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Eminent domain petition gets reprieve from city

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Chula Vista group can add signatures

By Shannon McMahon
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CHULA VISTA – City officials have decided they can legally accept additional petition signatures from a group seeking to put an eminent domain measure on the June ballot, despite saying earlier the group had fallen short of the required number and could not submit more.

Chula Vistans for Private Property Protection submitted its proposal to limit the city's power of eminent domain two weeks ago. City Clerk Susan Bigelow informed the group that since it was attempting to change the city's charter, it needed signatures from 15 percent of registered Chula Vista voters – 14,431 signatures. Bigelow said the group submitted 14,195 valid signatures. She also said the group would not be able to resubmit add signatures.

However, city attorneys agreed Wednesday to allow the group to add to the signatures it already had and resubmit the measure.

The group is facing a tight deadline. The Registrar of Voters requests 30 business days to verify signatures. After the signatures are verified, the City Council must vote to approve adding the measure to the ballot. That approval must be returned to the registrar by March 10.

The registrar's office would not comment on whether enough time remains to add the amendment to the June ballot. Robert Pennisi, chief deputy of the Registrar of Voters, said he was not aware the group was submitting additional signatures and called the circumstances “unique.”

The City Council can eliminate the petition verification process by voting to add the eminent domain amendment to the ballot. The council will discuss that option at its meeting Feb. 28.

The amendment filed by Chula Vistans for Private Property Protection would require the city to use eminent domain only for a strictly defined public use, such as building a road or school. The petition also states that if eminent domain is used, the city should keep the acquired

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property for at least 10 years before selling it.

The group was originally under the impression it needed roughly 10,000 signatures to add a measure to the ballot.

The city clerk's announcement that the group would not be allowed to file additional signatures drew sharp criticism from dozens of community members who spoke at council meetings, sent angry letters to elected officials and threatened to recall Mayor Steve Padilla.

"It seemed that when they saw you were winning, they changed the rules," Councilman Steve Castaneda said of the city at a protest outside City Hall on Tuesday. "They can't do that."

Castaneda announced yesterday he is running for mayor.

Councilman John McCann, who is seeking re-election, said he supports adding the initiative to the June ballot.

"This is a no-brainer," McCann said. "This is about democracy."

Padilla called the push to add the proposed amendment to the ballot "a political stunt."

"This could have a heavy taxpayer cost and could potentially lead to a lawsuit," Padilla said of the proposed amendment.

Padilla said the council would be "expedient" in deciding what to do, but he would not support a measure that could cause the city to be "sued or is going to be considered invalid the minute we adopt it."

Steve Haskins, a Bonita attorney representing the residents' group, called Padilla's comments "patronizing."

"We can decide what we want," Haskins said of the amendment, "and we want this on the June ballot the way it is."

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