

## **PVP Watch Newsletter – January 16, 2011**

### To Our Friends & Supporters

#### In this Newsletter:

- \* RPV Voter Alert
- \* San Ramon Stabilization Project
- \* Annenberg at Lower Point Vicente
- \* PV Drive South – Slide Area
- \* RPV Storm Drains
- \* Peninsula Schools

### **RPV Voter Alert**

Most RPV residents are likely unaware that the RPV Council has scheduled a Special Election for March 8th, which if passed would convert RPV from a *General Law* city structure to a *Charter City* structure.

Basically, the municipal affairs of a *General Law* City are governed by California State laws while a *Charter City* has the ability to write its own ordinances to govern municipal affairs; however the extent of that ability is restricted by the limitations, if any, in the charter (the City's "Constitution") and the US & California Constitutions. A charter gives the city more local control, but the control can either be in the hands of the Council or in the residents, depending on how the charter is drafted.

Although PVP Watch believes that there are merits in discussing the benefits as well as the pitfalls of a *Charter City*, this is not what has occurred in RPV and PVP Watch is opposed to the current **Measure C** Initiative as presently written.

#### **Why is PVP Watch opposed:**

- \* The **Measure C** Initiative seeks adoption of a proposed charter that was constructed with virtually no public input nor awareness, thus flying under the "radar screen" while the public was engaged with Measure P and the Annenberg project at Lower Point Vicente.
- \* The first public meeting of the City's **Measure C** outreach Committee was November 11th at which time the ballot argument in favor of the Measure was prepared. November 12<sup>th</sup> was the last date upon which arguments both For and Against could be filed with the City. The City's Committee was well aware of the deadline - residents were not. Now the voter pamphlet will state that "No Argument Against Was Filed," leading voters to erroneously think the Measure is

unopposed. One has to wonder if the delay in holding the first meeting until the night before the deadline was a mere coincidence.

\* The **Measure C** Initiative is scheduled on an off election date (March 8th) when voter turn out will likely be low. We believe the purpose of using this unusual date was to increase the chances of passage. When asked by residents to place it on the November ballot when three (3) Council members who are "termed out" and will be replaced, the Council declined, saying they did not want Measure C "politicized" by the Council election. What issue is more important to be "politicized" than how you choose to be governed? Besides, a Special Election wastes City funds (estimated at \$80,000 -\$90,000)

Passage of the **Measure C** charter would allow three (3) Council members to change RPV election laws that could:

- \* Create voting districts, subject to gerrymandering.
- \* Increase the number of signatures required on petitions for recalls, initiatives or referendums, thus virtually eliminating taxpayer rights to question Council actions.
- \* Change qualifications for candidates running for Council seats

The RPV Council has stated they will create needed ordinances as they go forward. Is this good government allowing three (3) Council members to enact what ever they should decide with the only avenue open to taxpayer opposition is soliciting signatures to place an objection on some future election? Will this lead to improving local government? We do not think so. A better constructed Charter would clarify this issue. The vague two page proposed Charter does not protect the residents.

The RPV Council states the principal reasons for converting to a charter city are to save money by not having to pay *prevailing wages* (basically union wages) on public works projects and to potentially stop the taking by Sacramento of RPV revenues like the Terranea TOT (Transit Occupancy Tax). General Law cities must always pay prevailing wages. Charter cities still have to pay prevailing wages if the projects are funded with any state or federal funds.

The "millions of dollars" that RPV will allegedly save in the next several years is *exaggerated speculation* most likely created with *smoke and mirrors*.

#### **In Summary:**

\* **The RPV Measure C** Initiative gives excessive power to the Council and is poorly crafted.

\* **The RPV Measure C** does not adequately protect RPV residents from potential abuse

**\*\* Why the rush for a March ballot? Why not take the time to do it right with community input?**

An **NO on RPV Measure C** group has been formed. We suggest all PVP Watch subscribers visit the website [www.norpnc.info](http://www.norpnc.info) for more information on this issue of utmost importance to RPV residents.

The **NO on RPV Measure C** campaign could use your financial support to fight City Hall.

PVP Watch welcomes subscriber opinions on this very important matter at [opinion@pvpwatch.com](mailto:opinion@pvpwatch.com)

**San Ramon Stabilization Project**

The long awaited engineering report for the San Ramon / Tarapaca Canyon stabilization project is on the January 18th Council agenda. It is also posted at [www.pvpwatch.com](http://www.pvpwatch.com) / go to the Current Issues page. Interesting is that the proposed costs are at what the Council / staff first estimated approximately \$19,000,000 rather than what the engineering team projected at the July 21st, 2010 project meeting at Mireleste Middle School of approximately \$12,000,000. Puzzling is how the Staff initial estimates were so close and the engineering project team were so different, particularly when the engineering team had designed the McCarrel project and had experience with a similar solution. A Council meeting on this project in the near future is likely.

**Annenberg at Lower Point Vicente.**

At the December 21st RPV Council meeting, the Council authorized staff to work with Annenberg in seeking approvals to locate the Annenberg project at the Lower Point Vicente site. Again this year's Mayor Tom Long demonstrated that he did not care what residents wanted as he was adamant that the Annenberg project at Lower Point Vicente should go forward. We wonder why Long & Doug Stern are so entrenched with Annenberg? That there have been NO public meetings concerned the proposed legal relationship between Annenberg & RPV as well as the reality the EIR seems to be a *bare bones* deal to fulfill State law. Certainly nothing to the extent of harassment to Terranea – 12 years, Marymount College, Trump National, Monks etc. Why the preferential treatment for this project? We have three seats at City Council becoming available this November. Let's make this project a campaign issue and let the voters decide.

**Lower Hesse & Grandview Parks**

Apparently RPV City Hall, with Tom Long as Mayor, continues to pursue the development of Lower Hesse Park and Grandview Parks. For those unaware of where the proposed Grandview Park will be, it is on Montemalaga at the RPV / PVE city boundary. Initial estimates were

\$2,000,000 for both parks. We believe costs have since increased with current projected project costs unknown. While parks are always nice if you have the funding, it seems that few are interested in having these new parks other than RPV City Hall. There is also the issue of priorities and protecting critical assets and infrastructure.

A critical Infrastructure matter is the previously mentioned San Ramon Stabilization Project.

The Council has been paying a Washington DC firm some \$4,000 per month to look for Federal funds. It doesn't take a rocket scientist to know that there have been major changes in the Washington DC political scene and the prospect of obtaining federal funds / earmarks is not going to happen anytime soon.

Continuing to hire expensive consultants for questionable projects has long been a trait of the RPV Council. While it might be nice to know, it is doubtful that a listing of all consultants fees paid for the past several years with a cost benefit analysis of project accomplishments will ever see any "daylight."

### **PV Drive South – Slide Area**

RPV has, in our opinion, been negligent in not addressing PV Drive South in the slide area. We see continuing patching and road repair that must be costing \$400,000 / \$500,000 annually, perhaps more.

It has been long acknowledged that it is when, not if... there will be a major landslide that seriously disrupt traffic flow on PV Drive South. That there is not a *team* working on this critical matter would be considered malfeasance by some.

### **Storm Drains**

We note recent publications report that this years RPV mayor Tom Long is back on the failing storm drains hysteria with more empty rhetoric. Storm Drains were an successful election issue in 2005 and the issue seems to arise when an election is forthcoming. Several major storm drain projects were completed over the past few years with McCarrell Canyon being the largest and costing about \$9,000,000. While there was a lot of angst at RPV Ciy Hall, the project was completed using general fund and reserves. While there was much wailing over the use of reserve funds, is this not what reserves are for? For the past 3 or 4 years RPV residents have been paying a storm drain fee (tax) and we wonder what has been accomplished. All storm drains were to be inspected, as we understood the situation, to prioritize repairs. That we continue to observe storm drain inspection projects in annual budgets does make one wonder.

If there is a concise report as to what has been accomplished with storm drain funds, we have not located it. The storm drain fee (tax) does, after the 2006 election, have a 10 year sunset clause as the intent was to use TOT (Terranea Occupancy Tax) fees for stormdrain / infrastructure maintenance & repair costs although it seems the current Council would seem to prefer continuing the storm drain user fee paid by 80% of RPV residents thus using the TOT for other pet projects.

### **Marymount Election Costs**

Some may recall that the December 9th Daily Breeze / Melissa Pamer / Pg 3 reported the December 2nd decision of Judge Ann Jones that denied RPV Councilman Doug Sterns request for legal fees of \$32,573, reportedly in very strong language, for a legal brief Stern submitted as "duplicative" and wholly unnecessary." Some may find it interesting that Doug Stern, after the Court's denial of his fee request, offered to settle with Marymount for \$10,000. Needless to say, Marymount rejected Stern's proposal. Unknown is whether or not Stern will decide to appeal. There is also another request for legal fees by Jeff Lewis which is to be decided reportedly some time this month.

### **Palos Verdes Peninsula Schools**

There cannot be anyone who is not aware of the financial mess in Sacramento and the impact that California's financial meltdown is having on all schools and PVPUSD in particular.

The past few months there have been a number of well written articles commenting that one of the main obstacles to resolving a number of schools issues is the teacher's union and their mandated contracts. Interesting is a piece in Sundays (Jan. 16) Daily Breeze by Connie Llanos.

Succinctly, a group of teachers have taken on the UTLA (United Teachers Los Angeles) stating that the union no longer represents them. According to this article " *Their goal is to move UTLA into a progressive era, by having more teachers involved, advocating for more teamwork with district officials and even supporting controversial reforms like the elimination of seniority-based layoffs.*" The article goes on and if the reforms are enacted could result in a tidal wave teacher union change.

As subscribers are aware, PVP Watch has long been an advocate of teachers union reform. There are many good teachers who are likely undercompensated with salary increases going to those with seniority rather than performance. A personal situation with a granddaughter who should be in her third year as a high school science teacher (not a local district) whom the students love as she is a great teacher, was bumped out by someone with more seniority but not as qualified to teach high school science. The tragedy, the students lose when there is an

underperforming teacher. Hopefully the reform minded UTLA group will be successful in breaking the stranglehold the techers have on our schools.

### **Newsletter Responses**

Reader comments are welcomed and should be sent to [info@pvpwatch.com](mailto:info@pvpwatch.com). Newsletter responses are posted with names removed and no editing other than obvious grammatical changes. These are subscriber thoughts and opinions and PVP Watch does not vouch for those opinions. That so many have sent their comments has made the Newsletter more interesting and we appreciate the input.

We have been reminded that not ALL subscribers are aware of the PVP Watch website; [www.pvpwatch.com](http://www.pvpwatch.com). Lots of good information posted here.

### **PVP Watch – Newsletter List**

A reminder to ALL PVP Watch supporters, should you change your e-mail address don't forget to advise PVP Watch of your new address. We suggest that pvpwatch.com be added to your computer address book to assure delivery of PVP Watch Newsletters.

### **PVP Watch – Contributions**

PVP Watch thanks the many subscribers who have contributed to PVP Watch. Those desiring to make a modest contribution, please send checks to PVP Watch PO Box 7000-22 Palos Verdes Peninsula, CA 90274

### **Subscribers**

The PVP Watch e-mail list continues to grow. For those who wish their addresses removed, please send notice to [info@pvpwatch.com](mailto:info@pvpwatch.com). Those who have topics of community interest are encouraged to bring those issues to PVP Watch.

The Editorial Committee