



Citizens For The Carpinteria Bluffs



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Contact Info: Nathan Alley, Environmental Defense Center, 805-963-1622

COURT OF APPEAL ACCEPTS AMICUS CURIAE BRIEF FROM FOUR LOCAL ORGANIZATIONS WHO ASSERT THAT VENOCO'S MEASURE J WAS AN UNCONSTITUTIONAL AND ILLEGAL ABUSE OF THE VOTER INITIATIVE

GROUPS FILE BRIEF IN SUPPORT OF THE CITY OF CARPINTERIA

Santa Barbara, CA – The legacy of Carpinteria's ill-fated Measure J will be determined in court, after the ballot measure failed decisively at polls on June 8, 2010. Today, the Second District Court of Appeal accepted a Brief Amicus Curiae from four local organizations in support of the City of Carpinteria, which alleges that Measure J is unconstitutional and illegal, and should never have been allowed on the ballot in the first place.

In its initial filings, the City described Measure J as improperly granting administrative (or "adjudicatory") powers to the electorate, something that is prohibited by state law. In addition, the City noted that provisions of Measure J violate Article II, Section 12 of the California Constitution, which prohibits private corporations from gaining special privileges or advantages through the voter initiative process.

The Environmental Defense Center (EDC) authored the Amicus Brief on behalf of EDC, the Carpinteria Valley Association (CVA), Citizens for the Carpinteria Bluffs and Get Oil Out! (GOO!). The purpose of the brief was described in an application filed with the Court of Appeal:

The attached amicus is limited to an examination of how a private corporation's abuse of the voter initiative subverts the purpose of voter initiatives and the local planning process, and threatens public health, safety and the environment. Amici submit this brief in the hope that it will provide the Court with additional insight into how: (1) Venoco, Inc.'s Paredon Oil & Gas Drilling Initiative names and identifies a private corporation to perform functions and to have powers and duties, in violation of Article 2, Section 12 of

the California Constitution; (2) the Initiative violates the California Coastal Act by placing unrealistic impediments on the planning process and by frustrating requirements for public participation; and (3) it is impossible to sever offending sections of the Initiative without negating the purpose and application of the Initiative, and/or rendering the Initiative illegal for other reasons.

Although Measure J is dead, its opponents do not want a similar initiative to be allowed on the ballot in the future. As stated in the brief, Amici are concerned that private interests throughout Santa Barbara County and possibly the entire State will be emboldened to use the voter initiative to circumvent city and county permit processes, and to subvert sound local planning and laws protecting the environment.

“We want to shut the door on Measure J once and for all,” said Ted Rhodes of Citizens for the Carpinteria Bluffs. “No corporation should be allowed to act like a local government. No corporation should be allowed to re-write a city’s general plan.”

“We are confident that the City’s legal theories are sound,” said Nathan Alley, EDC Staff Attorney. “We hope that the brief submitted by Amici will aid the Court in reviewing Carpinteria’s appeal. The Constitutional issues at stake are of the highest importance to our community and to the entire State of California.”

You can read the full brief online at www.EnvironmentalDefenseCenter.org.

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The Environmental Defense Center protects and enhances the local environment through education, advocacy, and legal action and works primarily within Santa Barbara, Ventura and San Luis Obispo counties. Since 1977, EDC has empowered community based organizations to advance environmental protection. Program areas include protecting coast and ocean resources, open spaces and wildlife, and human and environmental health.

The Carpinteria Valley Association (CVA) was founded in 1964, and continues its mission to preserve and enhance the rural beauty of the Carpinteria Valley, especially its open field agriculture, and to maintain the charm of Carpinteria and Summerland as small beach towns. CVA strives to accomplish these goals by providing education and advocacy on issues related to land use, planning, and community development with an emphasis on the natural resources and environment of the Carpinteria Valley, Summerland and the surrounding region.

Citizens For The Carpinteria Bluffs works to preserve forever the Carpinteria Bluffs as open space. Citizens For The Carpinteria Bluffs uses educational and promotional activities to raise public knowledge and appreciation of the Bluffs and its natural resources. Citizens aims to ensure that the Bluffs remain an area for active and passive recreation.

Get Oil Out! is a non-profit corporation whose mission is to protect the natural environment and beauty of the Santa Barbara Channel from the adverse effects of oil development.