

LandWatch monterey county

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Supervisor Jerry Smith
Monterey County Board of Supervisors
168 W. Alisal Street
Salinas, CA 93901

Dear Supervisor Smith and Members of the Board,

The purpose of this letter is to urge the Board of Supervisors to leave Measure C, the Referendum against Butterfly Village, on the June 6th ballot. If the Board wants to take it off the ballot, they must seek a court order to do so. Taking the referendum off the ballot without a court order is violation of the law."

The California Supreme Court determined long ago that the Constitutional Right to referendum, initiative and recall are so fundamental that they are not merely rights granted the people. They are rights reserved by the people.

On January 24, 2006, the Monterey County Elections Department certified the referendum against the Board of Supervisors second approval of Rancho San Juan. Subsequently, the board exercised its ministerial duty and directed the County Registrar of Voters to place Measure C on the June 6, 2006 ballot (Resolution No. 06-027).

No legal challenge contesting the referendum's validity has been filed. The County has initiated no court action seeking declaratory relief regarding the referendum. The County has received no court order to remove Measure C from the June 6 ballot. Therefore, the Board has no legal authority now to unilaterally withdraw Measure C from the ballot.

Furthermore, Elections Code section 9605 clearly directs: "Notwithstanding any other provision of law, whenever a legislative body has ordered that a measure or proposal be submitted to the voters of any jurisdiction at a special election, the order of election shall not be amended or withdrawn after the 83rd day prior to the election." The deadline for withdrawing any item from the June 6, 2006 ballot was March 15, two weeks ago.

The Board majority, which has always been hostile to the public's opposition to Rancho San Juan, would be guilty of a gross abuse of its authority if it chose to withdraw a legally certified referendum from the ballot without a court order specifically directing it to do so.

Very truly yours,

Chris Fitz, Executive Director
LandWatch Monterey County