

PVP Watch Newsletter – May - 13 - 2018

To Our Friends and Supporters

In This Newsletter

General Election

RPV – City Charter

RPV – an Anarchy

RPV – Natural Community Conservation Plan

RPV – Purchase Street Lights from SCE

PVE – An Update

General Election

This year June 5th is the California statewide primary election date and November 6th is the General Election date. There are issues on both elections that will be important to Peninsula residents.

State Assembly – The Peninsula is in District 66 and the current Peninsula representative is Al Murasuchi a Democrat. Another Democratic candidate is Caney Arnold. Frank Scotto, a well-known South Bay Republican and past Mayor of Torrance is an electable candidate. The two candidates with the most votes will compete in the November 6th election. Murasuchi has, as was anticipated, followed union directions and raised taxes. PVP Watch supports **Frank Scotto** a supporter of “Prop 13.” For more information, go to www.FrankScotto.com. **Mr. Scotto is endorsed by the Howard Jarvis Taxpayers Assoc.**

US Congress – The Peninsula is in the 33rd California Congressional District and the current Peninsula representative is Ted Lieu a Democrat. Another Democratic candidate is Emory Rodgers. The Republican candidate is **Dr. Kenneth Wright** a renowned pediatric eye surgeon and clinical professor at USC. **PVP Watch supports Dr. Wright** and a strong Peninsula turnout will help counterbalance the high Democratic registration in Santa Monica and West LA. For more information go to www.drwright4congress.com

It is Likely There will be Two Initiatives on RPV Ballots

Union Backed Initiative – There is underway an effort by a Unite Here Local 11 a labor union to gather sufficient signatures to place on RPV ballots in the November General Election that adds a new City Ordinance Chapter 5.40 Hospitality Working Conditions that is specifically written to impact Terranea and Trump National Golf, mandates the following:

Wages, Hours, Work and Transit:

A wage minimum of \$15 per hour increasing annually.

Employees will be provided free transportation To & From Work.

Panic Buttons will be provided at no cost to employees for emergencies or threatening behavior.

Compliance Records with limitations and penalties created by the new RPV Ordinance mandates Terranea compliance. Not known is what new costs RPV will encounter if RPV become the arbiter of labor relations at Terranea a responsibility RPV is not equipped to accommodate. RPV performing the task of compliance is likely to be the target of lawsuits by the entities affected by the proposed Ordinance.

RPV residents are reporting door to door canvassing for initiative signatures, ambiguous phone calls seeking "worker" support and paid agents seeking Initiative Signatures at many business's including Ralphs, Golden Cove, Pavilions and other locations. Although it appears most RPV residents are resisting we must presume that the union will likely gather enough signatures to place the "Hospitality" Initiative on the November General Election ballot.

PVP Watch believes this matter is NOT an RPV city issue but a matter between Terranea employees and Terranea management. It is our understanding the preponderance of Terranea employees are very satisfied with Terranea working conditions and benefits and the current acrimony is limited to a very few employees.

As Terranea approaches its 9th anniversary in RPV, Terranea has become a very valued member of this community. Terranea "occupancy" (TOT) taxes (paid to RPV) now exceed \$5 million annually; in addition, other taxes and fees (sales taxes, property taxes, utility fees etc.) are estimated at another \$2 / \$3 million annually that contribute to RPV revenues. In addition, not to be casually dismissed is Terranea's support of local business's in the South Bay.

PVP Watch will continue to Post on this very important matter.

RPV – City Charter

PVP Watch presumes that most RPV residents are unaware of a community group that is currently composing a "City Charter" plan for Council and resident approval and the possibility that the "Charter City" matter will be on the November ballot.

Logical question is what is a "Charter City" and should RPV taxpayers approve it? As we understand the situation, the significant advantage of a "Charter City is the ability to have greater control of "Municipal Affairs." The following is from information provided by the "Committee."

What is the Constitutional Framework for Charter Cities?

Article XI, section 3(a) of the California Constitution authorizes the adoption of a city charter and provides such a charter that has the force and effect of state law. Article XI, section 5(a), the "home rule" provision, affirmatively grants to charter cities supremacy over "municipal affairs." However, the California Constitution does not define the term "municipal affair."

The Charter City matter must be resolved by early August in order to be placed on the November ballot. Going forward, RPV residents should anticipate much more data why or why not a Charter City is good for RPV.

PVP Watch has posted the draft Charter City document at www.pvpwatch.com. Go to the Current Issues page. PVP Watch believes that the draft document is poorly written and does not provide any benefit to RPV taxpayers. If there are not significant improvements PVP Watch WILL OPPOSE the Charter City proposal.

RPV - City Hall, an Anarchy

With Susan Brooks as mayor, the RPV Council in the past two meetings has implemented a process for the Council to have subpoena powers to summon residents to provide testimony on matters of interest to the Council. It is not clear what the limits of this new subpoena power may be.

The staff report on this matter (May 1 Meeting Agenda, Regular Business Item 1- Page 3 1st para) *Members of the City Council have, themselves, shared with the Office of the City Attorney additional specific articulable facts and circumstances to suspect that, over a substantial period of time, there have been circumstances in which confidential information (known only in the context of a closed session) has been willfully and unlawfully shared outside of a privileged closed session.*

PVP Watch is unaware of what the specifics are in this matter but what we do know is that there has been an ongoing controversy between the current RPV Council and former Mayor Brian Campbell concerning the release of certain records. As we understand the Campbell records caper, Campbell has requested that City Attorney Dave Aleshire sit with Campbell to review the various records to ensure that no “private” documents are not inadvertently released. Apparently City Attorney Aleshire has, with presumed Council approval, refused Campbell’s request. Instead, Aleshire has offered one of his assistant’s. We understand that Campbell was concerned that an assistant will not provide protection from an inadvertent release of “Private” records that the City Attorney who had participated in the closed session discussion would have. There is further information in the April 3rd agenda Regular Business item 2. Subsequently City Attorney Alshire’s statement that Campbell had cost RPV some \$85 K was disputed.

Some history... Michael Huang, an RPV resident and *friend* of Mayor Susan Brooks issued some 89 Public Record Requests beginning early November 2017 to April 2018. Our view is that 89 Record requests over less than 6 months was clearly *harassment* by Huang with support from Brooks. A recent check of the City Clerk’s page on the RPV website found that the 89 requests from Huang had been replaced by one placeholder stating:

11/11/17 - comprehensive search of emails was conducted. Over 19,000 emails were retrieved. Narrowed down PRA with assistance from Mr. Huang. Requested emails from all personal email accounts from B. Campbell. 11/21/17 - requested 14-day extension to retrieve, review, and redact privilege information. 12/8/17 - Final Determination Re 2017 Batch of Records sent. Records ready for pick up. Mr. Huang to notify Clerk if he would like to continue retrieval of docs for 2016 and older.

4/6/2018 The Records Request was amended; Subject Requested Brian Campbell emails from only all non-City email servers. Renewed PRA from original request on November 10, 2017

We wonder, what is the legality of removing items from the City Clerk’s record file? Who exerted what pressure to remove / change the listing of Public Records?

RPV residents should be concerned that there is virtually no control of City Manager Doug Willmore services. Last year as Mayor, Campbell attempted to insert some controls that PVP Watch supported but Susan Brooks successfully gathered sufficient votes to oppose implementation of any control of the Willmore’s travel or personnel expenses. Brooks also opposed an effort to implement management oversight of the City Manager. For example, City Manager Willmore travels the USA attending various conferences of his choosing. His expense reports are submitted to a subordinate, the Director of Finance for payment. RPV residents should be concerned about the lack of control of public funds. Should not the mayor review and approve the City Managers travel and expense reports. The lack of oversight is much greater than these limited examples.

RPV – NCCP – (Natural Community Conservation Plan)

The draft NCCP was approved at the April 3rd Council meeting apparently without changes in current form and forwarded to California and Federal officials for approval (Publishing in the Federal Register). There will be a 60 day comment period beginning when the NCCP is published in the Federal Register; who reads the Federal Register – Undoubtedly the Land Conservancy will know.

That the Council allowed the NCCP to go forward is disgusting and just another example of Susan Brooks ineptitude and lack of concern for RPV resident's best interests. The Nature preserve has become Public Nuisance with RPV taxpayers paying for this folly with the Land Conservancy having total control of the use, the NCCP includes EVERY PROPERTY IN RPV has intended consequences not yet known. Question; will the NCCP limit RPV's efforts to stabilize the landslide area?

RPV – Purchase Street Lights from SCE

Not surprising, the RPV Council accepted City Manager Willmore's proposal for purchasing 1799 street lights from So Cal Edison. Now RPV is in the utility business, why? Who will manage this project and at what cost? So Cal Edison is an expert in providing and maintaining street lights. Why is our City Council supporting RPV 'competition' with SCE? This is an experiment that may cost the City many times the cost of purchase for entering a business they know nothing about.'

We shall see how this works out.

PVE – An update since April 14, 2018 posting

Posted by John Harbison

(Editor – we suggest that readers hold their CTRL depressed when they click on a "Link)

Quorum Court Hearing Has Judge Proposing a Settlement

On May 1, another hearing took place on ROBE's (Residents for Open Board Elections) petition to lower the quorum requirement of the PVHA election. It was reported that both sides had made offers of settlement, but no settlement had been reached. In the dialogue, the PVHA lawyer made this statement: "This is not a democracy. This is a Homeowners Association. This is based on stability. Nothing is broken." We find this shocking and indicative of the reason why we need new leadership. The current leadership seems to be proudly out of touch with their constituents and predisposed against respecting the results from the most recent election where the five incumbents all had fewer votes than any of the ROBE challengers. Judge Kwan encouraged the parties to settle and ROBE made an offer to the PVHA.

Comprehensive Settlement Proposal on CEPC Panorama Parklands Matter Rejected by the City of PVE

On April 24, 2019 the City of PVE sent a letter rejecting the Comprehensive Settlement Proposal. For the letter from City Attorney Christi Hogin

(<https://static1.squarespace.com/static/54c2de5ae4b08b9c092866bb/t/5ae3e04203ce64d372a53010/1524883523693/Letter+to+John+Harbison+and+Jeffrey+Lewis++4-24-18-c1.PDF>). For John Harbison's response on 4/27/18 which pointed out and clarified various points that were inaccurate in the City's letter.

rejection (<https://static1.squarespace.com/static/54c2de5ae4b08b9c092866bb/t/5ae3e0e9f950b7d2b4f981e6/1524883690002/Response+to+April+24+Letter+from+Christi+Hogin+to+John+Harbison+and+Jeff+Lewis+2018-04-27.pdf>). Since

then, there was a meeting of all the parties on May 1st but no resolution. For more information on the proposal and benefits, see "4/9/18 Comprehensive Settlement Proposal" entry in the timeline (<http://www.pveopenspace.com>).

In the meantime, the CEPC case is proceeding to the final stages:

- • Defendants have requested that a new Superior Court Judge be assigned -- therefore Judge Meiers will not preside over the balance of the proceedings.

- • PVHA: Judgment will be revised as per instructions from the Appellate Court to narrow the scope of the 2015 Judgement only to the Panorama Parkland. No further appeals are possible since the Supreme Court denied hearing the case. We believe that should occur in the next two months.

- • City of PVE: The opinion by the Court of Appeal includes many statements that are now "law of the case" and binding on the City. For example, the Court held: "While the City may have had the right to transfer Parcel A to the Association, it may not have had the right to do so if it knew that the Association was going to transfer Parcel A to the Luglianis. And it is disputed whether the City used and/or will continue to use public monies to fund alleged illegal efforts, namely those that violate the deed restrictions." The Appellate Court ruled that CEPC and the City need to proceed to a trial in order to establish "proof" that the City of PVE had full knowledge at the time of the MOU and deed transfer to the PVHA that the PVHA intended to immediately sell the transferred parkland property to a private resident, which has been established as illegal. Since the City of PVE in fact "spearheaded" the MOU (as per Mayor Bird's quote in the May 8, 2012 City Council meeting the trial should be a straightforward process since all parties signed the MOU which clearly stated that intent. Additionally, email documentation obtained through the discovery process shows the City Attorney's role as leading the MOU drafting process; the MOU and discovery documentation combined with anticipated depositions will be irrefutable. The City can end the waste of public resources by admitting their obvious complicity rather than moving forward with a trial. Their premature celebratory announcement and statement by the Mayor after the Appellate Ruling was misleading and will be short-lived (<http://www.pvestates.org/government/legal-matters>) .

Survey Opened on PVE Resident Views on Measure E

After a hotly contested election, Measure E (parcel tax measure to raise \$5 million per year to fund the PVE Police Department) was passed by 130 votes. To help understanding residents' perceptions and rationale for their decision, PVrrg (Palos Verdes Residents for Responsible Government) launched a survey on May 7th that can be found (<https://www.surveymonkey.com/r/PVEmeasureE>) . The survey can be completed in less than 4 minutes, and all voters from both sides of the issue are encouraged to participate. In less than one day, 104 people have completed the survey. It will be open until May 18th, and results will be published on the PVrrg website (<https://www.pvrrg.org/polls-current/>).

PVHA Board Continues to Refuse to Disclose Vote Count

It's been 60 days since the PVHA counted the 2018 ballots, but Board members continue to refuse to disclose the count. At the March 15, 2018 Superior Court Hearing it was revealed that the five PVHA incumbents all had the fewest votes, yet PVHA refuses to reveal the counts and specific rankings.

If you'd like to contribute to ROBE's effort to bring about a leadership change at PVHA, please contact John Harbison at

(310) 739-1838 or info@pvegoodgov.org.

Thank you for your interest and support.

For more information, see www.pvegoodgov.org and www.pveopenspace.com.

PVP Watch Welcomes Subscriber Comments

PVP Watch welcomes subscriber Comments. Please send comments to info@pvpwatch.com.

A current email issue is overactive “spam” detectors and we urge everyone to enter info@pvpwatch.com and pvpwatch into their computer address books. This signals your ISP (Internet Service Provider) that you wish to receive PVP Watch newsletters.

Those who have topics of community interest are encouraged to bring those issues to info@pvpwatch.com as well.

PVP Watch Welcomes Contributions

PVP Watch appreciates the financial contributions of the many subscribers who have sent checks to PVP Watch as we remain on the financial support of our many subscribers. Those wishing to make a modest contribution, please send checks to PVP Watch / PO Box 2041 / Palos Verdes Peninsula, CA 90274

PVP Watch – Newsletter List

A reminder to ALL PVP Watch subscribers, should you change your email address, don't forget to advise PVP Watch. For those who wished to be removed from the PVP Watch newsletter data base, please notify info@pvpwatch.com.