

PVP Watch Newsletter – February 5, 2011

To Our Friends & Supporters

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RPV Voter Alert

Vote No RPV Measure C – March 8th

PVP Watch has long opposed RPV Measure C as we believe the Initiative is poorly crafted and does not have adequate safeguards to protect RPV residents.

June 29, 2010 former RPV Councilman Ken Dyda at the RPV Council meeting said "there are disadvantages beyond some of the cost of converting, namely ABUSE and if the charter is too simple it's open to abuse, it needs prohibitions to avoid abuse." He suggested that a committee of residents be put together and that the community get involved to create the charter!

Then Mayor Wolowicz expressed the thought that because of Mr. Dyda's status in the community his comments should be given weight, but what happened? No committee was formed to develop the charter and instead Council submitted on August 3, 2010 (first public meeting where the proposed charter was presented to residents) a one page, SIMPLE, broad charter created by City Attorney Carol Lynch. Fortunately, the scandal of Bell broke immediately prior, so the Council instructed Lynch to add a limitation on Council compensation to such first draft. Had the Bell scandal not broken, the proposed charter would NOT have included such a limitation. The ONLY resident's input that was incorporated in the charter was Dyda's request that it provide zoning that must be consistent with the General Plan.

As some will recall, the PUMP (Public Use Master Plan) committee spent well over one year and held numerous public workshops trying to decide whether horses and bikes should be on the same trails in the Nature Preserve. In comparison, the RPV Council spent ONE MONTH, from August 3, 2010 when first presented to September 7, 2010 when it was decided to place the proposed charter on the ballot. One month, with virtually no resident input in creating RPV's

new CONSTITUTION!!!! Not ONE single outreach meeting was held to solicit input from residents. Indeed, a total of only 6 residents either spoke before or wrote to the Council with comments on the charter. Clearly, our City has failed miserably in reaching out to the community. Why? Because input was NOT wanted. This was rushed together faster than anything this City has ever done!

At the August 3rd Council meeting an RPV resident presented his concerns about the breadth of the proposed charter based on his review of information from the League of California Cities website concerning the Charter City proposal. Mayor Wolowicz replied to the resident that his attitude was a CANCER in the community, clearly giving notice that resident comments were not welcomed. Mr. Wolowicz, your history in treating fellow residents with disrespect is disgraceful. That there was no effort to solicit resident input is but another example of the elitism that permeates RPV City Hall.

The Council has put this on the March ballot when voter turnout would be low, obviously endeavoring to "fly under the radar screen" and hoping residents would be unaware and not vote. What other reason is there for the unprecedented swiftness in placing the Initiative on a ballot seldom, if ever used by RPV? At the September 7th, meeting Mayor Wolowicz expressed concern that this might be viewed as a rush to judgment. Guess he was right! Indeed, he voted against putting it on the March ballot.

The Yes on Measure C proponents claim that vast savings will be realized by eliminating prevailing wage requirements. Of course not mentioned is that use of Federal & California funds REQUIRE prevailing wages. The vast savings envisioned by the Yes on Measure C proponents are highly speculative and are in no way guaranteed. And even if there might be some savings, what would be lost by taking some time to "get it right" placing a better charter on the November ballot when 3 new council members will be elected. Using the March 8th ballot creates a Special Election which is costing some \$80,000 / \$90,000 while the November ballot is a scheduled General Election and putting Measure C on that ballot would have little added cost. The costs being incurred for the March 8th Special Election probably exceed than any savings that might be realized this year by eliminating prevailing wages requirements. The RPV Council's decision in this regard is unmistakably but another poor Council decision that has little regard for RPV taxpayers.

Another factor that should be taken into consideration is the Vista case that is now pending before the California Supreme Court. The Court will rule within the next few months on whether

charter cities have to pay prevailing wages. If prevailing wages is really the issue, and not a smokescreen as some believe, why not wait until the Court decides rather than rushing to a costly special election? Will it have been worth it to convert if the court holds charter cities have to pay prevailing wages?

The proponents of Measure C also claim that changing to a Charter City will curtail possible raids by Sacramento on RPV tax revenues, such as hotel TOT fees. When City Attorney Lynch was pressed on this issue at a recent Charter City committee meeting, her response was that being a Charter City created a better argument (does this correlate to attorney fees) to keeping these funds away from Sacramento. Such arguments would be raised in a lawsuit with the State. Readers can make up their own minds on the plausibility of the proponents argument of protecting funds from Sacramento.

The question being asked by the proponents is whether RPV residents would rather be governed by Sacramento or by a local Council that is readily accessible. Time for a poll: readers can respond to info@pvpwatch.com as to their satisfaction in having 3 minutes to plead a case while the Council has endless time to comment. We will post the results.

The first public noticed meeting of the Charter City Committee was November 11th. At this meeting the committee finalized the argument "For" to be placed in the sample ballot. One of the arguments was that ordinances could be adopted more quickly! One committee member commented that this might not play well with residents, so they struck it from the argument. Unbeknownst to residents, the final date for submitting arguments both FOR and AGAINST was November 12th. Was it a coincidence that the first Committee meeting was held on the eve of the deadline?

Notice of the deadline to file arguments was not published: notices were posted only at City Hall, Hesse and Ladera Linda Parks, locations that meet legal requirements but hardly provide notice to residents. Having to go to a public posting location to find legal notices seems somewhat archaic with today's modern communications capabilities. Of course the City knew the November 12th deadline established by the clerk. Unfortunately, no argument AGAINST appears in the ballot. And those at City Hall believe they are ethical and should be trusted! Hello, is anybody listening?

**PVP Watch Strongly Urges RPV Residents to Vote NO on Measure C
on March 8th.**

On to Other Issues

San Ramon Stabilization Project

Recently RPV posted the engineering report for fixing the San Ramon / Tarapaca Canyon storm water drain problem. As most are aware this water now drains onto 25th Street just east of the Los Angeles / Rancho Palos Verdes city boundary, bringing mud and other debris with it and endangering lives in the mobile home park on the ocean side of 25th Street. Also important is that the storm water runoff is undermining the PV Drive East "switchbacks" with the likelihood of catastrophic failure in the not too distant future.

The proposal is to place a large underground pipe from the point where the water enters the canyon to drain into the ocean. While we are not civil engineers, the plan seems feasible and the completion cannot be too soon. What is troubling are the proposed costs.

PVP Watch attended a community outreach meeting last July wherein the engineering firm, Harris & Associates, presented a conceptual plan and estimated the project costs at approximately \$10,000,000. In that RPV City Staff had previously estimated project costs at some \$20,000,000 or so, this was certainly good news when estimated project costs were about 50% of projected costs.

Wednesday February 2nd, an RPV "List Serve" message announced that the RPV Council would have a Public Hearing on the San Ramon Stabilization Project on March 1st. A website link was included and we found some interesting reports. As we read the documents, the apparent recommended solution is an underground large pipe structure that follows a path to the ocean that is entirely within RPV. The reasoning seems sound as no negotiations with any other municipal body is required, as well as apparently being the least costly route as well.

Interesting is that the "Preliminary Opinion of Probable Construction Costs" are \$10,324,200 and much in line with the July projections. Added are about \$2,400,000 in design and related costs making a total of less than \$13,000,000. However, what is bewildering are contingency costs of almost \$6,500,000 or about 50% of construction costs. We have placed calls to both Harris and Associates and RPV City Hall and are awaiting their return calls.

Of course, RPV City Hall continues to report that San Ramon Stabilization Project is a \$20,000,000 project. In the meantime, RPV City Hall has wailed that they do not have \$20,000,000 and have been seeking support from "The Fed's" including hiring a Washington DC based consulting firm at \$4,000 per month. We understand that a RPV City Hall entourage

recently made a pilgrimage to Washington DC to solicit funds. We are presuming that trip was not particularly rewarding as we have not heard any success stories. Perhaps a published report informing taxpayers of who went on the excursion, who was contacted, trip costs and likely results is in order.

In view of the seriousness of a critical matter like the San Ramon Stabilization Project, we wonder why RPV City Hall continues to frivolously hire consultants and spend money on projects not desired by taxpayers. One example is the proposed improvements for Lower Hesse & Grandview Parks for which we see little resident support. The cost for each park is estimated at \$2,000,000 or more. Staff also continues to propose a new City Hall which we cannot afford.

RPV received \$2,000,000 in TOT funds from Terranea in its 1st year of operation (2009 / 2010) and undoubtedly similar or greater funds will be received this year with more to follow in years to come. The McCarrell Canyon project was paid with existing funds and General Fund reserves as well. Council controlled funds that are at an all-time high. What is the Finance Advisory Committee doing? Is it not their responsibility to address these critical issues rather than accepting the questionable funding reports espoused by the RPV Finance Department?

RPV – Leadership Academy

Another interesting development is that at the recent (Feb. 1) Council meeting City Manager Carolyn Lehr announced the creation of a "Leadership Academy." Apparently the intent is to train those desiring to run for the Council or to be appointed to a Commission or Committee. There has been some speculation that if the poorly crafted Measure C were to pass, the lame duck councilmen might well attempt to establish new criteria for running for a Council seat thus attempting to take Council selection away from the taxpayers. Might they require graduation from the Leadership Academy as a qualification requirement? While it would seem that such a condition for eligibility for office would be clearly unconstitutional, if Measure C were to be approved, a lawsuit would be required to overturn such actions imposing new qualification requirements.

Mirandela Senior Housing Project

The Daily Breeze (Melissa Pamer) reported on December 26th that the Mirandela Senior Housing Project located at the corner of Crestridge & Crenshaw had been completed and that all units were rented and occupants were moving in. While we will admit that we had a great deal of trepidation on this project it appears those moving in are mostly Peninsula / South Bay

residents and / or family of Peninsula residents and that accommodations are nice and residents & families are pleased.

Los Angeles Community College District

For those so interested, the following candidates have been provided to us as fiscal conservatives and are not endorsed by the teachers union.

Seat #1 –Josef Essawi

Seat #3 – Mark Isler- he is a write in candidate

Seat #5 – Lydia Gutierrez

Seat #7 – Erick Aguierre

Newsletter Responses

Reader comments are welcomed and should be sent to 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. Lots of good info posted there.

Subscriber Comments:

- All that has to be said about Measure C is the following quote from the Ralph M. Brown Act:

“The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

It would be difficult to find a more appropriate passage as relates to the RPV City Council. They have tried to hide the consequences of Measure C from the beginning. To this day they still will not give facts about the supposed millions to be saved by eliminating prevailing wages. I challenge them to pick a project, any project, and give the details as to how much could be saved

- Let's be clear. Overshadowing the value in any city charter, there is a fatal flaw in THIS proposed RPV city charter: It does not contain checks and balances. The old rule says, "Sooner or later, if they CAN, they WILL."

Our electorate is mostly unaware that this proposes a skeleton two-page charter for RPV. Its proponents base its value on our trust in all future city councils and in possible cost savings, yet every description says it "may," "could" or "might" save us money. In fact, as our City Attorney and our Finance Chair admit, their estimates depend on unsettled law as the Vista case exemplifies.

No checks and balances, too much risk, too little debate, too weak a factual foundation. Maybe a well-conceived charter could be good. For now, we are obliged to vote NO on C.

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 com-puter 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. Those who have topics of community interest are encouraged to bring those issues to PVP Watch.

The Editorial Committee