

# GREAT NEWS!

Opposition to Billionaire Yorks Subsidy Request Is Organized!

We Unite Under the Banner **NOTWITHMYMONEY!**

Be There on 5/15! **PUT IT ON THE BALLOT!**

*by J. Byron Fleck & Karen Hardy<sup>1</sup>*

**W**e have a name!  
notwithmymoney

That is, for those who have studied billionaire Yorks subsidy request and found it not in our interest.

Our website (up soon) is notwithmymoney.org. It will link directly to the blog , <http://stadiumfacts.org/> for now.

Unlike the Stadium advocacy group which deceptively purports to be an independent evaluator of the Yorks proposal (but is, in fact, the Yorks wholly owned subsidiary), we oppose subsidizing a billionaire who wants to build a monument to his fancy, with our money.

We don't do "deception." We don't do "slick." We don't do "arrogance or hubris." We do "facts."

If we make a mistake, we'll fess up. We are, after all, residents, neighbors and, most importantly, volunteers, doing the best we can to get the truth out. We certainly can't out spend the Yorks and the Special Interests supporting them. We have no consultants. We have no spin doctors.

The facts, however, are overwhelmingly on our side. The effort to save Santa Clara as we know it, depends on each of us, and that means getting the facts out to each and every resident.

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<sup>1</sup> Byron Fleck is a current resident, attorney and former City of Santa Clara Planning Commissioner. Karen Hardy is a teacher, community volunteer and City Planning Commissioner. The views expressed by Ms. Hardy are her own. They not intended to reflect the views of the Commission or the views any other member of the City of Santa Clara Planning Commission.

Please, please, attend the Santa Clara City Council Meeting on 5/15! Get out all your Santa Clara Family, friends and neighbors. We need all of them there!

Earlier this week, Karen and I formally made the following request for action to be heard and decided on the City Council's May 15 agenda, and the request was granted:

- 1. It is requested that the Santa Clara City Council commit that any proposal involving the appropriation of any City or City Agency or City Utility money, property or indebtedness, for the construction of a football stadium, be first submitted to the voters of Santa Clara for approval or rejection.**
- 2. We additionally request that the Council direct that the Stadium Funding Measure be placed on the February 2008 primary ballot.**

Karen and I believed we had to take this action immediately for several reasons.

First, we were alarmed by Mayor Mahan's response to a question as to whether funding for billionaire Yorks Stadium would be put before the residents, on a City wide ballot, to decide. Mayor Mahan responded, "It depends on the funding source."<sup>2</sup>

As residents, we believe spending our money in this magnitude requires a vote by the public. No, "depends," no "ifs," "ands" or "buts." Mahan's equivocation suggests to us that City Council's preferred course is to find a way around a vote by residents.

Second, we, and you, can count votes. Mahan, Moore, Caserta and Kornder are assuredly "Yes" votes, and have been since *even before any proposal was presented*. In fact, there is no identifiable "no" vote to date. Yet, by the most recent poll, *55% of residents oppose giving \$180 million of your money* for this foolishness.<sup>3</sup> If we do not take the ultimate decision making power on this crucial matter away from this City Council, the Council will ram this disaster down our collective throats.

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<sup>2</sup> See, <http://www.ktvu.com/video/13054926/index.html?source=>

<sup>3</sup> [http://cbs5.com/local/local\\_story\\_113220204.html](http://cbs5.com/local/local_story_113220204.html)

Third, by design or otherwise, the Santa Clara City Council has demonstrated ineptitude in evaluating the Yorks proposal and contempt for transparency and public input. What serious person purporting to represent the best interests of residents would declare *prior* to studying the Yorks subsidy request.

“There's a risk with anything, but we're going to bring the ball all the way down the field and score on this one. This is an absolute winner for the city," said Santa Clara City Councilman Kevin Moore.<sup>4</sup>

After hearing the Yorks wanted \$160 million of our money, Mayor Mahan declared the request “doable.”<sup>5</sup>

On top of the \$160 million, the Yorks said tossing in another \$20-\$30 million would be preferred, but not essential, to move a City electrical substation. The Mayor’s response? That’s “doable” too.<sup>6</sup>

Balancing the \$160 million of our money vs. a return to the General Fund of \$3 million (that’s what the 49ers said, so it must be true), Mayor Mahan observed, “That number was not as *scary* as I thought.”<sup>7</sup>

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<sup>4</sup> Id.

<sup>5</sup> [http://www.mercurynews.com/ci\\_5744345](http://www.mercurynews.com/ci_5744345)

<sup>6</sup> Id.

<sup>7</sup> Id. If she had taken a minute to do the calculations, Mahan would have found that the return to the City amounted to a mere 1.9% or less than half of what the City would earn by merely investing the same amount in a money market account (4.47%).

**A**nd about the promise of transparency and public input. The Santa Clara City Council unanimously voted on January 2, 2007 to adopt the following guideline:

**“Any proposed or approved stadium project in the City of Santa Clara will be the result of a visible, public process, open to the community.” (Emphasis in bold as in original).<sup>8</sup>**

The Council’s promise followed on the heels of a December 21, 2006, *The San Jose Mercury News* troubling disclosure of private meetings between the Mayor, certain City Council members and 49er representatives concerning a proposed stadium in Santa Clara, thereby raising questions about possible violations of California’s open meeting rules.<sup>9</sup>

Despite Council’s promise to us, we know, contrary to established City practice, the Yorks were granted the privilege on not disclosing their financing proposal until they actually appeared at the Tuesday April 24 Study Session, instead of the preceding Friday. Over our collective objection to continue the matter to permit meaningful Council and public scrutiny, the City Council declined, thereby making a mockery of their January 2, 2007 guideline.

On May 4, 2007, *The San Jose Mercury News* informed:

“Secrecy on Stadium: The 49ers and Santa Clara city officials agree to withhold some financial information about a proposed stadium,” even where the City knows or should know, an agreement to keep whatever those “secrets” may be from the public is of doubtful legality and, at a minimum, is wholly contrary to the promise that **“Any proposed or approved stadium project in the City of Santa Clara will be the result of a visible, public process, open to the community.”**

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<sup>8</sup> Agenda Report Memo :Guiding Principles - Feasibility of a Proposed 49ers Stadium in the city of Santa Clara” January 2, 2007 p.4.

<sup>9</sup> See, “City treads fine line in Niners meetings” San Jose Mercury News, December 21, 2006. Section1B.

We find Council member Jamie McLeod's reaction "*scary*."

"Based on what I heard, it sounds reasonable to me that we don't need to see every estimate and calculation..."<sup>10</sup>

We, in the strongest possible terms, differ. We most certainly do need to see every estimate and calculation. Especially when each and every woman, man and child resident is asked to forfeit \$1,400 - \$4,300 of their money.<sup>11</sup> Our Council has gone further than secrecy, and now into the land of willful ignorance.

Based on the foregoing reasons, we have no option but to take back the reins of decision making. We can't save the City Council from themselves. We can, however, save our City from the consequences of their ineptitude and broken promises. We do that by putting the Stadium Funding Measure before the voters.

So why the February 5, 2008 date for the vote?

Three reasons.

First, residents need time to evaluate the Yorks \$490 million subsidy request for themselves. Unlike our apparently clairvoyant City Council, residents cannot consider a proposal until it's actually made. The Yorks request was first presented to the City Council on April 24, 2007. Their discredited promise of "billions" (reduced to \$246 million only six minutes later) of "economic activity," made two weeks earlier on April 10. We don't think that 10 months is unreasonable given that this is about the same time the City took to evaluate a mere residential second story addition.<sup>12</sup>

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<sup>10</sup> [http://www.mercurynews.com/localnewsheadlines/ci\\_5815668?nclick\\_check=1](http://www.mercurynews.com/localnewsheadlines/ci_5815668?nclick_check=1)

<sup>11</sup> Remember, Mayor Mahan declared even before studying the Yorks request that \$160 million of your money was "doable."  $\$160 \text{ million} / 115,000 = \$1,400$  per resident. Adding in the \$30 million cost of moving the substation, which Mahan also found, "doable," works out to  $\$190 \text{ million} / 115,000 = \$1,652$  per resident. Add in the debt to be borne by you,  $\$490 \text{ million} / 115,000 = \$4,260$  per resident.

<sup>12</sup> See, [http://groups.google.com/group/soc.culture.vietnamese/browse\\_thread/thread/d26b7d80ed2344a6/21bdb7c903ecd4e3?lnk=st&q=%22santa+clara%22+%22hilmar%22+%22vietnamese%22&rn](http://groups.google.com/group/soc.culture.vietnamese/browse_thread/thread/d26b7d80ed2344a6/21bdb7c903ecd4e3?lnk=st&q=%22santa+clara%22+%22hilmar%22+%22vietnamese%22&rn)

Second, by scheduling the Yorks subsidy request with the February 5, 2008 primary election, the additional cost of putting the Stadium Funding Measure on the ballot is pennies to the City compared to the expense of a special election.

Third, it is only commonsense and reasonable.<sup>13</sup> Commonsense because primary elections turn out more voters than special elections. Can anyone seriously argue with the proposition that a greater vote of the residents is more likely to ensure that the will of the residents (as opposed to special interests who notoriously dominate special elections) should prevail? Reasonable because we are not asking that the Stadium Funding Measure not be put over to the general election in November, 2008.

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END

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<sup>13</sup> The Yorks assert that “they” need to provide an answer to the National Football League about a stadium in Santa Clara by August, 2007 if not earlier. Well, the Yorks are not residents of Santa Clara. We residents will not be bullied. This is, after all, our City, not theirs. We have no dog in any fight or arrangement between the NFL and the Yorks.