

## **Students can enter clean air art contest**

Visalia Times-Delta, Tuesday, September 26, 2006

Thursday is the deadline for submitting artwork for the San Joaquin Valley Air Pollution Control District's 2007 Clean Air Kids Calendar.

Valley school students in kindergarten through 12th grade are eligible to enter. Artists should place the page sideways, in landscape orientation, so the paper is 8 inches high and 11 inches wide. Artwork should be in color and contain a written clean-air message.

Students should include their name, address, phone number, age, grade and school on the back of the artwork and mail it flat, not folded, to 2007 Calendar Contest, Valley Air District, 1990 E. Gettysburg Ave., Fresno, CA 93726.

Information: 230-6000.

## **Home development draws criticism**

By John Saiz

Patterson Irrigator, Saturday, September 23, 2006

A proposed 3,100-unit residential project in northeast Patterson called the Villages of Patterson is creeping closer to reality, though its plans have drawn criticism from another local developer among others.

In a letter to the city, David Preiss, an attorney who represents Patterson Frozen Foods, said plans for the Villages of Patterson are inaccurate, do not address transportation safety issues and are inconsistent with the city's General Plan.

Included in the letter were plans for a 3,600-residential-unit project just north of Patterson, called Zacharias Hills. Patterson Frozen Foods, the city's largest employer, owns much of the land in the proposed site of that development.

The 945-acre project would be just beyond the city limits and, like the Villages project, would require annexation of more land into the city. Plans indicate it would include schools, land for a hospital and low-income housing.

Zacharias Hills developers said the environmental impact report should take into account all projected growth, including their project, and added that the growth would require an Interstate 5 interchange that would be funded if voters approve a countywide half-cent sales tax measure.

Patterson Frozen Foods representatives said the only logical road to connect with Interstate 5 is Zacharias Road, just north of the city.

Villages of Patterson developers said Patterson Frozen Foods' objections are baseless.

"The only reason for Patterson Frozen Foods to not support the project is ulterior motives," said Joe Hollowell, one of the Villages' developers. "It's disrespectful to the city and the people of Patterson."

Rod Simpson, community development director for the city of Patterson, said city staff will address all written comments when it proposes the final environmental impact report for Villages of Patterson.

The letter from Preiss was one of four from Patterson Frozen Foods objecting to the Villages project. The letters came as part of the public comment on the Villages draft environmental impact reports.

The city's planning department also received comments from other groups and individuals, including the Del Puerto Health Care District and people who own property in the proposed project zone.

The healthcare district raised concerns about not being able to provide adequate health care for a growing population without greater compensation.

"Increasing population clearly necessitates the expansion of the health-care facilities..." said Adam Lindgren, special counsel to the health-care district, in a written statement. "The district requests that the city require the developer to pay a mitigation and development fee in an amount to be determined in the future by the district in consultation with the city."

John Granelli, who owns 10 acres of land within the project's boundaries, said in a letter, "We have no agreement with the developers, and they do not speak for us... . We assert our private property rights and intend to evaluate what would be in our best interests in regards to our property."

Other property owners had other concerns. "What about the real environmental impact on wildlife?" asked Jay and Carmen Endersbe, who live within the project's boundaries.

"What about the majestic hawks, the large regal owls, the beautiful bids and cranes (and) the endangered kit foxes?" they asked. "Their habitat has been destroyed, and nobody seems to care."

State law requires that an environmental impact report be prepared for large projects. The report studies traffic, [air quality](#), water and noise. It also lists mitigation measures required for a project.

The draft environmental impact report lists dozens of mitigation measures for the Villages project. Hollowell didn't have an issue with any of them, he said, except the requirements to buy land to protect the threatened Swainson hawk and replace the farmland the project will be built on.

Because the Villages project would provide so many benefits to the community, Hollowell said, the city should not require the conservation measures.

The project is tentatively scheduled to go before the Patterson Planning Commission on Oct. 12 and the City Council on Nov. 9.

One of the public benefits Hollowell pointed to was affordable housing.

"We're the first and largest development to promise houses for low- and very low-income (people)," Hollowell said.

The city requires developers to make 15 percent of their project affordable housing, or pay an in-lieu fee. So far, every developer has chosen to pay the fee - about \$750 per home - rather than build the housing. That money helped fund a 24-unit senior housing project under construction at Las Palmas and Sperry avenues.

The city recently raised the in-lieu fee to about \$21,000 per home, though the city is still in the process of tweaking that fee.

The Villages would be the first development to have the new fee imposed, and developers say they've chosen to build the housing. Hollowell said the Villages will have more amenities and be a better project than what Patterson's seen in the past.

"We need to set ourselves apart from other developments," he said. "Before, you could throw up a tin roof and sell it."

The cooling housing market in the Central Valley means buyers are becoming pickier, and developers need to offer the best product to attract them, Hollowell said.

Along with the 3,100 residential units, the project will have commercial and office buildings, parks, schools and a street design reminiscent of Patterson's downtown.

Mello-Roos fees and developer fees would generate tens of millions of dollars for the city. If developers stay on schedule and the project is approved, construction on the Villages of Patterson should begin in 2007.

### **Automakers in clear to continue lawsuit**

By Don Thompson, Associated Press  
L.A. Daily News, Monday, September 25, 2006

SACRAMENTO - Automakers can continue their lawsuit seeking to block strict vehicle-emission standards adopted two years ago by California regulators, a federal judge said in a ruling filed Monday.

U.S. District Judge Anthony Ishii sided preliminarily with a coalition of automakers on their three major arguments against the state law, which was passed in 2002 and adopted two years later by the state air board. He threw out two lesser arguments, but ruled that the suit should go to trial Jan. 30.

The tailpipe standards adopted by the California Air Resources Board were designed to cut greenhouse-gas emissions from cars and light trucks by 25 percent and from sport utility vehicles by 18 percent starting in 2009. Ten other states have since adopted the California standard.

The automobile industry sued in U.S. District Court in Fresno, arguing that the state law amounts to an attempt to set new fuel-economy standards, something it says can be done only by the federal government.

The judge ruled that automakers can continue with their argument that allowing states to set their own emission standards would violate federal laws that reserve that power to the federal government. Ishii also allowed an argument by the automakers that California's regulations would undermine the federal government's ability to conduct a uniform foreign policy. The judge prohibited automakers from arguing that the law would impede interstate commerce or business competition.

"We're disappointed because it's going to cost taxpayers a lot of money to defend California laws. But we're prepared to do that because it's a really important law," said Teresa Schilling, a spokeswoman for state Attorney General Bill Lockyer.

### **Gas guzzlers in the capital**

**GLOBAL WARMING: Governor, lawmakers don't exactly practice what they preach**

Matthew Yi, Greg Lucas, Chronicle Sacramento Bureau Chronicle Political Writer  
S.F. Chronicle, Tuesday, September 26, 2006

Sacramento -- Despite their outspoken support for landmark legislation to fight global warming, Republican Gov. Arnold Schwarzenegger and some of the leading Democratic lawmakers who voted for the measure still use gas-guzzling vehicles for official state business.

Schwarzenegger, who is expected to sign the legislation on Wednesday at a ceremony in San Francisco, typically is escorted by the California Highway Patrol's security detail in a massive 2005 Ford Excursion that gets less than 11 miles per gallon, according to an evaluation by Consumerguide.com.

The global warming bill's co-author, Assembly Speaker Fabian Núñez, D-Los Angeles, travels in a state-leased 2003 Ford Explorer that gets about 14 mpg in the city and 20 mpg on the highway. Two other lawmakers who voted for the legislation, Assemblyman Dario Frommer, D-Glendale, and Assemblywoman Rebecca Cohn, D-Saratoga, drive Jeep Grand Cherokees, which the U.S. Department of Energy has noted is the least fuel-efficient SUV in its class at 16 mpg in the city and 21 mpg on the highway.

While some lawmakers have been slow to give up their roomy SUVs, the overall fuel efficiency of the fleet of cars driven by the Legislature has improved over the past five years, mainly because 27 out of the state's 120 lawmakers have switched to hybrids. For example, Assemblywoman Fran Pavley, D-Agoura Hills (Los Angeles County), co-author of this year's global warming bill, drives a Toyota Prius that gets 60 mpg in the city and 51 mpg on the highway.

But not everyone is on the path of driving fuel-efficient vehicles.

In the Senate, Dean Florez, D-Shafter (Kern County), whose district has some of the worst air quality in the country, drives a GMC Yukon Denali, which gets 12 mpg in the city and 16 mpg on the highway. Florez, who has authored several measures aimed at reducing pollution in the Central Valley, also voted for the global warming bill.

The legislation, worked out between Democratic lawmakers and Schwarzenegger, requires industries, including automakers, to lower carbon dioxide and other greenhouse gas emissions by 25 percent by 2020. Cars are the single largest source of carbon emissions in California.

The fact that many state officials still drive fuel-inefficient SUVs has some environmentalists shaking their heads.

"We would like to think that our elected officials ... would set a better example for the rest of us in the state," said Bill Magavern, a lobbyist who represents the Sierra Club.

One of the worst offenders among state legislators who voted "yes" on this year's global warming bill is Assemblywoman Wilma Chan, who said she commuted from her Oakland home to the state's capital four days a week during the legislative session.

The Democrat drives a 2004 Lincoln Aviator that gets 13 mpg in the city and 18 mpg on the highway.

"I would admit that I should get a better mileage car," Chan said. "But I mainly looked at the crash-test factors. I drive every day from Oakland to Sacramento, and I see these horrific accidents on I-80."

As for statewide elected officials, all but the attorney general are assigned cars and drivers that are provided by the CHP. The lieutenant governor, secretary of state, controller and insurance commissioner each has been assigned a 2005 Ford Crown Victoria.

Phil Angelides, state treasurer and Democratic challenger in the governor's race, also gets driven by a CHP officer in a Crown Victoria, although his campaign spokesman added that the candidate has three hybrids and a Volvo station wagon at home.

The Excursion and Crown Victorias (18 mpg city/25 mpg highway) are used primarily because CHP officers who drive them are trained in those vehicles, said CHP spokesman Tom Marshall.

Attorney General Bill Lockyer also has a pair of Crown Victorias, based in Sacramento and Los Angeles, but they are driven by Justice Department agents. But Lockyer, who last week sued automakers in an attempt to hold them liable for global warming, also has a 2005 Ford Escape Hybrid that he drives himself, especially when he is near his East Bay home, his spokesman, Nathan Barankin, said.

Lawmakers are free to choose their own automobiles, which are leased through the state. The state makes the first \$360 or \$400 of the monthly lease payment -- depending on their lease term -- and the rest is paid by legislators.

The number of lawmakers who use hybrid vehicles has risen significantly in the past five years. In 2001, only one lawmaker -- Assemblywoman Gloria Negrete McLeod, D-Montclair (San Bernardino County) -- drove a hybrid. Now, a third of the 80-member Assembly and a quarter of the 40-member Senate drive hybrid cars.

In the Assembly, the percentage of Democrats driving hybrids this year is the same as that of Republicans. However, most of those GOP lawmakers opted for more fuel-efficient SUVs, while their colleagues across the aisle have mostly leased Toyota Prius and Honda Accord hybrids. None of the Republicans who drive hybrids, however, voted for AB32, the global warming bill.

In the Senate, 10 lawmakers drive hybrids; nine are Democrats, and one is a Republican.

Particularly in the Assembly, one of the motivating factors for the switch was that in 2003, lawmakers who lease hybrids were given an extra \$3,000 that they can use for office expenses. The incentive is now \$6,000 a year.

However, another incentive to use hybrids should be to save the state money, since lawmakers use state-issued gas cards, said Assemblyman Joe Nation, D-San Rafael, who was the chairman of the Assembly rules committee in 2003 that allowed lawmakers to use foreign cars as long as they are hybrids.

"This isn't just about doing the right thing and showing constituents that we are doing the right thing. ... There is bottom-line savings to the state of California," said Nation, who drives a Honda Accord hybrid.

Still, SUVs still make up a sizable chunk of the Legislature's fleet -- 11 senators and 18 Assembly members still drive them.

Núñez's spokesman, Steve Maviglio, said the speaker's 2003 Ford Explorer is on its last year of a four-year lease and once the lease expires, "he will certainly be acquiring a hybrid."

"In 2003, the selections on hybrids were pretty thin," Maviglio said. "He has two teenagers and another kid in a car seat, so something like a Toyota Prius probably wouldn't have worked for him and his family."

Florez, the Democratic senator, said he drives his GMC Yukon Denali, which he has used since 2003, in his district but drives one of the hybrids in the Senate's fleet of loaners when he is in Sacramento.

The senator said he wanted to turn in the Denali but was told he must wait until Dec. 1, when the current legislative session officially expires.

"After driving the Honda, I initially had concerns about power, safety and so on, but I'm now convinced that the hybrid meets all expectations, so I will be trading in the Denali for a hybrid in December," Florez said.

Other lawmakers voiced their need for large cars to haul staff, constituents and even paperwork.

Assemblyman Rudy Bermudez, D-Norwalk (Los Angeles County), who drives a 2003 Ford Expedition (13 mpg city/18 mpg highway), insisted he needs a large vehicle because he often uses it for community service, like delivering turkeys during Thanksgiving and toys for Christmas.

"We also haul tables and chairs for community picnics. The truck is used for a number of those events, including moving constituents and staff. So, it is a working vehicle, not a pleasure vehicle," he said. Out-of-state interests have poured more than \$280 million into California political campaigns since 2001, and the November election will send that figure soaring.

While that number is dwarfed by the \$1.4 billion California residents, unions and businesses have spent on candidates and ballot measures, it shows just how much state politicians depend on big contributions from beyond the borders, said Michael Lighty, a spokesman for the Proposition 89 campaign financing initiative.

"The contributions from Middlesex County, New Jersey, are larger than those from Kern County," Lighty said. "You have national and international interests funding California Assembly races."

Middlesex County is the home of Johnson & Johnson and other pharmaceutical companies involved in last fall's high-priced ballot battle over discounts for prescription drugs. Since 2001, donors from that county have given \$10.2 million to California campaigns, compared to \$7.5 million in contributions from Kern County businesses and residents, Lighty said.

Prop. 89, which backers call the clean-money initiative, would raise \$200 million a year to provide public financing for every statewide and legislative campaign. It would slash the limits for individual contributions and bar candidates who accept public money from taking any outside contributions.

The spending figures, which the Prop. 89 backers compiled from campaign finance reports filed with California's secretary of state between Jan. 1, 2001, and May 20, 2006, also illustrate just how much special interest money flows into political campaigns, Lighty said.

While 2004 figures list Sacramento County as the state's eighth-largest by population, the county is far and away the leader when it comes to political money. With 1.3 million residents, it has given \$441 million to candidates and ballot measures, while sprawling Los Angeles County, with nearly 10 million residents, contributed \$287 million to races in the state.

High on the list is the District of Columbia, which joins Sacramento as the address for many of lobbyists, unions, businesses and political organizations that gave to politicians in the state.

"We're trying to show who it is that's actually funding campaigns in California," said Lighty, who also is director of public policy for the California Nurses Association, the prime backer of Prop. 89. "It's important for the people of California to know who is spending and how much."

But opponents say Prop. 89 and its supporters are better at identifying problems than at providing solutions.

"No one is saying that there are no problems with the way California campaigns are financed," said Robin Swanson, a spokeswoman for Californians to Stop 89. "We're saying that Prop. 89 is not the answer and will only make a bigger mess."

The anti-Prop. 89 forces include an unusual coalition of business interests and unions, groups that just last year spent tens of millions of dollars attacking each other in November's special election. But businesses and unions fear that the proposed \$10,000 limit on contributions to ballot measures, combined with other spending restrictions in Prop. 89, would squeeze them out of the state's political picture.

While the California Teachers Association spent more than \$50 million last November to fight a package of initiatives backed by Republican Gov. Arnold Schwarzenegger, 61 percent of the money supporting Schwarzenegger's measures came from wealthy individuals, said Swanson, who worked with the teachers union last year.

Businesses and groups such as the teachers union could be bound by the new contribution limits, but Prop. 89 places no limit on the amount of money a person can spend on his own campaign or use to support a ballot measure. The U.S. Supreme Court has ruled that type of spending is protected by the First Amendment.

"How do you solve a problem by only dealing with a part of it?" Swanson asked.

While Prop. 89 would provide candidates running under the clean money rules with public funds to match the cash that a wealthy candidate puts into his own campaign, the measure would put few restrictions on what an individual spends on a ballot measure.

Stephen Bing, a Hollywood producer and longtime contributor to Democratic and environmental causes, already has put \$26.5 million of a promised \$40 million of his own money into Prop. 87, a November initiative that would raise taxes \$4 billion on oil companies drilling in California to finance development of alternative energy sources. But while Prop. 89 would not restrict Bing's spending, it would limit Chevron, which has spent around \$19 million to fight the initiative, to no more than \$10,000 in direct corporate contributions.

The contributions from Bing and Chevron are part of a torrent of special interest money that has flooded into California for the November election.

The Yes on 89 campaign put together a list of the 20 largest campaign contributions made in California between 2001 and May of this year. They ranged from the \$14.2 million donation the Pharmaceutical Research and Manufacturers group put into the fight against discount prescription drugs last year down to the \$5 million that state Controller Steve Westly put into his own campaign for governor during this year's Democratic primary.

That list is already dramatically outdated. Since the June election, there have been at least nine new contributions of more than \$5 million, led by a \$13.8 million donation from Philip Morris and \$10 million from R.J. Reynolds, of out-of-state tobacco companies that have each put up more than \$20 million to fight Prop. 86, which would boost the state tax on cigarettes by \$2.60 a pack.

Other super-size spenders include Bing, Chevron, the California Hospital Association and Aera Energy, a company jointly owned by Shell Oil and ExxonMobil.

### **How green is your lawmaker's ride?**

Here are the vehicles Bay Area legislators lease through the state, the gas mileage and how each lawmaker voted on AB32. Taxpayers shoulder approximately \$400 of the monthly lease payment, lawmakers pay the balance.

#### **Senators**

- Elaine Alquist, D-Santa Clara: 2005 Toyota Prius hybrid; 60 City/51 Highway; Yes
  - Liz Figueroa, D-Fremont: 2003 Ford Thunderbird; 17 City/23 Highway; Yes
  - Carole Migden, D-San Francisco: 2005 Cadillac STS; 17 City/24 Highway; Yes
  - Don Perata, D-Alameda: 2005 Dodge Charger; 19 City/27 Highway; Yes
  - Joe Simitian, D-Palo Alto: 2005 Chrysler 300; 21 City/28 Highway; Yes
  - Jackie Speier, D-Hillsborough: 2001 Lincoln Town Car; 18 City/25 Highway; Yes
  - Tom Torlakson, D-Antioch : 2000 Chevy Camaro Z28; 18 City/27 Highway; Yes
- Assembly members**
- Joe Canciamilla, D-Pittsburg: 2005 Chrysler 300; 21 City/28 Highway; Yes

-- Wilma Chan, D-Oakland: 2004 Lincoln Aviator; 13 City/18 Highway; Yes  
-- Rebecca Cohn, D-Saratoga: 2004 Jeep Cherokee; 16 City/21 Highway; Yes  
-- Joe Coto, D-San Jose: 2005 Honda Accord hybrid; 29 City/37 Highway; Yes  
-- Noreen Evans, D-Santa Rosa: 2006 Toyota Highlander hybrid; 33 City/28 Highway; Yes  
-- Loni Hancock, D-Berkeley: 2003 Buick Le Sabre; 20 City/29 Highway; Yes  
-- Guy Houston, R-Livermore: 2006 Toyota Highlander hybrid; 33 City/28 Highway; No  
-- Johan Klehs, D-San Leandro: 2005 Ford Five Hundred; 21 City/29 Highway; Yes  
-- Mark Leno, D-San Francisco: 2005 Honda Accord hybrid; 29 City/37 Highway; Yes  
-- Sally Lieber, D-Mountain View: 2003 Mercury Marauder; 17 City/23 Highway; Yes  
-- Barbara Matthews, D-Tracy: 2005 Chrysler 300; 21 City/28 Highway; No  
-- Gene Mullin, D-South San Francisco: 2002 Chevrolet Impala; 21 City/32 Highway; Yes  
-- Joe Nation, D-San Rafael: 2005 Honda Accord hybrid; 29 City/37 Highway; Yes  
-- Ira Ruskin, D-Palo Alto: 2005 Toyota Prius hybrid; 60 city/51 Highway; Yes  
-- Alberto Torrico, D-Newark: 2005 Chrysler 300; 21 City/28 Highway; Yes  
-- Lois Wolk, D-Davis: 2004 Toyota Prius hybrid; 60 City/51 Highway; Yes  
-- Leland Yee, D-San Francisco: 2003 Buick Le Sabre; 20 City/29 Highway; Yes  
Source: Senate and Assembly Rules Committees. Mileage estimates from Microsoft's automobile Web site [autos.msn.com](http://autos.msn.com). (In some cases the Web site gives a range for the vehicle's city or highway mpg. For this graphic, the most efficient mpg was used when a range was given.)

## **Day Fire Regains Momentum**

**After a quiet spell, the blaze in northern Ventura County jumps a perimeter. Officials recommend evacuation in Lockwood Valley.**

By Gregory W. Griggs, staff writer  
L.A. Times, Tuesday, September 26, 2006

The 3-week-old Day fire, after a relatively quiet spell, regained momentum late Monday afternoon and jumped a line on its northwest perimeter, prompting a recommended evacuation for about 500 residents in the Lockwood Valley area of northern Ventura County.

Officials said that by 7 p.m. part of the blaze had reached a peak in a remote area about 1 1/2 miles from Lockwood Valley, south of the Kern County line. "The fire made a significant advance," said Rod Torres, an inspector with the Ventura County Fire Department. Forty-five fire engines were dispatched to protect structures in the community, authorities said.

The wildfire, which has cost local agencies more than \$36 million, has burned about 140,000 acres. Earlier in the day it was estimated to be 41% contained, but Torres said that figure probably will be revised downward because of the new problems on the northwest perimeter.

Two firefighters suffered minor injuries Monday, but no residences were damaged.

About 150 people gathered at the Santa Paula Community Center on Monday night for an update from fire and law enforcement officials.

They were told that improved weather conditions had permitted California 150 to be reopened Monday between Santa Paula and Ojai.

Also, a voluntary evacuation of residents living along California 150 was lifted as of 6 p.m. Still, officials warned that the fire could continue burning into December, and that thick smoke is likely to persist well into October.

Authorities also explained that they were hampered in early efforts to contain the fire, which began on Labor Day, because of the tough terrain in Los Padres National Forest.

"It is one of the most rugged areas of property in the national forest system. It is even more rugged than some of the wilderness of the Sierras," said John Bridgwater, a ranger with the Ojai

district of the forest.

The National Weather Service said temperatures in the fire zone should remain in the 70s through Friday, with normal winds expected to gust to 15 to 20 mph in the afternoons.

"We're not expecting a return of the Santa Ana winds any time in the foreseeable future," which should help keep the fire from spreading, meteorologist Mike Wofford said. Humidity is expected to stay below 20%.

The Ventura County Air Pollution Control District's smoke and particulate advisory remains in effect today for northern Ventura County. Elderly residents, young children and people with respiratory problems are advised to remain indoors.

In the meantime, Thomas Aquinas College, a private institution near Santa Paula, remained closed Monday after a voluntary evacuation was ordered over the weekend. The college is expected to reopen today.

For information on other schools, check the Ojai school district's web page at <http://www.ojai.k12.ca.us> . For general fire information, check the U.S. Forest Service website at <http://www.inciweb.org> or the Ventura County Fire website at <http://www.fire.countyofventura.org> .