

# BASS LAKE BULLETIN

Vol. IV Issue 2    The Voice of the Bass Lake Community    February 2006

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Saving homes and neighborhoods

## PROTECTING PROPERTY RIGHTS, POST-KELO

California's property owners, incensed by the U.S. Supreme Court's recent Kelo decision, are going on the offensive with a ballot initiative that aims to limit the government's sweeping eminent domain powers, according to a recent press release by the Pacific Research Institute. But they acknowledge that powerful developers who benefit from the status quo are sure to put up a fight.

The California Property Owners Protection Act would eliminate the state and local governments' ability to take personal property for non-public uses. Public uses would be strictly defined as the building of roads, parks, and public edifices. Non-public uses would include the transferring of an individual's land to another person or private entity.

The initiative, proposed by the Howard Jarvis Taxpayers Association and State Senator Tom McClintock, would counteract the U.S. Supreme Court's unpopular decision in Kelo v. New London, Connecticut. In that case, the court permitted the city's redevelopment agency to remove several homeowners from their property so that private developers can turn the site into a hotel and retail center. The 5-4 majority agreed that the city's desire for more tax revenue was a sufficient enough reason for the seizure.

"Promoting economic development is a traditional and long accepted function of government," wrote Justice John Paul Stevens for the majority. "Quite simply, the government's pursuit of a public purpose will often benefit individual private parties."

This interpretation deviates from the original meaning of the "takings" clause in the U.S. Constitution. That clause, found in the Fifth Amendment, states that private property cannot be taken for public use without just compensation. The framers viewed the term "public use" to mean public goods exclusively. To take land from someone and give it to another person or group the framers rightly construed as theft.

Twentieth-century rulings, unfortunately, redefined "public use" to include the redevelopment of "blighted" areas: swathes of land that are considered economically depressed. Cities saw eminent domain as a tool to reinvent themselves but too often use eminent domain as an instrument of plunder at the behest of politically connected companies.

California City in Kern County, for example, declared 15,000 acres of undeveloped land as a "blighted" area in order to turn the property over to the Hyundai car corporation. According to the Pacific Legal Foundation, between 1998 and 2003 there were 223 instances in California in which governments used eminent domain to take homes and businesses from individuals and families and transfer them to private developers. Such disregard for property rights is troubling. Justice Sandra Day O'Connor conveyed this fear in her Kelo dissent: "The specter of condemnation hangs over all property," she said. "Nothing is to prevent the State from replacing a Motel 6 with a Ritz Carlton, any home with a shopping mall, any farm with a factory."

Fortunately, there was one bright note to the Kelo decision: it permitted individual states to place limits on the use of eminent domain. Florida, Illinois, Washington, and seven other states forbid the use of eminent domain for private development. The Golden State can join their ranks, and restore America's foundation of individual property rights, by adopting the California Property Owners Protection Act. The measure awaits title and summary from the Attorney General, and will soon be ready for signature collection. ~



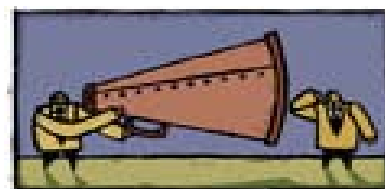
## NEW EL DORADO HILLS LIBRARY TO OPEN

The new El Dorado Hills public library that opens this month will be a convenient amenity for Bass Lake folks since it is located just over the hill from Bass Lake at Silva Valley and Seranno Parkway, next to the Serrano Visitor's center.

According to a recent article in the *Telegraph*, the 16,000 square-foot library will contain 30,000 books, 12,500 of which are children's books, and more than 1,200 CDs and DVDs available to check out.

Library patrons will be able to check out books beginning on February 7. A new automated checkout system will facilitate the borrowing process.

For years, El Dorado Hills struggled along without a decent public library. Borrowers had to use the old county library facility located on the campus of Oak Ridge High School. Seven years of efforts by the group, Friends of the Library, resulted in the ground breaking for the new library last August. ~



## BLAC MEMBERSHIP RENEWALS DUE SOON

Members are reminded that your annual membership renewals for the Bass Lake Action Committee for 2006 were mailed out in January and are due in by February 15th. The annual dues will remain at \$10 per member.

If you have not received your membership renewal statement by now, please contact President John Thomson or Treasurer Tasha Boutselis. ~

## GOVERNOR PROPOSES WATER TAX TO SEND WATER SOUTHWARD

Governor Schwarzenegger has proposed his Strategic Growth Plan, part of which includes flood protection and water management elements. The massive project would be financed by what is called the Flood Protection and Clean, Safe and Reliable Water Supply Bond and Financing Acts of 2006 and 2010.

Under the Governor's plan, the state would spend \$35 billion for flood protection and water management over the next ten years to strengthen levees and provide clean and reliable water supplies, according to administration official Mike Chrisman.

One of the Governor's specific proposals to pay for this flood protection and water storage is the imposition of a "fee" to be collected by water retailers, such as the El Dorado Irrigation District, on water users in California. This proposed levy is projected to raise \$5 billion from homeowners and businesses in the state. The amount of the levy would be \$3 for homeowners and \$5 for industrial properties, not every year, but every month, on their water bill. Other classes of properties also would have to pay, but two things are clear: The fee structure appears pulled out of thin air and homeowners would be the hardest hit.

That this so-called "fee" is nothing more than a tax is beyond debate. There is no effort to proportion the amount of the levy to any benefits conferred to fee payers. The "fee" is not voluntary, imposed only when taxpayers choose to engage in an activity triggering a fee. If you own property, you get hit. The "fee" is not imposed in a limited geographic area to finance improvements of a local nature. It is a statewide levy. In short, it is a statewide tax increase on the magnitude of \$5 billion.

Pending legislation to implement the plan generally provides that half the money collected would come back to the various water agencies and the other half would go to statewide projects. However, money coming back to the local regions would flow to regional water projects as 50% matching funds, and no agency would be guaranteed to receive any funds.

The measure would be to the advantage of water districts that have neglected their water delivery systems and deferred needed maintenance. Prudent water districts such

as EID that have asked the ratepayers to fund these needed repairs and upgrade will get little of the bond proceeds. In short, the bond issue will bail out the operators of poorly-run water systems.

Besides appearing to be an illegal tax instead of a fee, the legislation reportedly is the culmination of years of lobbying efforts by water interests south of the delta, particularly the Municipal Water District of Southern California (the state's largest water purveyor) and other large users down south. They want the state to pay for water conveyance improvements, a peripheral canal around the delta, delta levee improvements, etc. that are of no benefit to those of us in mountain counties, but that in the long run would guarantee Southern California with a stable supply of water from Northern California sources.

Why does Southern California need more water? A brief history lesson is in order. Prior to 1922, when six of the seven states that are visited by the Colorado River or its tributaries signed the Colorado River Compact, there was considerable dissension over how the water from the Colorado River should fairly be divided. An annual flow estimate of the Colorado River system was the basis of the 1922 Compact, which split use of the flow of the river between the Upper and Lower Basin states. California received a basic apportionment of 4.4 million acre-feet per year and depended on the availability of surplus water to weather any additional demands. Southern California's rights to Colorado River water were thought to be solidified in the 1930s when a number of agencies signed water delivery contracts with the Secretary of the Interior. Contracts detailed the water priorities, both to use and store California's apportionment of Colorado River water.

In 2001, outgoing Secretary of the Interior Bruce Babbitt signed a document establishing interim guidelines for determining when surplus Colorado River water would be available for California, Nevada and Arizona. The criteria was to be in effect for 15 years, giving California a greater certainty of supply and a transition period in which to further develop water conservation, recycling, storage and transfer programs that would provide for weaning Southern California from an over-reliance on the Colorado River.

However, the 2001 interim agreement, and subsequent water pacts presided over by the U.S. Department of the Interior, have not settled the struggle among the states

over the allocation of Colorado River water. In addition, the agreements generally provided a reallocation of water from agricultural to urban users, which has sparked lawsuits by farmer organizations opposed to the reallocation.

In summary, there is a fifteen-year agreement to secure surplus Colorado River water for Southern California that will expire in 2016, and those fifteen years are supposed to be a transition period for Southern California to reduce its reliance on the Colorado River water. Then in 2006 we have the "Flood Protection and *Clean, Safe and Reliable Water Supply* Bond and Financing Acts" that are designed to be completed over ten years, just when Southern California needs more water. Stay tuned.

## DAYLIGHT CRIME HITS CLOSE TO HOME

Woodridge residents are on a sharp lookout for strange cars and strange people following a recent daylight burglary that netted the bold thieves a number of valuables.

According to reports, a lady left her house for a walk and noticed a strange car parked down the street. When she returned some time later from her walk, the car was parked in her driveway, and several strange men were standing about. When she challenged them, they escaped in their car. Only when she went into the house did she discover the loss. Although she had locked the house, the daylight burglars had broken into the back of her house and made off with her possessions.

This incident points up the fact that thieves seem to be increasingly aware that El Dorado Hills is an affluent community with scant police protection. Increased crime and daylight robberies no doubt will be the result.

Always remember the two basic principles of Neighborhood Watch: know your neighbors and report any suspicious activity to the sheriff at (530) 621-5655.

You can also let Sheriff Jeff Neves know that you want more police protection for Bass Lake and El Dorado Hills by calling him at his Placerville office at (530) 621-6600. ~







Store Closing Down

## RALPHS TO SHUT TOWN CENTER STORE, OTHERS

Ralphs Grocery Co. has announced that it will close its store in El Dorado Hills Town Center in 60 days. The local store is among ten or more stores that Ralphs said it will shut in Northern and Central California.

The pending closures will be the second time in four years that Ralphs has shut stores in the area. The company announced in February 2002 that it would close five underperforming stores in Davis and Sacramento, but at the same time said it would add four new ones in Elk Grove, Roseville and El Dorado Hills. So three of the stores now being shut, El Dorado Hills, Elk Grove and Roseville, were opened within the last four years.

In addition, the company said that the store in Carmichael and two sites in Folsom would be closing. The company, which has closed more than 50 stores in the last 18 months, said it couldn't make the stores profitable.

Ralphs, which dominates the Southern California market with its 300 stores, is a division of Cincinnati-based Kroger Corp. Kroger, with 2,532 supermarkets and 289,000 employees, ranks second in sales nationally after Arkansas-based Wal-Mart Stores Inc. Kroger also owns the Food4Less store in Cameron Park. ~



No more ballot boxes?

## VOTE-BY-MAIL PRIMARY ELECTION THIS YEAR?

County Recorder-Clerk and Registrar of Voters Bill Schultz is proposing that the November primary election be done entirely by mail, due to a possible lack of new certified voting machines.

El Dorado County has a \$2 million contract with Diebold Elections Systems Inc. for new voting machines. The county may cancel the contract if the machines are not certified by Jan. 31, 2006.

Requiring voting by mail could save the county as much as \$183,000 because the county won't have to pay for polling places. During last year's statewide special election, 59.2 percent of voters went to the polls, with about half voting absentee by mail. ~



## THE PRESIDENT'S LETTER

Hello Everyone,

I guess I'm getting older, because I am starting to see things both beginning and ending.

I see beginnings in that El Dorado Hills and especially Bass Lake are new neighborhoods. When we have self-introductions at most local meetings I go to, it seems like everyone has come from somewhere else in the last few years. The few people that I have met that have been in this area for a long time seem to me to be an important link to the past, to when the county was rural, and life was more relaxed. It is comforting that we can ask them, "What is Clarksville?" or "Where did the Pony Express trail go by here?" and their answers help us to connect with the local history, establish links to the past, and set down our new roots here.

I see endings, too. Who doesn't know about Western Union, the telegraph company that for 150 years has linked the world. Did you know that the last telegram was sent on January 27, 2006? Now, some of you youngsters won't remember telegrams, but there were few feelings in what was then the modern world (starting in 1844) that equaled getting a telegram. Everything about it was special. It arrived by messenger; that guy in uniform was coming to the door and delivering the message *just for you*. It was specially constructed: little cut-out words in capital letters printed on paper tape and pasted onto the telegram blank. The diction of telegrams was distinctive, since you paid

by the word and didn't have access to punctuation marks. This gave rise to the famous joke about the traveler on his first trip to Italy who wired his travel agent, "ARRIVED VENICE STOP STREETS FLOODED STOP PLEASE ADVISE." I remember my Dad telling me that when he was going to high school in New York he used to be a Western Union messenger and deliver telegrams on his bicycle. The only thing Western Union does now is wire money, which I understand is a pretty profitable business.

Then there's Ralphs grocery store. I remember shopping with my mother at the Ralphs store in Huntington Park (a suburb of Los Angeles) in the late 1940s. Mom wouldn't shop anywhere else. According to the papers, the Ralphs in Town Center will be history by the end of March or so. The rest of the Ralphs in Northern California also seem slated to be closed. "Not profitable," they say. That's probably why a new Safeway is going in on Francisco Drive and Green Valley Road, and a new Raley's is being built at Blue Ravine and East Natomas across the street from the doomed Ralphs store that is there now. I for one will be sorry to see Ralphs go, because it's the only local place I can buy my Torrefazione Italia coffee. Sigh.

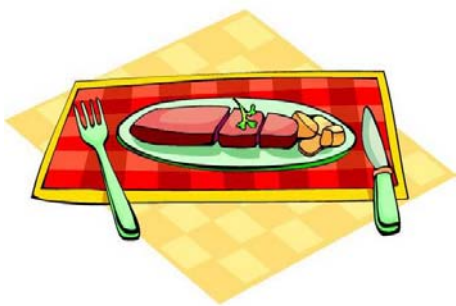
Getting back to beginnings, I finally started my long-postponed project to digitize all my old family photos. So far I have managed to capture all of the black and white photos I have up to about 1950. I was an only child for eight years, so there are a lot of pictures of me. The oldest is my father's passport picture when he was twelve years old, and I have a great one of his family at Coney Island sometime in the 1920s. Luckily I sat down with my Dad before he passed away and he helped identify all the folks in the pictures. Well, not all of them; sometimes he would peer at a picture and say, "I haven't any idea who that is!" Now I have to gather the other photos that my brother and sister have and organize them into an archive.

Every day seems to bring new beginnings to make up for the endings. I guess that's life.

*John E. Thomson*

President

Bass Lake Action Committee



## LET'S EAT!

*This month we will feature the first in a series of articles on new restaurants that will appear from time to time by our very own Restaurant Critic, Kathy Prevost.*

Joining the new BJ's and Fats in Folsom for good food will be the La Dip Fondue slated to open in the Broadstone Marketplace this spring. Offering a high end eating experience, the new restaurant will feature fondue standards such as broth, cheese, oil and chocolate, some of which are family concoctions. Open for dinner only, the restaurant will have an extensive wine list and was inspired by the success of the Melting Pot, which is a franchise, and has restaurants in Sacramento and Roseville.

Ruby Tuesday, named after a Rolling Stones hit song from the 1960s is also planned for Broadstone Marketplace and is targeting a summer opening. Featuring a full bar, the restaurant lists a full menu of burgers, salads, pasta and appetizers, plus a 50-item salad bar. Currently under construction, Ruby Tuesday will be housed in a 6,200 square foot building and is owned by a local franchisee.

In October of 2005, construction began on a 24,000 square foot building in Folsom at the corner of Decatur and Sutter Streets in Old Town Folsom. The Lockdown Brewing Company will occupy approximately one quarter of the new building with the rest having a variety of uses from retail to office space and housing lofts. Featuring Folsom Prison brews, the restaurant will serve upper-end American cuisine, seasonal game, buffalo and wood-fired pizza. Expecting to move its brewery into the building with the new restaurant in the fall, the Folsom beer company's ales have been available through restaurants and stores for a couple of years. ~

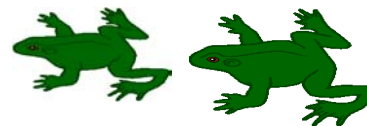
## MEASURE P CAMPAIGN CASH DISCLOSURES

An analysis of the campaign finance disclosure statement submitted January 31st by the opponents of El Dorado Hills cityhood, the "No on Measure P" committee, shows that they spent \$157,774.52 to defeat cityhood for El Dorado Hills. The Form 460 campaign disclosure form requires a listing of the amount contributed with the name, address, and occupation of the contributor. Listed here are only those contributions that were over \$2,500.00 that amount to about \$150,000.00 in total.

Contribution of \$20,000 by California Alliance for Jobs / Rebuild California Committee (represents more than 1,700 heavy construction companies and 50,000 union construction workers); contribution of \$5,856.02 by AKT-Kloss Regas Ranch Investors (real estate investment), 700 College Town Dr, Sacramento; contribution of \$7,957.54 by Valley View Investors (real estate investment), 700 College Town Dr., Sacramento; contribution of \$3,239.50 by Russell-Promontory LLC (real estate development), 700 College Town Dr., Sacramento; contribution of \$5,856.02 by Regas-Dalton Ranch Prop. (real estate investment), 700 College Town Dr., Sacramento; contribution of \$17,576.37 by Angelo Tsakopoulos Investments, 700 College Town Dr., Sacramento (real estate investment); contribution of \$49,000 by Home Ownership Issues Fund of BIA (Building Industries Association, a professional trade organization, whose goal is to secure a more favorable economic environment for homebuilding); and a contribution of \$20,000 by Brookfield Bay Area Holding LLC (affiliated with homebuilder Brookfield Homes).

The Yes on P Committee managed to get contributions totaling \$57,294.23 of which none were over \$2,500. So the Yes on P committee was outspent about three to one.

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## A FROGGY SUMMER?

Last year everyone was asking where all the frogs had gone.

Anyone venturing outside in the evening lately would have been able to hear the loud chorus of froggies croaking away down around the lake. The wet winter seems to have greatly stimulated the frog population.

We may be in for a frog-filled summer in Bass Lake. ~

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