



MISSION VIEJO BUZZ

Keeping the California Promise

Week of July 15, 2006

The Patriot Post Founders' Quote Daily

"A penny saved is twopence clear."

-- Benjamin Franklin (Poor Richard's Almanack, 1737)

Reference: Poor Richard: The Almanacks, for the Years, 1733-1758,

Intro by Van Wyck Brooks (47)

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CUSD 'ENEMIES' ARE PARENTS AND CHILDREN STAFF EDITORIAL



The news about an "enemies list" at Capistrano Unified School District broke in the July 10 OC Register. It wasn't a surprise to some parents who were on the list.

A rumor circulated in June that CUSD administrators had an "enemies list" of 150 parents involved in last year's effort to recall all seven trustees. The list may have originated when recall leader Kevin Murphy sent an email blast on April 21, 2005, containing the names, which someone forwarded to Vista Del Mar Principal James Sieger on April 22, 2005. Sieger forwarded the email revealing the parents' names to the district office, and Supt. James Fleming faxed it to the trustees the same day, according to the July 10 OC Register story.

By the time the OC Register saw the list in June 2006, it had become a three-page spreadsheet with names of parents, their children, addresses, their children's schools and names of their teachers. How did the list escape CUSD's grasp and end up at the OC Register?

In May 2006, CUSD Communications Director David Smollar resigned, and Fleming referred to him in the July 10 OC Register report as a "disgruntled" former employee. If it took a disgruntled ex-employee two months to speak up, how long should it take ethical employees to speak up about tactics that include intimidation and implied retaliation against schoolchildren?

The recall group heard an explanation of how Smollar found out about the list. When Murphy made a public records request to CUSD of all documents related to the recall, Smollar was supposed to deliver the documents to him. Smollar saw the "enemies list" in the stack of papers and asked Fleming, "Do you want Murphy to have the list?" Fleming said no and, allegedly in plain sight of Smollar, put the list into his desk drawer. Withholding such documents from disclosure violates the California Public Records Act.

<http://www.cfac.org/Attachments/CPRA.pdf>

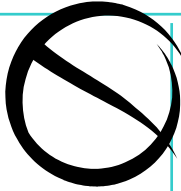
Fleming and the trustees appear to be galvanized in their denial or cover-up. Consider Fleming's quote in the OC Register when he said of the list, "It doesn't sound familiar, like anything I know about at all." Trustee Sheila Henness was quoted as saying Fleming would never approve such a list. Trustee Mike Dar-



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nold said of the enemies list, "As far as we're concerned, nobody on our side would do such a thing."



Taxpayers should ask what exactly is "our side," and why are trustees and the community they're supposed to serve not on the same side?

On July 11, the OC Register released another front-page installment of the ethical meltdown. District administrators were allowed by Registrar of Voters Neal Kelley to view the recall petitions, which is against the law. What was Kelley's excuse? He admitted doing it, adding he didn't know it was against the law. How much are these big-wigs paid to break the law and claim they don't know the difference?



With investigative reporting, leaks to the press and a "disgruntled" ex-employee's stunning revelations, evidence of the recall group's complaints is coming to light. CUSD administrators and Kelley have managed thus far to dodge bullets. Another showdown is on the horizon, and voters will at least have a chance to remove three CUSD trustees who are up for reelection.

LETTERS TO THE EDITOR

THE WHAT-IFS OF USING NON-COLLECTED FUNDS



The revised budget for Mission Viejo as submitted to the council uses revenue fund increases with non-collected funds as a basis for its assumptions. When non-collected funds are used, the revenue stream is projected higher than it may be. The use of \$775,000 from the General Fund to make up deficiencies of the Mission Viejo Foundation is a primary example.

The obligation of the foundation is rescheduled for five years, and funds come from the General Fund. Likewise, the \$1.5-million to \$2-million obligation of Steadfast is tied up in a lawsuit, and General Funds are to replace it. It's the same as borrowing from yourself to pay someone else's obligations. How long could you do that in your family budget?

The use of non-collected funds as a budget tool works the same as running up the charge card in your

family budget. It only results in painful headaches later. It seems that every time Mission Viejo has financial difficulty, the item is simply rescheduled over later years. The pension obligations and health-care benefit plans are another example.



The present thinking of the majority on our council in Mission Viejo seems to be that revenue streams will always increase and, therefore, the city will always be bailed out. Ask some cities that are in financial trouble today if that type of thinking got them into trouble. A "yes" answer will always apply if they are honest with their answers.

Mission Viejo can ill afford continuous amortizing of obligations into the future with revenue streams, at best, uncertain and hoping to be bailed out by ever-increasing revenues. It is time to tackle the problems now, pay off the obligations without creating new ones and let the revenue stream go into the infrastructure and pay down the existing obligations and the pension fund debt scheduled into the future.



Clean up the mess before it gets out of control while you can still do something about it.

James Edward Woodin
Mission Viejo

POTENTIAL ABUSE OF EMINENT DOMAIN

Homeowners in Mission Viejo should be very concerned with the property rights ruling made by the U.S. Supreme Court in June 2005. http://www.ij.org/Private_property/connecticut/

In what is known as the "Kelo" decision, the court ruled 5-4 that state and local governments can force private property owners to sell their homes and businesses for private development projects under the power of "eminent domain."

Prior to this "Kelo" case, the Fifth Amendment to the U.S. Constitution allowed private property to be "taken" by governments only for "public use" projects such as public streets, bridges or schools.

The Kelo case expanded "public use" to include "public purpose," which can include projects that cre-

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ate jobs, clear slums or build auto malls, all done by other private owners and developers. Thus, local city governments can now seize private property (with fair compensation) from small landowners in order to benefit larger landowners.

This court decision was supported by many state and city government organizations. However it was strongly opposed by property owners and property rights organizations that are fearful the Kelo decision will lead to widespread abuse of "eminent domain" by local governments.

Property owners in Mission Viejo should keep a close eye on city and county governments that may attempt to seize private property for some questionable "public purpose" project.



Michael Ferrall, Ph.D.
Mission Viejo



firming that CUSD improperly maintained a database of information, including the names, email addresses and other personal information for people who early on were associated with the CUSD recall. In particular, the list included people who were on the recall group's electronic mailing list.

Thomas Russell, official spokesperson for the CUSD Recall Committee stated, "It is very troubling, but not surprising, to learn that CUSD officials improperly created and maintained an enemies list. It is this type of abuse that caused the District Attorney's office to commence an investigation against CUSD, encouraged numerous elected officials to condemn the CUSD leadership, and convinced more than 25,000 people to sign petitions to remove the CUSD trustees from office."

Click on the link to read the article:
http://ocregister.com/ocregister/homepage/abox/article_1207672.php

The CUSD Recall Committee urges all parents and taxpayers to demand that anyone involved with this outrageous government abuse immediately resign or be terminated. The CUSD Recall Committee is the organization that led South Orange County residents in the unprecedented campaign to recall all seven elected trustees of the Capistrano Unified School District. More than 177,000 signatures were obtained from south Orange County residents calling for the removal of all seven CUSD trustees. The campaign focused on serious financial mismanagement and alleged corruption at CUSD.

The group invites ongoing discussion about this and other important CUSD issues on the CUSD Recall Committee Forum/Blog, which can be accessed at www.cusdrecall.com.

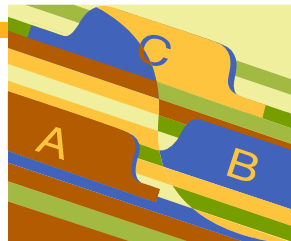
NEWS BRIEF JUDGE DENIES BASIS FOR LAW-



A Superior Court Judge on July 11 decided the Orange County Registrar of Voters properly disqualified recall signatures where volunteers later filled in signators' addresses. The decision diminishes hopes of putting the recall of seven Capistrano Unified School District trustees on the ballot. Recall supporters, who say Registrar employees advised that filling in addresses was acceptable, have the option of filing an appeal. With the Nov. 7 General Election in less than four months, timing has become an issue.

CUSD UPDATE CUSD RECALL COMMITTEE CONDEMNS CUSD ENEMIES LIST

Did the Capistrano Unified School District improperly keep tabs on parents and their children?
In a blockbuster investigative news report, the Orange County Register on July 11 published a story con-



"The liar's punishment is not in the least that he is not believed, but that he cannot believe anyone else."
George Bernard Shaw

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usual deer-in-the-headlights look while asking questions (What are you talking about?). Councilman John Paul Ledesma had the wisdom not to comment.

★★★★★★★★★★

Ledesma may have had other things on his mind. He and Sarah Hoogstad exchanged wedding vows on Sun., July 9. Friends asked the bride about plans for the honeymoon. The couple will spend the first several days “within driving distance” of Mission Viejo and then take off for a week in Hawaii.



Congrats JP and Sarah !

★★★★★★★★★★

Several Mission Viejo residents attended the July 11 writ of mandate hearing regarding the Capistrano USD recall signatures. After the hearing, a proponent of the recall said Registrar of Voters Neal Kelley told her in January that only the 10 proponents of the recall could view the petitions after results were certified last December. Kelley’s “excuse” for illegally allowing CUSD administrators to see them was he didn’t know it was disallowed by law. Just like unringing the bell, Kelley un-knows he acted illegally, although he cited the law earlier.

★★★★★★★★★★

Is there a big “undo” button people can push after they screw up royally? The attorney for the Registrar of Voters responded to complaints by recall signature gatherers that RoV employees advised them it was OK to fill in addresses for those signing the petitions. According to declarations in the lawsuit, parents and others called and/or went in person to the RoV office – up to 25 times in total – getting the RoV’s consistent advice it was acceptable to fill in the information. The claim from the RoV’s attorney about all those conversations: it didn’t happen.



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The Buzz

July 11



Mission Viejo council members will again discuss the revised city budget at a special meeting on July 31. Perhaps someone on the council besides Councilwoman

Gail Reavis will actually read the material by then. Watching the July 3 meeting was like revisiting one’s high school days with students trying to discuss *War and Peace* without opening the book. Councilman Frank Ury said “nothing worries me” about the budget, which he apparently hadn’t read. Councilman Lance MacLean feigned shock that a member of the audience thought the budget revisions were ill-conceived. Councilwoman Trish Kelley wore her

Nothing worries me!



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“It didn’t happen” is the position of the CUSD school board regarding the administration’s involvement in creating an enemies list of parents. Two school board members were quoted in the Orange County Register saying they didn’t believe stories of Fleming’s involvement, earning them a blog headline of “Clueless in Capistrano.” School Board President Marlene Draper said at the CUSD meeting on July 11 that school administrators did not compile an enemies list against parents supporting the recall, and Fleming didn’t send anyone to the Registrar of Voters to view recall petitions. Piling on was Councilman Frank Ury, who sent a letter to be read at the July 11 CUSD board meeting, chastising the school board for its enemies list. No one involved in the recall can remember Ury even signing the recall petitions, much less doing anything helpful. What people do remember is Ury’s performance during the April 3 meeting when CUSD parents and other community members asked for an audit of Measure A, Redevelopment Agency and Mello-Roos monies collected by CUSD. Councilmen Frank Ury and Lance MacLean referred to the motions as political posturing, and Ury said the city shouldn’t involve itself in CUSD’s business. In addition to the irony of Ury now attempting to represent Mission Viejo residents in CUSD’s business, he apparently couldn’t get a Mission Viejo resident to represent him at the meeting.

→ See previous page for
"Fleming & His Toadies"



A San Juan Capistrano resident got the job.

Well Done!

That's All Folks!