

## There may still be an election for new Council member

**T**HERE'S STILL a chance that voters in Oakland Council District 2 will get to vote for a new representative for their Grand Lake and Thimbleton neighborhoods.

But some council members from the city's seven other districts will have to be persuaded that resident voters, not them, should choose a successor to councilman John Russo, who is saving the office to become the

city attorney.

Whether the people get that chance will depend on the language of a charter amendment the council puts on the November ballot. Council members have until mid-August to decide, but have set a June 27 date for a public hearing on the issue.

Russo may be the key member, and he said Friday, "I will support any ballot measure that is consistent with the City Charter." He included an election,



if it met that stipulation.

He said that as city attorney-elect, he feels bound to uphold the charter provision that says remaining council members should

appoint a new member when a vacancy occurs, and spoke of how he would want an appointment to proceed "if that's what the council moves forward with."

He made his comment in connection with the latest turn of events in the efforts of District 2 voters. The influential Oakland League of Women Voters is taking on the issue, favoring an election in the name of preserving democratic elections.

The league has formed an ad

hoc committee headed by board member Shirley Gee, a resident of District 2, to study various ways Oakland voters could elect a new council member when a vacancy occurs.

Another District 2 resident, Ed Hannemann, also has been studying various election methods. Hannemann says so far he has been unable to dissuade Russo from a council appointment, although "he seems very accepting of a broader charter

amendment with a special election component if he could use it to move one of his own election reform issues."

This would seem to keep the door open, at least for discussion of possibilities. Hannemann says there's support for a mail-in campaign, leading in the future to on-line voting.

A mail-in election would be similar to the process followed

Please see **Stinnett**, LOCAL-2

"You seldom see people asking to pet a police officer's bicycle or ask what its name is."

Officer Malary Hathcox, mounted patrol overseer

## HORSE SENSE



ARNO CRABB — Staff photo

Diana Hielwig (above) holds a corral gate open for her husband, Art, as the Alameda couple and others from the elite search and rescue team of the East Bay Regional Park District Volunteer Mounted Patrol train at Alameda Creek Equestrian Stables in Fremont. Officer Malary Hathcox (below) of the East Bay Regional Park District police instructs members of the Volunteer Mounted Patrol search and rescue team during the day of training.

## Mounted patrols help keep parks safe

By Glenn Chapman  
STAFF WRITER

Riunite stared into the eyes of a large stuffed bear inches from his nose and fought back the instinct to bolt.

Ancestry anchored in the bottom links of nature's food chain rendered Riunite's refusal to budge a show of faith in the East Bay Regional Parks District Volunteer Mounted Patrol member astride the horse.

It also was part of a day of training for the patrol's elite Search and Rescue team as its members prepared for a summer of saving the disoriented or the distressed on East Bay Regional Park land in Alameda and Contra Costa counties.

"He'll balk a bit at first, then he does what needs to be done," Lonnie Gordon said as Riunite and other mounts braved fireworks, flames and flares at Alameda Creek Equestrian Stables in Fremont one recent Saturday. "Riunite is an excellent trail horse, but



this represents uncertainty — something that can go wrong."

Communication and faith between riders and their horses is vital for volunteers whose duties range from the routine to the macabre while roaming the thousands of acres of regional park land, according to park Police Officer Malary Hathcox, who oversees the 50-member mounted patrol.

"Horses are ideal for getting around steep terrain and they tend to be a comforting sight for people," Hathcox said. "Horses are people magnets . . . You seldom see people asking to pet a police officer's bicycle or ask what its name is."

Much of what patrol members do is keep park users safe, comfortable and on the right path, Hathcox said.

Gordon and Riunite have routinely patrolled Anthony Chabot park since joining the mounted unit less than two years ago. The most common scene the Oakland hills retiree and Riunite encounter is people who assume the long, complex trail circling Lake Chabot is a short, easy loop, Gordon said.

Trekkers set out thinking the trail is 2 or 3 miles only to find it is closer to 13 miles, Hathcox said. In park wilderness areas, cows or other creatures knock down trail signs, making it more likely hikers will get lost. First aid skills along with a compass and the ability to read it are among the necessary mounted patrol skills.

"We'll often come across hikers with no water, no map and no idea which way they should be going," Hathcox said. "Giving water, directions and reassurance is a big part of what the patrol does."

Please see **Horses**, LOCAL-2

## Belt Line land battle in Alameda

Suit challenges 1924 deal with city; \$15 million involved

By Leslie Fulbright  
STAFF WRITER

**ALAMEDA** — Sitting in a library researching the history of a tract of land she visualizes as a green park or walking trail, longtime Alameda resident Jean Sweeney stumbled upon a 1924 agreement between the city and a group of railroad owners.

It documents the city's sale of a 22-acre railroad tract — known as the Belt Line — to four property owners more than 75 years ago, and basically says the city can buy back the land at any time, as long as the owners are given one year notice and reimbursed for their investment costs.

Everyone had forgotten about it.

Not surprisingly, upon learning of the agreement, city leaders expressed interest in the land and

taking of private property for public use without just compensation.

"Their argument is ridiculous," said Alameda Deputy City Attorney David Brandt. "They are trying to say it is not a valid contract, but it is perfectly clear. It was signed by the owners and gives us the right to purchase."

In 1918, the city of Alameda constructed a municipal belline railroad along Clement Avenue to provide rail service to industries producing goods for World War I. The original route continued until 1924, when the city wanted to extend the railroad to serve a large industrial project. City staff studied the viability of the proposed extension and concluded it would not be financially feasible to undertake the project.

In 1924, the city agreed to sell the property to the Pacific Coast and Santa Fe Railroads, and the Western Pacific Railroad Corp. Those groups later united to form the Alameda Belt Line group. Under that name, they began constructing extensions and operating as a rail carrier.

The provision unveiled in the agreement Sweeney discovered states the city "shall have the right at any time to purchase the belline railroad including all extensions for a sum equal to the original cost, together with the cost of any and all additional investments and extensions made by the Alameda Belt Line, provided that the city give one year's previous notice."

Attorneys for the ABL group claim numerous capital investments were made, including expensive pieces of private property which enabled the group to expand its operations within the city.

Please see **Land**, LOCAL-2

*With the agreement, the city can buy back the property for thousands and then sell it for millions — even if it is to the same developer.*

## Gates Foundation honors local students

Scholarships awarded to two at UC-Berkeley

By Joy Green  
AFF WRITER

OAKLAND — The Bill and Melinda Gates Foundation is giving 4,000 students, including two local scholars, some needed in-

Both expressed happiness at being chosen. Ivory, the single parent of a 9-year-old son and a UC Berkeley computer science doctoral candidate, is especially happy. She received more than \$14,000 from the Gates foundation.

"In my final year, when it is most crucial, I'll be able to focus on finishing my research and writing my dissertation," she said.

Segura, who will be a UC Berkeley soph-

omore at Alameda High School, where teen-agers are paired with professional coaches. She also helps people with personal development and has invented a "Life Board."

"It's a visual tool that allows people to clarify their goals, stay focused, motivated and follow through with their goals," she says.

Segura helped form a youth group that meets at a Catholic church on Friday

## School district to unveil half-billion dollar budget

FROM STAFF REPORTS

OAKLAND — The Oakland school district plans to release its half-billion dollar budget for next year at a public hearing tonight.

The hearing sets under

Chaconas plans to save the district several million dollars by eliminating 60 to 80 teaching positions in the city's middle schools. He also is streamlining the district's top heavy central ad-



horses have long been low on the food chain and their instinct is to get the heck out of there," patrol member Priscilla O'Meara of Fremont said after riding her steed "Harley" confidently through the course. "A horse might pull that ball one day without flinching and then come back the next day and decide it is the scariest thing in the world."

Repeatedly rewarding horses for trusting their handlers' judgment increases the odds the animals will remain calm in traumatic or troublesome situations, Hathcox said.

As part of search and rescue team training, riders astride their mounts form a line and strive to hold position while a helicopter hovers ever closer. No rider wants to be first to break ranks.

"A lot of these things they will probably never encounter on the trail," Hathcox said. "We work on the trust between horse and rider and making sure they have the skills to safely work with the community."

Along with the rewards inherent to combining the love of horses with helping others, being part of the mounted patrol turns some of the expense of keeping horses into a tax break. Riders must spend at least 60 hours each year on patrol; making sure bicycle riders, dog walkers, hikers and others safely and respectfully use the parks.

"It's great," Gordon said after climbing down from Rionite's back. "I get a big kick out of people in the park. They appreciate what we do."

The volunteer mounted patrol is operating at full strength and there is a waiting list of people interested in joining, Hathcox said. Basketball star Jason Kidd's father was a member of the patrol until his

Although officials say they are happy with AC Transit's new bus plan — including two school routes in September and 15 other new routes operating in December — they have expressed repeated dissatisfaction with what they say is an inequity between taxes paid by local residents and services provided locally by the agency.

provided and money paid by (Fremont and Newark residents)," Newark Public Works Director Dennis Jones said. "Did they spend money the correct way?" Jones asked. "Can they do it a different way? . . . If we disagree with what they've chosen to do, something should be done between the three agencies, and addressed in as positive of a way as pos-

in any way we can," Mills said all of the financial records being requested are public record. Newark city councilman Al Nagy said the agency's finances first perked local interest as figures were provided for the area's new bus plan, which will cost \$5.2 million a year and faces a deficit over the next 10 years. The new plan will increase

the bus plan be funded for at least five years, that it be flexible to change, and that it start before Oct. 31. AC Transit board members and local officials will discuss the plan tonight at a committee meeting at the Newark Silliman Center, starting at 5 p.m. The plan goes before the AC Transit board for final approval Wednesday.

## Land: Suit claims city has no grounds

Continued from LOCAL-1

The Belt Line Group contends the 75-year-old provision to purchase the group and all extensions thereof is void as a matter of law and equity and that the parties who made the agreement meant for the provision to insure the industrial properties along the waterfront would be served by rail.

ABL attorneys have not provided any information about their investment costs.

"We have some ideas of what they spent but no paperwork since the 1930s," Brandt said. "They completed their last extension back in the 1940s. The city is only required to pay the original cost plus the cost of the extension."

In November of 1998, the Belt Line group began negotiations with Sun Country developers for the use of the property as both a commercial and residential development. In January of 1999, the group entered into a purchase and sale of the railyard to Mike Valley, of Sun Country.

"The city was aware of that sale," ABL attorneys claim. "In an attempt to obtain the group's property without payment of just

compensation and without providing notice the city adopted the ordinance expressing their wish to purchase."

"The city has no right to acquire Alameda Belt Line and its property under the circumstances and for the value assessed by the city," the suit states. "The city intends to use the provision to reacquire ABL and its property for an amount substantially below what is just and to use the property for a public purpose such as a greenbelt or park, or to obtain the proceeds from the sale of the parcel to Sun Country which are substantially greater than the city intends to pay."

Valley's contract with the group predated the city's notice to purchase, so Brandt said it will most likely take precedence over the city's notice. So the city would most likely be required to sell Valley the land at the price negotiated by ABL.

ABL claims the city is wrongful in its interference with its use and disposition of the property. "The city is preventing ABL from disposing of its property by taking steps to acquire it for public use without payment," the suit states.

ABL attorneys say the group has no fair, speedy or adequate remedy at law for the threatened actual and continuing conduct of the city in that it would be impossible for ABL to determine the precise amount of damage the group will suffer if the city is not restrained.

The lawsuit filed May 31 is an attempt to stop the city from its purchase of the belt-line. City attorneys will answer the suit, before attempting some sort of arbitration.

"We haven't talked to their attorneys yet," Brandt said of ABL's lawyers. "We don't know if they want to mediate."

Sweeney, who Brandt said should be commended for finding the agreement, continues to circulate her petition to keep the space open. Ironically, the document she found will in no way help her struggle to keep the abandoned property as park space with a pond, bridges, and maybe a butterfly garden for the school children as she wished.

"I have a suspicion (Sweeney's) initiative would not be legally enforceable," Brandt said. "The land cannot be confiscated from its legal owner."

## Stinnett: District election costs \$40,000

Continued from LOCAL-1

with absentee balloting, and would cost about \$2 per voter, Hannemann says his research indicates. This suggests an estimated \$40,000 cost for a district election.

And as league member Gee said, "What matters here is what the people of District 2 want, not what the City Council thinks they should want."

She would favor almost any form of election and a charter

elected at-large." At the May council meeting, when the city attorney was asked to draft a proposed charter amendment for consideration, Hamlin and the league favored a proposal of Councilmember Dick Spees that would allow an absentee vote to

amendment for the November ballot requiring an election for any future vacancy, which could affect District 6, a hill-to-shore central Oakland area now represented by Nate Miley, a candidate for the 4th County Superior seat.