



MISSION VIEJO BUZZ

Keeping the California Promise

Week of September 16, 2006

The Patriot Post Founders' Quote Daily

"[A] rigid economy of the public contributions and absolute interdiction of all useless expenses will go far towards keeping the government honest and unoppressive." -- Thomas Jefferson (letter to Marquis de Lafayette, 4 November 1823) Reference: The Writings of Thomas Jefferson, Memorial Edition, Lipscomb and Bergh, eds., vol. 15 (491)

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MEASURE M – FOR MISTAKE BY DALE TYLER



Measure M is a fraud on the taxpayers of Orange County. The Orange County Transportation Authority claims that this existing half-cent sales tax has done much good in the nearly 16 years it has been in operation. You should be asking yourself, "Good for Whom?"

It is true that during the past decade and a half, there have been significant improvements to our freeways and roads. Some of these improvements were partially paid for by Measure M funds collected from taxpayers. However, a great number of these projects, including the I-5/I-405 widening and the I-5 improvements near Disneyland would likely have happened whether or not we passed the original Measure M. Just before it was passed, the Irvine Company had come to an agreement with CalTrans to widen the El Toro "Y." However, when it was clear that Measure M would pass, that deal fell through. Guess who spent a lot to promote Measure M? That's right, **DEVELOPERS** including the **IRVINE COMPANY AND DISNEY**. It turns out that these companies realized it is a lot better to have the taxpayers pay than for them to do so.

The original Measure M promised to make the devel-

opers or landowners in all of Orange County, but particularly in Central and South County, pay for their fair share of road and freeway improvements. This was needed because much of the increased traffic comes from those very developments that were being planned. Yet, the developers got almost a free ride. They paid a tiny fraction of the amount needed to expand the roads to handle the cars of their new residences and businesses. For example, in Ladera Ranch, the development to the east of southern Mission Viejo, the developer paid part of the cost of widening Crown Valley from six lanes to eight. Yet, the real traffic increase on Crown Valley from their vehicle traffic alone would require at least 4 more lanes. So while they paid something, it was not nearly enough to clean up their mess in our city. The same is true for the proposed Rancho Mission Viejo development. Measure M's **PROMISED PROTECTIONS WERE NEVER IMPLEMENTED** by the OCTA or the County of Orange.

Thus, we have a situation where developers paid to have Measure M passed and then skipped out on most of their obligations to not make traffic worse due to their own activities. The OCTA has been protecting these very companies and soaking the taxpayers for the past 15 years.

Now we are being asked to tax ourselves again, for 30 years this time, and the OCTA is promising that

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“things will get better.” We need to ask, “BETTER FOR WHOM?”

There is another group that benefits from Measure M, other than the taxpayers, and that is the OCTA itself. While they claim that they will spend only 1 percent (\$130 million) on “administration,” the thousands of OCTA employees will be paid for studies, planning, engineering and publicity costs over and above the



1 percent. The OCTA is like any other government agency, needing more and more money to increase their power. This agency is known for its extravagant spending on things like the “trolley to Nowhere,” also called

the Centerline, and the majestic carpool ramps at interchanges like the 405 and 55. As Steve Greenhut says in his Sept. 3, 2006, editorial in the Orange County Register, we need to “starve the beast” and not give more money to an agency that has shown during the past 15 years it cannot be trusted with our money.

Tell your friends to vote “No” on the new tax, Measure M, this November.

CITY CAMPAIGN UPDATE SEPT. 12

Seven weeks to go until the Nov. 7 election, and the slamming and sliming continue. While several candidates were busy placing signs, Diane Greenwood’s team members were focused on muckraking during the past week. Her campaign manager escalated personal attacks from the past two weeks by emailing additional hit pieces to all county Republican officials.

Another of Greenwood’s team members was busily pumping bilge into an email blast. He seemed to pride himself on uncovering one candidate’s DUI (driving under the influence) violation in the 1970s. His email asked, “What would the members of MADD think of this?” Here’s an answer from one member of MADD who lost a family member in a car crash.

“What are they doing, digging around in some-

one’s personal records to find something? That’s disgusting.” Too bad for Greenwood, but an attack for attack’s sake is transparent. Additionally, there’s the issue of using the pain and suffering of others – opening old wounds – for political gain.



Greenwood’s campaign manager appeared at the Sept. 11 county Republican meeting, where he failed to sink an incumbent, Councilwoman Trish Kelley. After weeks of incessant sliming, he spoke to the Central Committee’s endorsements committee members. According to those in attendance, the members listened to his attack against Kelley and, moments later, they recommended that the Central Committee endorse her. The full committee had met on Aug. 21 and voted against endorsing her, but she’ll get another whack at it. Without the attack from Greenwood’s campaign manager, Kelley’s boat may have sunk on its own, as she failed a basic test by attempting to raise taxes.

One person who attended said, “It was difficult to measure the backlash against [Greenwood’s campaign manager]. Kelley and MacLean have already been voted down by the entire committee, and the initial leaning of the group on Sept. 11 was to let it stand as no endorsement for Kelley. The committee members may have reacted to the attack by reversing the full committee’s correct decision.”

Other observations from the Republican meeting came during the introduction of Justin McCusker, the phantom council candidate being promoted by Councilman Frank Ury. All other Mission Viejo council candidates spoke for themselves, but Ury jumped in by saying County Republican Chairman Scott Baugh asked him to get a Republican candidate for the Mission Viejo council, and Ury chose McCusker. Considering the council already has five Republican council members, and McCusker is the tenth registered Republican vying for three open seats, does that make sense?

In addition to McCusker having no presence in Mission Viejo, the vast majority of his financial support may come from out of town. Why

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would an out-of-town money man – John Lewis of Orange – want to buy a council seat in Mission Viejo? In 2002 and 2004 Lewis similarly directed cash into city campaigns, only to watch those he supported ignore his “special requests” for clients – except Ury. The real priority is the need to get a second on the council for Ury, who apparently wants large, affordable apartment projects and rezoning of the commercial area at La Paz and Marguerite. Ury has tried to propose a regional park, estimated at \$100 million, billing Mission Viejo residents so everyone else can use it, which is happening to a degree with parks, sports fields, the library and other “free” city facilities. Then, there’s John Lewis’ agenda, and that’s a whole other matter.

Six people on the county’s committee recommended the party endorse Kelley and McCusker. Kelley will again have to try her luck with the full committee. McCusker will have to see if two-thirds of the full group will agree that the county should interfere in a city election by endorsing someone who can’t be bothered with participating in his community. Fortunately, Mission Viejo only residents will decide on Nov. 7.

Also noteworthy last week, a Mission Viejo council candidate contacted a printing firm to produce his mailers. After moving forward on one day, the printing firm reversed the following day, stating they would work with no Mission Viejo council candidates who weren’t “John Lewis’ candidates” – Justin McCusker and Diane Greenwood. This is one city election no one should sleep through.

It was a week of stink bombs, and those who launched them ended up smelling the worst.



SCHOOL UPDATE,

Mission Viejo residents who live in the Saddleback school district should expect a quiet school board election on Nov. 7. The two incumbents up for reelection, Dore Gilbert and



Nancy Kirkpatrick, are unchallenged. The Capo USD turmoil continued during the past week with two developments of significance. On Sept. 11 the Capo trustees decided the taxpayers should pay for former Supt. James Fleming’s criminal defense lawyer. Payment will come from district coffers at a cost of \$400 per hour. A supporter of the effort to recall all seven trustees reacted to the decision, “The trustees said everyone should be presumed innocent until proven guilty. For a lot of people watching this, it’s too late to presume innocence.” She added, “It would have been more believable if they had said all the crimes were committed on the job.”

In a matter related to the CUSD recall effort, a team of investigators released on Sept. 12 a report regarding the Register of Voters’ handling of the recall. The Orange County Board of Supervisors requested the investigation last month, based on CUSD parents’ complaints the RoV mishandled petitions and the recall process. The county supervisors allocated \$25,000 and brought in independent investigators who said they found mistakes and a need for improvement but no intentional lawbreaking on the part of Neal Kelley, Registrar of Voters.

The investigators generally found the claims of parents to be valid, but the report indicated the acts weren’t criminal. Numerous parents also independently complained the RoV had erred in telling them how to fill out petitions. The investigators sided with Kelley: there was no impropriety. Investigators said Kelley didn’t know the law, he misinterpreted the rules, and he didn’t apply or abide by the law because he couldn’t find the law or its exceptions. In case his ignorance of the law didn’t cover everything, they added he was new on the job and had a heavy workload.

A parent who worked in the recall said, “It reminds me of a jury trial where a defendant is so guilty there’s no reasonable defense. An attorney will say his client is only guilty of being stupid for not knowing the law, and stupidity isn’t a crime. With Neal Kelley, we’re talking about a top-level county official who got a team of investigators to buy the stupidity defense.”



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**GOT QUESTIONS?
WE'LL GET THE ANSWERS!!
ONLINE FORUM FOR
CITY COUNCIL CANDIDATES**



When the blog's Editor-in-Chief Carl Schulthess started developing the concept of the Mission Viejo news blog, he hoped it could become a forum for city elections. A year later, the idea's time has come. As the Mission Viejo news blog approaches its first anniversary, a city election is at hand.

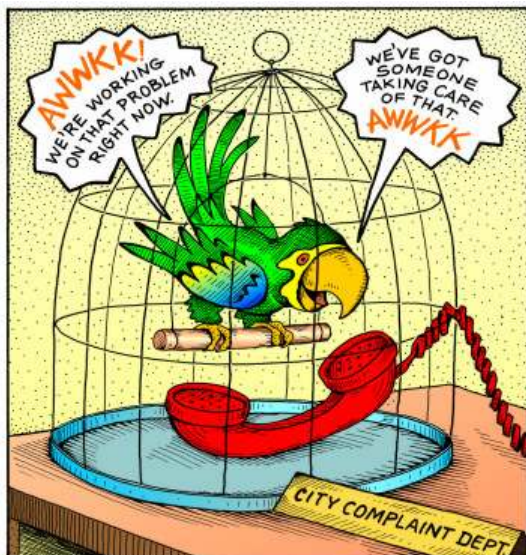
The blog invites readers to use the feedback form to suggest a question for candidates to answer. The blog will ask one question each week of all candidates and publish their answers in the following issue. Topics might include affordable housing, traffic congestion, overcrowding and quality of life.

To all who wish to submit questions, thank you for your interest in improving city government.

**REACTION TO INVESTIGATION OF
REGISTRAR OF VOTERS**

Click on the following link to read the press release

http://www.missionviejoca.org/pdfs/PressRelease_ROV_091306.pdf



LETTERS TO THE EDITOR

THE EFFECTS OF MEASURE K

In November 2004, Mission Viejo voters soundly defeated an attempt to increase the occupancy tax in hotels in Mission Viejo by 59.4 percent to 40.6 percent. It was on the ballot as Measure K. There was an attempt by two of our incumbent council members to increase the tax from 8 percent to 10 percent. They offered an argument that since people come into our city, they should pay increased fees for the use of city services.

This convoluted logic makes little sense because taxes of all forms affect residents of our city as well as non-residents. Each time we use a hotel or refer a family member or business associate, the increased tax would affect all of us. Taxes are discriminatory and affect everyone.

It was good to see that our voters were wise enough to throw out Measure K, and it represents a blot on the record of elected officials who supported it. Let's hope in the future those who favor higher taxes are not placed in office.

James Edward Woodin
<http://www.woodin4mv.org>
Mission Viejo

REALITIES OF

LOW-INCOME HOUSING

Recent newspaper articles ignore several realities when bemoaning the exodus of 25- to 34-year-olds from Orange County because of a lack of affordable low-income housing.

First, low-income younger adults obviously may have trouble paying rent or purchasing a home because many have low education attainment, poor English language skills or limited job skills. Some are single parents or they are still working on their college degree. Those who can buy their first home or pay the rent know that economic success requires developing a higher level of education and job skills and selecting a good-paying occupation, as many younger workers ultimately will.

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Second, all the low-income housing programs that the articles mention – the state affordable housing program, the Prop 46 housing bond fund and the Federal Section 8 housing vouchers system – are all taxpayer-subsidized welfare programs. When affordable rental apartments are built, or when someone can purchase a \$350,000 condo for \$90,000, the taxpayers and other property owners pay the cost.

Helping the handicapped who can't work or develop job skills can be justified. However, spending large tax dollars on young adults who don't develop job skills or good English language skills is simply punishing successful adults in order to reward unsuccessful adults.

Michael R. Ferrall
<http://www.ferrall4mvcitycouncil.com/>
Community Services Commission
Mission Viejo

**OPEN LETTER TO THE
PLANNING COMMISSIONERS
WORKING TOGETHER WILL HELP
SOLVE HOA PROBLEMS**

Our homeowners association is reaching a critical stage with parking and other problems. I understand your concerns as to where people with too many cars will park. Please let me assure you the problem will be greater if it comes to NO place to park because there are too many people with too many cars. That's where we're headed if something is not done to curtail both the number of people living under one roof and the number of cars they own.

By starting now to let residents know having so many cars is not to their benefit, perhaps we can "nip it in the bud." Maybe they will purchase homes in areas that allow for more cars, such as non-overpopulated condo associations. Maybe they will donate their old cars to charity rather than keeping them. If the city ever chose to cite these owners, it would eventually get too expensive to keep cars parked on the streets. We do our part by suggesting in our newsletter they donate their cars; our CC&R's prevent them from storing them in open parking on the property, and is enforced by our private security company and HOA fine

process.

As an HOA board, we levy some pretty hefty fines for different types of HOA violations. At our September board meeting, we levied a fine on a homeowner for \$2,500 for not complying with our architectural policy. Lest you think that is too much, we have given the homeowner almost two years to comply, and he ignored the violation letters. Now we're going to see how fast he complies. I can tell you he has already made some of the changes required.

I don't understand why the city can't work in the same way. Why does an HOA have more "power" than the city? I really don't think we do – we are governed by the same state and local laws. We can't just walk in and fine someone. We have to work up a case, give all kinds of warnings and all kinds of chances. Homeowners have to be called to a hearing before they can be fined. As one possible difference, an HOA can reverse a fine as it sees fit once homeowners are in compliance. We don't want their money, we just want compliance. We work with our attorney (an expert in condo law) who guides us as to what we can and cannot do. We really aren't so different from the city. Perhaps the people on an HOA board feel more strongly about property values since they usually live in the same area and want to maintain the property and values. Perhaps the city is more detached from the citizens. There just isn't much difference in the ultimate goal. We have a budget we have to stay within, just like the city.

If the city won't paint our curbs red, can we paint them ourselves? Will the city enforce the red curbs if the HOA does the painting? We wouldn't have a problem painting the curbs red, as we use red paint in our driveways and cul de sacs to prevent residents from parking behind garages, etc. If the city won't paint the curbs red, will they at least paint the intersection red where the crosswalk should be to prevent vehicles from parking in crosswalks? Currently, this is a safety issue for our residents. Will the city paint the curb in front of fire hydrants red to prevent parking at the hydrants? Just in case there is a fire, a car is usually parked in front of every hydrant on the property, which is another dangerous situation.

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In the early '70s when this property was built up as condominiums, residents parked wherever they wanted – in front of fire hydrants, behind garages – everywhere. A fire broke out on Via Pimiento, the 23000 section, and an entire building burned to the ground. Fire trucks couldn't access the fire hydrants due to cars parked everywhere. It took approximately two years to rebuild due to the fighting back and forth with insurance companies. At that time, the Fire Marshal deemed all areas other than the assigned parking stalls to be painted RED. It has been that way ever since.

A few years later, another fire broke out in the 22000 block of Via Pimiento when someone left the house with a candle burning by an open window, and lacy curtains billowing in the breeze caught fire. Fortunately, it was seen and called in soon enough to prevent another major disaster. After that, there is not an area on the entire property that is not marked as a Fire or Emergency lane.

Today, if a fire engine were to try to get into our drive-ways, with cars parked to the very end and in some cases extending into the driveway, it would be difficult to navigate. These curbs need to be painted RED and enforced by the Police Dept.



The cars parked on the streets belong to residents who have their garages packed so full of storage (JUNK) that they cannot park their cars inside. They would rather risk having their \$20,000+ vehicle parked outside – subjected to vandalism – than clean up 20 years' worth of accumulated junk that will never be looked at again. Our CC&R's state that each resident must be able to park his or her car inside the garage. We have yearly garage sales to help residents get rid of junk, and in past years we have rented huge Waste Management dumpsters to dispose of the junk.

Garage inspections start in October to encourage residents to get rid of their JUNK and park their vehicles inside their garages. We are also getting ready to start a huge painting project, which will take about a year to complete. We will eventually install new rollup garage doors, and residents will have to clean up their garages due to the configuration of the mechanical apparatus for the doors. We ARE doing our

part to get cars off the streets and prevent people from living in garages. All we are asking for is the help and support from the city to prevent this area from becoming a "Little Santa Ana" as we have been referred to in the past. The problems we are facing here are the same problems other areas of Mission Viejo will face or have begun facing if we don't start somewhere to prevent the process of decline of the city.

I just this afternoon received a follow-up email from city staff members informing me that they had done a return inspection at a residence in our HOA for having a garage converted to living quarters. Prior to having notified the city of this code infraction, the residents were unable to park in their garage. With two cars, they needed both their garage and their parking stall, but since they were using the garage as a bedroom, they were parking one vehicle on the street. Little by little the process works. They are now parking in their garage and in their parking stall, taking one vehicle off the street. As I keep saying, if we force them to use their garages, they will. In turn, that will improve our parking situation. It's proof that by working together, we can make changes.

Kathy Miramontes
President, Aliso Villas Homeowners Association

The Buzz

September 12

Regarding the push for affordable apartments on top of retail stores at La Paz and Marguerite, where will children from the low-income families go to school? With Newhart well over capacity, is there room for a few more double-wides on the trailer-park campus? Reilly Elementary and Capo High School would also get their fair share of students from Mission Viejo's newest welfare neighborhood.



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If voters allow Trish Kelley to hang around city hall for four more years, perhaps she would like her name on a building.

Renaming Newhart to

Trish Kelley Middle School would be a nice touch. If it's true she was among council members advocating affordable apartments at La Paz and Marguerite during a closed-session meeting, it would be fitting to put Kelley's name on the deteriorating school.

★ ★ ★ ★ ★

Disreputable

While a lot of deplorable ideas have been promoted by Councilman Lance MacLean, his push for building high-

density housing in Mission Viejo is among the worst. He champions "modernizing the Master Plan." Translation: he sold his vote to UDR/Pacific and Steadfast to overturn commercial zones and bring in high-density housing with affordable units. As additional punishment for the residents, the city is being sued over one of the projects.

★ ★ ★ ★ ★

The Long Beach City Council set the stage for growth and modernization in the late 1980s and overwhelmingly approved zoning changes. The Long Beach Police Dept. kept tabs for 10 years on a square mile where 600 homes were bulldozed to build 6,000 apartments. The per-capita income decreased 11.7 percent, the number of people living in poverty jumped 69 percent, and households on welfare rose 65 percent. The number of single-parent families nearly doubled, and the crime rate rose 44 percent. By the time the council realized its mistake and made a futile attempt at a building moratorium, the damage was done.

★ ★ ★ ★ ★

Mission Viejo is headed in the same direction with our current city council

FAQ

Here's a frequently asked question for Frank Ury's candidate combo of Diane Greenwood and Justin McCusker. How will you pay to bury "all the power lines" in Mission Viejo? With estimates running into hundreds of millions of dollars, will city sales tax rise to, say, 50 percent? Both candidates also say they want to decrease power

rates, so that's quite a trick to spend hundreds of millions the city doesn't have and put cash back into the pockets of its residents. Voters who were fooled by Ury's campaign claim about burying the power lines should take a look skyward as a reminder.

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Neighbors living near Unisys report the vacant land purchased by Target is being graded. Although the housing part of the project is frozen in litigation, the lawsuit filed by Pacific Law Center against the city apparently has not affected the site intended for a Target store. Does anyone remember when a Target representative was at the public microphone talking about opening a store in October?

YES!

★ ★ ★ ★ ★

Where's that dang senior bus? Some senior citizens have been waiting on the porch for four years for Councilwoman Kelley's phantom senior transportation program. In July she pushed through a \$200,000 imaginary program, of which \$100,000 will go toward a new city employee to manage a program that doesn't exist. By the time they add administrative costs and amenities for the \$100,000-a-year employee, the money will be gone.



★ ★ ★ ★ ★

Councilwoman Kelley would have difficulty claiming any real accomplishments in her campaign literature. She's done nothing for senior transportation, and the city foundation she was planning to claim as her pet project is a bomb. Her other proclaimed project, the expansion of the senior center, is a bazillion dollars over budget in the design phase – even before a contractor has been hired to start the city's tradition of doubling construction costs. Kelley's ballot statement says "reelect a proven leader." Who



would that be? With Kelley's record, she should give the tiara back to Sherri



The End