



THE

Highlander

Jan/Feb 2022

The Rural Bonny Doon Association Newsletter

RBDA Virtual Annual Meeting

Placement of SVP in Bonny Doon: What Next?

Alex Byers - Assistant District Attorney,
Santa Cruz County

Wednesday, January 12, 7:30 p.m.

Zoom Video Conference Meeting

Please join the RBDA at the January Annual Public Meeting for a discussion with Santa Cruz County Assistant District Attorney Alex Byers about the County's attempt to overturn the decision of Superior Court Judge Syda Cogliati to place convicted serial rapist Michael Cheek in Bonny Doon. As this *Highlander* goes to press, we do not know the outcome of the County's appeal. But we maintain that because of the remoteness of Bonny Doon, the lack of communication infrastructure and services, the slowness of law enforcement response, this is never an appropriate place for violent criminals. Please come learn about the way other communities have organized to prevent placement and what the district attorney's office can do to prevent more placements in the future.

Alex Byers: Originally from San Diego I joined the Santa Cruz County District Attorney's Office in 2008. Since that time, I have handled a variety of cases including homicides, gang violence, and general misdemeanor and general felony case loads. Currently, I am assigned to both the Vehicular Homicide Unit, which includes the investigation and prosecution of vehicle code offenses that have resulted in death or serious bodily injury and the Mental Health Unit which includes cases involving the criminally insane, mentally disordered offenders, developmentally disabled offenders, and sexually violent predators. I am also the District Attorney's representative to the Santa Cruz County Behavioral Health Court, a collaborative review court focusing on mentally ill offenders, and Reentry Court, another collaborative court tasked with assisting parolees reintegrate into society.

Prior to the District Attorney's Office, I was employed as a Deputy Public Defender for the County of Kern where I defended indigent defendants. I have a bachelor's degree from the University of California at Santa Barbara (1997) and a Juris Doctorate from the Santa Clara University (2001). I am a resident of Santa Cruz County and have lived here for over a decade with my family in Aptos.



Virtual Meeting Participation

Zoom (zoom.us) is a video conference platform that is free to use through either a web browser or application, and audio participation is possible through a dial-up connection on your phone. We selected this platform based on its widespread use and ease of accessibility. For this meeting, we will be utilizing all the available security features, including password-protection and waiting rooms managed by the host.

To access and participate in this meeting, please send your e-mail address to meetings@rbda.us to receive the meeting credentials and password. Your email will not be used for any other communication and will not be shared. Call into the meeting between 7:10 and 7:20, so that we can begin at 7:30.

For this annual meeting, be ready to participate in the election of Board Members if you are a member in good standing, with a raise of your "zoom" hand.

Letter from ADA Alex Byers to Bonny Doon

Below is a letter written by Assistant District Attorney Alex Byers (701 Ocean Street, Room 200, Santa Cruz, CA 95060) on November 18, 2021 to 3rd District Supervisor Ryan Coonerty's office, for distribution to the Bonny Doon community.

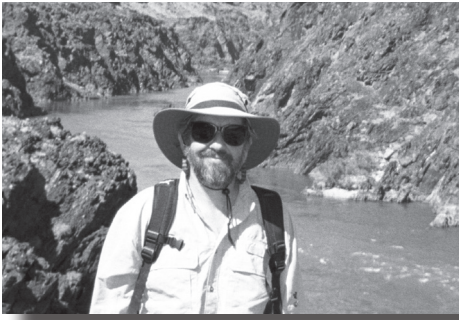
"[County District Attorney] Jeff Rosell has made this issue a top priority of the DA's Office and has directed me to thoroughly and effectively instigate all legal avenues to stop the proposed placement.

We are diligently working towards overturning this unlawful placement. Since Monday's [Nov.15] hearing I have been in contact with the California Department of Justice, Assistant District Attorneys from the Santa Clara County, Sacramento County and San Bernardino County District Attorney's Offices, the California District Attorneys Association, our in-house Writs and Appeals Attorney, and the Santa Cruz County Sheriff Office to discuss potential avenues of appeal. At this point we do not require further information from the Community as any immediate legal action relates to the Court Record.

Any writ (an order from the Sixth District Court of Appeal commanding the Santa Cruz County Superior Court to abstain from placement [of convicted Sexually Violent Predator Michael Cheek, Ed.] until the legal issues have been resolved) or appeal (a request for the Sixth District Court of Appeal to review the record for error which could result in the overturning of the placement decision, which would occur subsequent to placement) would be based upon the Court Record, which includes all written motions filed by the District Attorney, documentary evidence (including all Public Comments, declarations from the Sheriff and other Public Officials, and Liberty's Sealed Documents), and oral arguments made at every hearing that occurred on this matter related to the placement in Bonny Doon. The Court of Appeal will review the record for, among other things, abuses of discretion and misapplication of the law. Usually, this analysis is done based upon the Court's Record, but on occasion the Court of Appeal could order the Trial Court to collect more evidence at future hearings.

We will act prior to the expiration of the Stay issued by Judge Cogliati."

Four RBDA Board Members are up for Election



Dave Rubin

I moved to Bonny Doon over 20 years ago with my wife Michelle. I am a geologist who has worked on sedimentology problems for 42 years, first at the US Geological Survey and now at UCSC. My two research projects are interpreting the geology of Mars viewed by the rover Curiosity and advising the Interior Dept.'s Bureau of Reclamation how to operate Glen Canyon Dam to restore sand bars in Grand Canyon. In the late 70s, a USGS colleague and I led a marine geology survey offshore of Humboldt Bay, where we discovered an active earthquake fault. As a result, the Nuclear Regulatory Commission permanently closed the nuclear power plant nearby. Because of my professional experience, I am particularly concerned about environmental issues in Bonny Doon. I have a wildlife camera in our meadow, and I would be glad to share my movies of the coyotes, bobcats, skunks, foxes, and an occasional mountain lion that pass through. My other recreational activities include hiking, in California and southern Utah, welding, and other metal-working projects.



J. Russell Kliegel

My grandparents moved to Bonny Doon in 1954, and I came to join them on Smith Grade in 1970. I went to (and enjoyed and appreciate even more in retrospect) Bonny Doon Union Elementary School, sometimes by bus and sometimes by bicycle. I attended Santa Cruz High School, where I was a proud "Muskrat" on the cross-country team. I then "went away" to the University of Michigan, Ann Arbor. I moved back for several years and was the Controller for Sims Metal recycling in San Jose. After a 20+ year detour to Denver, I am once again back home, and wanted to contribute in some way to our local community.



Laurie Taylor

I've lived in Bonny Doon since 2017 and my husband Scott and I have a 25-year-old daughter. In my professional life, I am the office manager for a general contractor as well as a public notary. I love living in the mountains in our quaint community. I am passionate about my community and feel the mission of the RBDA is important, which together inspire me to serve as an executive board member. My goal is to increase our membership so we can all work together to tackle issues and strengthen our little piece of paradise.



Kendra Turk-Kubo

Originally from Colorado, I have lived in Santa Cruz County on and off (mostly on) for 25 years and moved to Bonny Doon in October 2016. I know I am so fortunate to have been able to relocate our family to such a beautiful and rural community. Although we lost our home to the CZU Fire, we are working towards rebuilding and hope to continue to fortify our roots here. I am a marine microbial ecologist, and I am living the dream of my 6-year-old self to study the ocean as a Project Scientist in the Ocean Sciences Department at UCSC. Life does not afford much spare time right now, but when it does, I try to pick up my camera, and spend as much time as possible exploring the north coast with my daughter. I have a vested interest in preserving the rural environment we all enjoy, helping support our community as we recover and rebuild, and being part of creating a community that is welcoming and inclusive. I've enjoyed getting to know and serve this community as an RBDA Board member, and I hope to continue to do so for another term.

Suit Challenges Approval of UCSC Long Range Development Plan Environmental Impact Report

Will history repeat itself? Back in the mid-aughts, lawsuits filed by the City, the County and the community group CLUE (Coalition for Limiting University Expansion), of which the RBDA was a part, overturned parts of UCSC's Final Environmental Impact Report (EIR) for its 2005-2020 Long Range Development Plan (LRDP). After months of court-ordered mediation, all the parties signed off on a groundbreaking document, the Comprehensive Settlement Agreement (CSA) of 2008, which set court-enforceable ground rules for how the university could grow. Just as importantly, it required UCSC, for the first time in its then 40-year history, to contribute financially to the infrastructure needed to support its growth.

Fast forward to 2021. The university created its 2021-2040 LRDP, outlining its plan to grow its enrollment from the 19,500 students allowed under the 2008 CSA, to 28,000, and it studied the potential impacts, and how they could be best mitigated, as required by California law. This EIR was approved earlier this year by the Board of Regents.

Last month the community group Habitat and Watershed Caretakers (HAWC), which is led by Don Stevens of Bonny Doon, filed a suit to overturn the Regents' approval. HAWC's attorney is Stephan Volker, who was the lawyer for the CLUE suit, and has a history of successful challenges to growth plans by various UC campuses. (Another HAWC suit filed by Volker challenging UCSC's plans to build student housing at the foot of the Great Meadow is still pending.)

Meanwhile, the City and County are meeting with the university to try to get it to conform to Measure U, a ballot initiative that passed overwhelmingly (nearly 80% in favor) demanding that all additional students enrolled under the new LRDP be housed on campus, and that the dormitories be in existence

continued on page 3

Application in Process for New Cell Tower on Summit

Earlier this fall CTI Towers, Inc (CTI) applied to build a new cell tower in Bonny Doon. The application was submitted to the Santa Cruz County Planning Department, which rejected it immediately because it did not contain a variety of documents and information required for submission.

CTI is currently working to produce the required information to complete and re-submit the application. It's estimated that it will take an additional three to six months before the application is ready to submit again.

CTI will own the tower and lease space to carriers, with AT&T being the first. The proposed location is 186 Upper Summit. The tower is reported to be taller than previous ones and, according to an AT&T spokesperson, the tower will provide coverage to about 80% of Bonny Doon. The RBDA is staying close to this issue to continue to learn about this complex topic and represent the interests of our

UCSC LRDP EIR

continued from page 2

when they arrive. UCSC has never agreed to that, saying that it can't control where students choose to live, and that it needs up to four years to build the housing to accommodate that enrollment growth. Although UC does require first-year students to live on campus, much of the additional enrollment consists of transfer students, who have completed a year or more at other institutions, and/or graduate students. Historically, a bit more than half of the UC students live on campus.

The City and County, (again keeping with Measure U) also are trying to hold UCSC to a requirement to have

community.

In related news, AT&T has installed a small cell site solution in Davenport to improve cell coverage there. Using new technology, small cell networks consist of a series of small low-powered antennas—sometimes called nodes—that provide coverage and capacity for much smaller areas than your typical cell tower. They are usually attached to already existing power and light poles along thoroughfares. In Davenport this consists of low-powered radio access nodes attached to a dozen light poles.

The RBDA is waiting to hear back from AT&T as to the feasibility of using this new smaller footprint solution to further expand coverage in Bonny Doon.

The RBDA continues to communicate with CTI, AT&T and county officials to keep up to date and to build momentum for the efforts to improve Bonny Doon's communication infrastructure.

other infrastructure in place to serve its growing student body on a real-time basis. During the years the 2005-2020 LRDP was in place, enrollment grew by thousands of students, but new facilities (classrooms, laboratories, recreation facilities, etc.) were not built, except for a science building. The result has been larger class sizes, students having difficulty getting into classes, and a larger student to faculty ratio.

To demonstrate community opposition to UCSC's growth plans, and to raise money for its court suit, HAWC has placed a petition at www.change.org/Stop_UCSC_Growth.

Support Our Sponsors

FRANS LANTING STUDIO

Photography Workshops
108 High Road
Santa Cruz CA 95060
831-429-1331
www.lanting.com

LIGHTHOUSE REALTY & PROPERTY MANAGEMENT

Chris Trowbridge, DRE#02048989
Cave Gulch Family/5th Generation Local
831-566-9622
christopher.sc.homes@gmail.com

WE DRIVE DOONERS!

\$125 SFO, \$75 SJC
Airports & Personal Rides (4 ppl max)
Mimi 310-721-1464
Jackie 831-295-7239

MCHENRY VINEYARD

Estate Pinot Noir
Bonny Doon CA 95060
www.mchenryvineyard.com
530-756-3202

HEIDI E. HART, President, CEO

California Dreaming Real Estate
Local / Non-Corporate
myagentheidi@gmail.com
831-247-9410

BOYCE-ABEL ASSOCIATES & FAMILY LANDS CONSULTING

Helping Families with Land, Estate and
Asset Transference Issues.
www.familylands.com
831-469-9223

Sponsorships:

\$100 a year (6 issues).
Send check and text to:
RBDA, P.O. Box 551
Felton, CA 95018

RBDA MEMBERSHIP APPLICATION

Yearly dues are \$20/pp or \$15/pp for multiple members at same address.

Memberships expire on Jan. 31 of the next year. *

Number of Members _____ Number of years you are joining or renewing for _____

Multiply years times number of memberships. Checks only, please, made out to RBDA.

Amount enclosed for dues: \$ _____

I also wish to support the RBDA with an additional contribution of \$ _____

Total amount of enclosed check \$ _____

Name(s) _____

Address _____

Phone _____ E-Mail Address(es) _____

I certify that I (we) live or own property in the Bonny Doon Planning District.

Clip out and mail to RBDA, P.O. Box 551, Felton, CA 95018.

Dues mostly go for
printing and mailing
The Highlander,
your voice for keeping
Bonny Doon rural
and natural.

Additional contributions
are gladly accepted and
greatly appreciated!

*Dues paid after Nov. 30
count toward the next year.



THE Highlander

Keeping Bonny Doon Rural and Natural since 1957

Prsrt Std
U.S. Postage
PAID
Permit #236
Santa Cruz, CA

The Rural Bonny Doon Association Newsletter P.O. Box 551 • Felton, CA 95018

Bonny Doon's voice in preserving our special quality of life, The Highlander, is mailed free 6 times a year. RBDA Public Meetings are usually held the second Wednesdays of January, March, May, September and November. We encourage you to participate. Send correspondence to The Highlander at the above address.

Access the RBDA on the Internet at:

www.rbda.us

E-mail us at:

board@rbda.us

Facebook (RBDA Members Only):

RBDA, Rural Bonny Doon Association

RBDA EXECUTIVE BOARD

CHAIR: Andy Davidson (650)862-2639

VICE CHAIR: Lisa Ortiz

TREASURER/MEMBERSHIP: Russell Kliegel (303)246-6197

RECORDING SECRETARY: David Rubin

CORRESPONDING SECRETARY: Martin Burmeister (831)600-8685

HIGHLANDER EDITOR: Kendra Turk-Kubo (626)379-7232

ADVISORS: Ted Benhari and Marty Demare (former board members)

**Bonny Doon Resident
Santa Cruz, CA 95060**

January 12 RBDA Annual Meeting: SVP Placement: What Next?

It's Time to Renew Your RBDA Membership, or Join the RBDA Please... We Can't Do it Without You!

Do you like receiving and reading *The Highlander*? You might get it free — like you can listen to public radio — but it costs money to print and mail. Membership dues and donations are our only source of income

Each and every member is very important to us and the RBDA counts on you! Your membership helps keep our community connected and informed. Just fill out the postage-paid envelope in this *Highlander* and drop it in the mail. Over the last few years, a number of you have forgotten to renew your memberships, and we would really appreciate your continued support.

The RBDA is your community organization and pipeline to the Santa Cruz County government. Our volunteer board is actively advocating on behalf of Bonny Doon residents on the many issues that impact us. They include the urgent need for improved telecommunications and power infrastructure, the continuing development plans for Cotoni-Coast Dairies and UCSC and much more. This year we have also been fighting the placing of a sexual predator in our neighborhood.

In addition to these issues, this past year has seen many ups and downs as we work to rebuild our precious community. It is more important than ever that we stay connected to our neighbors here on the mountain.

We mail *The Highlander* to all our residents here on the mountain, whether they are RBDA members or not, because one of the most important parts of our job is keeping Bonny Dooners up to date on the many issues that affect us. To

check if your membership may have lapsed, contact Russell Kliegel (303)246-6197 or email russell.kliegel@gmail.com if you are not sure. Or just send in your dues! If you are already current, we will apply them to next year.

This year we are asking you all to provide an email address so we may continue to build our emergency database. We'll never share your email address without your permission. Memberships run January-December and you can only vote for officers at the January meeting if you have joined before December.

Thank you in advance for your support. Most of your membership dues and donations go to publishing and printing *The Highlander* and for rent/insurance at the elementary school for our public meetings (if we ever get to meet again in person).

The RBDA is a 501c4 non-profit organization.

