

# Mediation effort fails on close vote

By Jon Wiener

Two groups of apartment owners, regularly among the largest contributors to city council candidates, won a surprising victory earlier this month when the city reversed its

position on landlord-tenant mediation.

Tri-County Apartment Association and Mountain View Housing Council gave nearly \$7,000 in the last two city council campaigns, with the bulk of that money going to current

council members.

But the one council member who did not take money from either group, Greg Perry, proved to be the decisive vote on March 8. The council voted 4-3 to reject

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## MEDIATION

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staff proposal to study the effectiveness of the current mediation program and potentially alter it to make participation mandatory.

If the proposal had passed, without any changes as expected, the city's program would have mandated both voluntary and non-binding without further action by the council.

Perry told the *Voice* he voted no because he did not think mandatory mediation was the best way to protect renters. But he said the idea was a perfect example of the rental problems that arise from council members accepting contributions from lobbyists.

"I definitely think it looks bad," said Perry. "People are going to look at that and wonder if they could have looked at (mediation) the same."

Advocates from both sides of the issue spoke to the council at meetings, and those backing renters left with a sour taste in their mouths.

They were giving much higher priority to what the apartment managers were saying," said Philip Pennington, a volunteer with Peninsula Interfaith Action.

Council members rejected the

## HOW THE COUNCIL VOTED ON MANDATORY MEDIATION

| Council member | Vote | Landlord contributions* |
|----------------|------|-------------------------|
| Mike Galitto   | Aye  | \$1,550 (2002 and 2004) |
| Mike Kasperzak | Aye  | \$750 (1998 and 2002)   |
| Laura Macias   | May  | \$1,000 (2004)          |
| Tom Means      | May  | \$500 (2004)            |
| Matt Neely     | Aye  | \$200 (2002)            |
| Matt Pear      | May  | \$1,500 (2000 and 2004) |
| Perry          | May  | \$0 (2002)              |

\* Total reported contributions from the Tri-County Apartment Association and the Mountain View Housing Council

suggestion that the donations might be enough to sway their votes. The four who voted against the proposed study—Perry, Laura Macias, Tom Means and Matt Pear—consistently oppose added regulations on businesses and property owners and expressed concern about spending staff time studying something they were likely to oppose. Three other recipients of landlord money—Nick Galitto and Mike Kasperzak and Matt Neely—supported the mediation proposal. Kasperzak, who frequently disagrees with Perry, has twice earned

the endorsements of Tri-County despite his open advocacy of mandatory mediation. Though he was disappointed in the results of the vote, he refused to link the decision to the campaign contributions, warning against what he called "ethical McCarthyism."

"If people aren't going to have faith that their elected officials can be fair and principled, then we probably need to get rid of the system, period," said Kasperzak.

Laura Macias, who accepted a \$500 donation from the Housing Council last summer after the group endorsed her candidacy, said she voted against the staff proposal because it was biased in favor of mandatory mediation.

"I'd be a pretty tacky person if I was basing whom I listen to on who contributed to my campaign," added Macias.

## Renter advocates call for relief

Mountain View runs its free mediation program under a contract with Project Sentinel. In the last fiscal year, the organization handled 239 disputes, with 39 going through the complete mediation process.

The idea for a mandatory program, similar to Palo Alto's, started gaining steam around the height of the dot-com boom when market

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MIKE KASPERZAK

forces were driving long-time renters out of their homes.

"People were getting evicted who lived in their units for 17 years, and they had no one to talk to. They simply had to pick up and move," remembered housing activist Cosby. The concept of mandatory mediation was included in the city's 2002 "Housing element" plan and later listed as a city goal last year.

Affordable-housing advocates say the current lull in the rental housing market is the perfect time

to make any necessary changes to the program. Despite this recent defeat, they can expect Council member Perry to make a proposal to require landlords to disclose their track record on security deposits.

"We can't devote ourselves full-time to getting the council to adopt a mandatory-mediation ordinance," said Cosby. "We're just volunteers." ▶

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# Why is mediation a bad word?

EDITORIAL  
THE OPINION OF THE VOICE

With nearly 60 percent of the city's 71,000-plus residents paying rent, it was disconcerting last week when the Mountain View City Council voted down a move to consider mandatory mediation between landlords and tenants. The vote was close, 4-3, with the surprise being Greg Perry's decision to vote with the detractors. So unless the measure is somehow put back on the agenda, the city will not even investigate a service that could benefit more than half of the city's residents.

The mediation idea was submitted by city staff, and the thinking was that it would be patterned after Palo Alto's program, which simply brings the two parties together if there is a dispute. Neither side is forced to listen to the other—although they must hear the mediator make an opening statement—and even if a recommendation is made, it is not binding.

Some critics of the 4-3 vote noted that the Tri-County Apartment Association, a powerful group that represents landlords in the area, and the Mountain View Housing Council had contributed campaign funds to three of the four council members who voted against the mediation proposal. But while that connection could have changed someone's mind, we doubt that it swayed anyone. In fact, the three members who voted for mediation, Mike Kasperzak, Nick Galitto and Mayor Matt Neely, also received donations from Tri-County during their council campaigns.

But even if the council approved a mediation plan similar to Palo Alto's, it would hardly level the playing field. Tri-County is one of the strongest interest groups involved in local city council campaigns. And while Peninsula Interfaith Action speaks up for tenants in no way has even a fraction of the clout wielded by Tri-County. The council had the right idea but just lacked one vote. We urge Perry or another of those voting no (Laura Macias, Matt Pear, Tom Means) to think again on this one, and at least authorize a study of mediation that would give renters a forum to be heard, even if a decision would not be binding.