

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
CITY OF COSTA MESA
MEASURE P**

Do you agree with the Costa Mesa City Council, which unanimously opposes the establishment of toll lanes on the I-405 Freeway in Orange County?

The Orange County Transportation Authority (OCTA), in association with the State of California Department of Transportation (Caltrans) and the cities adjacent to the I-405 Freeway Corridors between the SR-73 and I-605 freeways, has been working on the I-405 Freeway Improvement Project (Project). As part of the Project, OCTA and Caltrans intend to convert existing High Occupancy Vehicle (HOV) lanes into High Occupancy Toll (HOT) lanes. With the conversion from HOV to HOT lanes, commuters will pay a toll for the use of the HOT lane.

The Costa Mesa City Council (City Council) unanimously opposes the current plan to establish HOT lanes on the I-405 Freeway in Orange County based upon their determination that the socially, economically, and politically responsible action is to construct the greatest transportation improvements that best utilize taxpayer funds without requiring motorists to pay tolls for use of the improvements.

The purpose of Measure P is to determine whether the Costa Mesa's qualified voters agree with the City Council's opposition to the current plan to establish HOT lanes on the I-405 Freeway in Orange County. Measure P is submitted by the City Council as an advisory ballot measure, and will have no legal effect.

A "Yes" vote would mean that the voter agrees with the City Council's opposition to the current plan to establish toll lanes on the I-405 Freeway in Orange County.

A "No" vote would mean that the voter disagrees with the City Council's opposition to the current plan to establish toll lanes on the I-405 Freeway in Orange County.

ARGUMENT IN FAVOR OF MEASURE P

Caltrans wants to raid your tax dollars that are earmarked for widening the I-405 Freeway, and use them for toll lanes that would cost commuters who could afford it \$10 to \$15 for a 14-mile, one-way trip between Seal Beach and Costa Mesa.

We need to tell Caltrans NO. We don't want our free lanes hijacked and turned into Lexus Lanes for the rich—especially if you're constructing them with \$1.3 billion that we raised for other purposes.

The Costa Mesa City Council has unanimously voted to oppose any toll lanes on the I-405. Six cities along the I-405 corridor have banded together to fight the conversion of free lanes to toll lanes.

Instead, we want to expand the freeway without the use of high-fee toll lanes—and without the need to demolish and rebuild the Fairview Road Bridge. Costa Mesa recently spent \$7 million and several years to expand the bridge. Now, under Caltrans's plan, we will be forced to spend \$50 million to destroy and then put the bridge back over several more years.

In 1990 and again in 2006, Orange County residents approved a half-percent county sales tax (Measure M) to fund local transportation improvements—to widen freeways, expand bridges, build interchanges and improve intersections. In particular, adding lanes to the I-405 Freeway was one of the reasons the voters approved the half-cent sales tax.

The taxpayers didn't vote to fund toll lanes with Measure M, but that's what Caltrans proposes to do.

We the undersigned elected officials represent almost 1,000,000 residents in Orange County. We need to send a loud and united message to Caltrans officials and Sacramento politicians. We didn't pass Measure M to pay for your toll lanes. We like our freeways free.

Please vote yes on Measure P.

s/ James Righeimer
Mayor, City of Costa Mesa

s/ Matthew Harper
Mayor, City of Huntington Beach/
405 Corridor City Representative

s/ Diana Carey
Council Member, City of Westminster/
405 Corridor City Representative

s/ Allan Mansoor
Assemblyman, 74th Assembly District

s/ John M. W. Moorlach
Orange County Supervisor, 2nd District

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE P

Do we want to destroy and rebuild the recently rebuilt Fairview Bridge? Of course not, but Measure P's an advisory measure with no power to do anything. Anyway, it doesn't even mention the bridge.

Do we believe using Measure M funds for a toll lane constitutes misuse of your tax dollars? Of course, but so is a meaningless ballot measure, complete with a taxpayer-financed PR campaign.

Would we like to send a unified message to Sacramento against the I-405 toll lanes? Of course, but Jim Righeimer made it clear that he doesn't want a unified message if it includes the voices of Costa Mesa City Councilwomen. Rather, in a typically divisive move, he chose to use the issue in a cynical political ploy to boost his buddies' political profiles.

Former Mayor Eric Bever referenced "all corridor cities working together to put these advisory votes on their ballots", but no other city is doing so. Why is that?

As stated by Governor Jerry Brown, "the advisory vote ... has no legal effect whatsoever . . . we should not make it a habit to clutter our ballots with nonbinding measures as citizens rightfully assume that their votes ... have legal effect."

Howard Jarvis Taxpayers Association President John Coupal disparaged a potential statewide advisory measure as a "glorified opinion poll" damaging to the electoral process, then added "In an era where voter turnout in California is at an all-time low, why would we want to do something that fosters the notion that votes are meaningless?"

s/ Wendy Leece
Costa Mesa Council Member

s/ Sandra Genis
Costa Mesa Council Member

ARGUMENT AGAINST MEASURE P

Every member of the Costa Mesa City Council is on record opposing toll lanes on the 405 freeway. Residents and businesses submitted 100,000 letters opposing the toll lanes. Elected officials from Seal Beach to La Habra to San Clemente oppose the toll lanes, including Todd Spitzer and Shawn Nelson (Orange County Supervisors), Diana Carey (Westminster), John Collins (Fountain Valley), and Keith Curry (Newport Beach).

The opposition's overwhelming. Do Costa Mesa taxpayers really need to incur the cost of placing this measure on the ballot, and then pay for expensive citywide, taxpayer-subsidized "public education" mailers?

As Orange County Supervisor Shawn Nelson stated when asked to vote yet again on the I-405 matter, "It's gotten outside our jurisdiction. To tell (Caltrans) yet again what we've already told them is exactly what it sounds like: ... repeating, 'This is not what we choose.' They know that."

So why is this on the ballot?

One reason: Jim Righeimer's using it in a thinly-veiled effort to promote his own and his cronies' political campaigns at taxpayer expense. He manipulated the process so only hand-picked cohorts could sign the ballot argument, benefitting from a taxpayer campaign subsidy.

This advisory measure has no binding effect on anyone and won't affect toll policy in any way, just like the leadership style of Righeimer and the other signers. It's completely ineffectual in altering meaningful public policy, entails a taxpayer subsidy of their political careers, and demonstrates disrespect for Costa Mesa voters.

Don't be fooled by phony "fiscal conservatives" who claim to want to reduce spending, except when it applies to themselves politically.

To stop toll lanes on the 405, we must elect serious, mature, problem solving individuals to city council and the state legislature, people who'll engage in real policy change, not waste your tax dollars on meaningless political stunts.

s/ Wendy Leece
Costa Mesa Council Member

s/ Sandra Genis
Costa Mesa Council Member

REBUTTAL TO ARGUMENT AGAINST MEASURE P

The two authors of the argument urging you to vote against Measure P actually voted to put the advisory measure on the ballot.

In a move not even worthy to be called a political stunt, the council members voted to put Measure P on the ballot and then, less than a week later, decided they were against it. Please ignore this craziness and vote for Measure P.

We are allowed 250 words to rebut their argument, we don't need that many because it's so odd. There's no logical reason to vote against Measure P unless you want toll lanes on the I-405 Freeway in Orange County paid for by your tax dollars that you were promised would go to other things such as widening our freeways and building better interchanges and intersections.

A vote for Measure P will send a strong message to Caltrans and the politicians in Sacramento: Don't raid the money we set aside for freeways improvements and build toll lanes (also known as Lexus Lanes because only the wealthy will be able to afford them).

Stop the highway robbery. Keep our freeways free. Vote yes on Measure P.

s/ James Righeimer
Mayor, City of Costa Mesa

s/ Matthew Harper
Mayor, City of Huntington Beach/
405 Corridor City Representative

s/ Diana Lee Carey
Council Member, City of Westminster/
405 Corridor City Representative

s/ Allan Mansoor
Assemblyman, 74th Assembly District

s/ John M.W. Moorlach
Orange County Supervisor, 2nd District