think we should try to raise several thousand dollars in pledges."

PUBLICITY

MISSED OPPORTUNITIES TO WRITE ARGUMENTS FOR POST

MARCH 5TH ELECTIONS SPUR EXTRA-VIGILANT WATCH

April 9th tax hike votes in Los Altos and Los Gatos alert LPSCC to have early warning system in place to detect future stealth elections

Reported by Marv Rudin

Ballot argument by LPSCC officers or candidates signing with their Libertarian titles appended have been by far the most cost effective way to publicize the party name. In the March 5th elections, over 2/3rds of the official ballot pamphlets from the Santa Clara Registrar of voters had the name "Libertarian" in one or more of the ballot arguments concerning the various measure up for a vote of the citizens, thanks to arguments submitted by Ray Strong, Dennis Umphress, and Elizabeth Brierly on many different measures. But surprisingly, just one month after the March 5th elections, two tax measures were put up for vote in the cities of Los Gatos and Los Altos. Apparently this is done at such a time to increase the chance of passage by maximizing the impact of supporters' votes under conditions that tend to have small voter turnout in what is commonly referred to as a "stealth election."

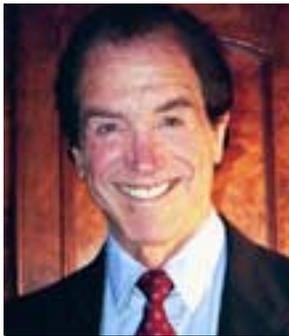
In a note to John Inks, a Mountain View Libertarian activist who was complaining about and warning of the major tax hike being proposed as Measure A for a vote on April 9th, Chair Ray Strong wrote: "Thanks for the note on the next set of school bond measures. Yes, we expect them to pass. We can put general arguments against school bond measures up at our VoteNOonA.org, etc. sites. However, your note brings up, once again, our need for LP members to monitor their local government institutions (in this case school districts). We can generate and submit arguments for ballot pamphlets with about 5 days notice. But we need the notice. Also, we need the specifics and any issues that might mobilize residents to vote against the measure. Monitoring means attending public meetings of the boards of these institutions and watching city and county web sites for last minute submissions. Would you be willing to monitor one or more local government institutions in your area?"

And on the topic of readiness to oppose new tax measures coming onto a ballot somewhere in the county, Ray wrote to Bill White who also was concerned about the Los Altos/Mt. View stealth tax - Measure A: "I tried, for a while, receiving an automated message each time the Registrar of Voters updated their website. Unfortunately there were too many false alarms. We need someone who can find out the dates when the various school boards and other government entities can submit ballot measures and the corresponding deadlines for submission of arguments. Then we need to monitor each of these dates. If you could take on this research and monitoring project that would be great. Almost everything can be caught from the web if we know when to look. Los Altos caught us with their ballot measures because we were busy working on the March election and not paying attention to an April election. Are there more or potential elections coming up? Thanks for anything you can do to help spot the stealth bond measures."

In response, Campaign Chair Dennis Umphress researched the subject at the county Registrar Of Voters and wrote: "The below dates are the first dates when the ROV will know if initiatives have been submitted for the upcoming elections. There is a period of 5 days after these dates to submit ballot arguments to the ROV.

August 12,2002 for the November election.
December 9,2002 for the March 2003 election.
March 10,2003 for the June 2003 election.
August 11,2003 for the November 2003 election."

Umphress continued, "I understand that some of the above elections might not be held if there is nothing for the voters to decide. We can check the ROV website up to 2 weeks before the above dates to see if any initiatives have been submitted early." ■



Marvin B. Rudin, Editor

Land use is perhaps the biggest local government issue. I've seen some fierce complaints by Sunnyvale property owners about zoning variances granted by the city council, and in one case, imposition of more restrictive zoning. The recent San Jose eminent domain fight is still another example. Mike Laursen complains of interference by the Mt. View city council with putting a new Home Depot in the vacant Emporium building, and a surprising level of zoning control called "precise" zoning, which he has colorfully dubbed "Zoning on Steroids." He opines:

HOME DEPOT ISSUE: "I sent this letter to the Mountain View Voice, but they didn't print it. Measure N would have modified one of the city's many "precise" zoning plans to allow Home Depot to build a store at the boarded-up Emporium site near Highway 85 and El Camino Real.

'A new Home Depot store would compete with Minton's and Bruce Bauer. A new hotel would compete with existing hotels. Any business built at the old Emporium site is going to compete with existing businesses.

There may be good reasons to vote no on Measure N, but protecting established lumberyards from competition isn't one of them. It isn't possible. Customers can always go elsewhere. The best thing to do if you care about Minton's or Bruce Bauer is to shop there. '

— Mike Laursen, Mountain View

To its credit, the Mt. View Voice ran a long letter from a former Mountain View Council member explaining the Yes on N position. (Editor's note: no doubt the reason Mike's letter didn't run - a local politician has LTE priority). To the Voice's disgrace, they ran an even longer "news" story extremely biased against Measure N. Now that the measure has been defeated, the No on N crowd will have to back up all the claims they made. They say there is a long list of hotel developers waiting to build a hotel that will make the site an impressive "gateway" to Mountain View. I'll be watching carefully for any statements that contradict their earlier claims, and writing in letters to point them out.

PRECISE ZONING ISSUE; While reading up on a recent election issue in Mt. View, I discovered that we have at least 30 "precise plans" covering just about every street corner in town. < http://www.ci.mtnview.ca.us/citydepts/cd/apd/precise_plans.htm > These plans go way beyond traditional zoning laws. Some of them are quite lengthy and go into nit-picky detail about how a site should be developed. They rarely mention any property owner directly, but often target the owner indirectly by putting very specific restrictions on a particular parcel of land. I was horrified! I thought that we just had good, ol' zoning laws that applied more or less the same to everybody in a particular neighborhood. What are the provisions that have to be met, before the "provisional" uses are allowed? Mountain View), has a site that has been occupied by a boarded-up department store for at least ten years. Several years ago, Home Depot took out a long term lease on the property. They originally intended to build one of their smaller "Expo" stores, but decided the timing wasn't right. Then they tried to develop a hotel, but the deal fell through. So, about a year or two ago they decided to build a regular Home Depot store. Negotiations over the precise plan for the site <http://www.ci.mtnview.ca.us/citydepts/cd/apd/american%5Fuses.htm> dragged out for the last year or two. Objections to the Home Depot ranged from possibly legitimate (noise and traffic) to ridiculous (the precise plan "encourages" that a "landmark hotel" be built on the site to stand as a "gateway" to the city — the words in quotes are the actual language used in the document). Last year negotiations completely broke down when the city amended the plan by adding "big-box retail" to its "Uses Not Permitted" list. Home Depot tried to do an end run around the city council by getting a measure on last Tuesday's ballot, but it was defeated.

I did a little more research (not too exhaustive) on the Web. I'd like to hear from anyone who is knowledgeable on this topic. It looks like California Planning and Zoning Law (Title 7, Division 1, Chapter 4) allows city planners to do just about anything they like as long as they hold hearings. But there is one clause (65852. Uniformity), which says, "All such regulations [zones] shall be uniform for each class or kind of building or use of land throughout each zone, but the regulation in one type of zone may differ from those in other types of zones." In my mind, this clause clearly says that "Precise Planning" is illegal. There have also been several U.S. Supreme Court decisions ruling that over-regulation of property should be considered to be a government taking (Editor's note: Amendment V of U.S. Constitution). The great grandfather of them all was "Pennsylvania Coal Co. v. Mahon" in 1922."

John Inks writes: "For those of us already privileged to be paying a \$264 parcel tax for the Los Altos Elementary School District, district bureaucrats aren't satisfied. They want a lot more, another \$333 annually for an annual bill of \$597!. I just learned this is on the ballot as Measure A for April 9. No opposing argument. I live in Mountain View and don't have kids in elementary school. These tax measures usually pass in our area with the 2/3 vote required, so I feel blindsided and about to be robbed again. Can we please pass the word to those affected to get out & vote against this HUGE tax hike?"

(Editor's Note: Thankfully, although LPSCC was unable to respond in time to write and submit a ballot argument, this measure failed to get a 2/3rds vote - but barely - . [see article, page 7, on need to early-detect such measures])

OPINIONS

Share your thoughts on making our party more successful and advancing the individual freedom with responsibility movement



Mike Laursen
precise zoning =
"zoning on steroids"



John Inks

Editor's Note:

Had a Libertarian outreach experience? Converted someone?

Write about it to the editor! email or phone - see at right

US mail: 651 Princeton Drive, Sunnyvale, CA 94087

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This is the publication of the Libertarian Party of Santa Clara County, a non-profit political organization.

THE LIBERTARIAN PARTY



of Santa Clara County

P.O. Box 60171 Sunnyvale, CA 94088-0171

Please Print:

Name: _____

Address: _____

City/State/Zip: _____

Phone: _____ E-mail: _____

The Libertarian Party is the party of principle. To assure and affirm that our party never strays from its principles, we request our members to sign the pledge below. (Non-signers cannot vote on party business).

I hereby certify that I do not believe in or advocate the initiation of force as a means of achieving political or social goals.

Signature: _____

Membership Application

- \$25 Basic
- \$100 Sustaining
- \$250 Sponsor
- \$500 Patron
- \$1000 Life

Plus an additional contribution to the LPSCC:

- Monthly pledge
- One-time donation

Total:

Payment Method:

- Check payable to: Libertarian Party
- VISA or MasterCard or
Discovery or E-Gold (circle one)

Credit Card #: _____

Expiration Date: _____

Cardholder Name: _____

Signature: _____

New Renew