

Anti-mining group angry with Azusa council's wording of referendum ballot title

Daniel Tedford, Los Angeles Newspaper Group, 11-5-10

AZUSA -- Advocates of a referendum to overturn a mining project development agreement say the council has slanted the wording for the issue's ballot measure.

Officials with Azusans Against Mining Expansion believe the City Council inserted arguments into the ballot that tilt it in favor of leaving the Azusa Rock Quarry agreement as it is.

The city's wording reads: "Measure A - Shall Ordinance No. 10-05 adopting a development agreement with Azusa Rock Inc., which was approved by the Azusa City Council and provides environmental benefits and assurances, including millions of dollars in reclamation of the Mayan Steps, requires additional air quality monitoring, requires permanent access to Fish Canyon, provides Open Space funding, and mandates an end to hillside mining by 2038 be adopted?"

Those opposed to the mining plan said the city has hijacked their effort.

"The context of it is more like a commercial," Azusans Against Mining Expansion leader Jeri Vogel said. "A lot of people in the town have already made up their mind, but with people who have not made up their mind, it is going to make a difference."

Vogel's group submitted language that read: "Measure A - Do the voters of Azusa, California, approve Ordinance No. 10-05, An Ordinance Of The City Council Of The City Of Azusa Approving A Development Agreement With Vulcan Materials Company?"

Councilman Robert Gonzales, who played a key role at a recent council meeting in developing the ballot's language, said it was in an effort to describe the ballot's true role.

He argues that mining will continue even if the agreement is overturned.

"The language we asked to change is the only thing the voters are voting on," Gonzales said. "It is the development agreement and not the mining, so we wanted them to know what the development agreement is: It is the bells and whistles of a binding contract."

Mike Lewis, a West Covina-based political consultant, said referendum laws are not strict when it comes to ballot language.

In this case, as long as the city didn't claim anything false, identifying what would be lost or gained is good for residents.

"The ballot title is supposed to be an objective expression of what the measure does," Lewis said. "I am assuming that the council wrote it so if all anybody reads is the ballot title, they know what they are voting for."

The agreement in question was initially approved in July. It allows Vulcan Materials Co. to mine the western part of the Azusa Rock Quarry. An agreement netted financial benefits for the city.

After those against the agreement collected enough signatures to qualify it for a ballot, the City Council in October set a special referendum election for Jan. 25, 2011.

Vogel said her group may still challenge the ballot's language, but is waiting from a response from their attorney.

"We are trying to figure out what our options are," she said.

Lewis said the group would have trouble getting a judge to side with them.

"I think (the city) has got to try to retain some semblance of objectivity, but I think a judge might say these are components of a development agreement, so it is only fair to tell (voters) what is in the development agreement without having to read the entire document," he said.