

PVP Watch Newsletter – May 19, 2012

To Our Friends and Supporters

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California – Disaster is Fast Approaching

The latest news from Governor Brown is that the Golden States budget deficit is now projected at \$16 billion up from a merely awful \$9.2 billion last January. As proven many times in the past, the anomaly is that the more something is taxed the less is received. Now being reported by State Controller Chiang is that April tax collections were down some 20% or \$2.44 billion below budget projections and Governor Brown and the California Legislature are proposing more tax increases. Interesting is that as some other states, Texas being one, reduced tax rates their tax revenues increased.

Of course we should not overlook that Sacramento is controlled by the public service unions and there is no effort there to reduce the unsustainable benefits enjoyed by public sector employees. What we are also hearing from Sacramento is the usual threat that school budgets will be cut as schools budgets are the best weapon that bureaucrats have to extract funds from taxpayers' wallets.

On the June 5th Primary Election ballot are two Initiatives Prop 28 "Limits on Legislators' Terms in Office" and Prop 29 "Imposes Additional Tax on Cigarettes for Cancer Research." PVP Watch believes both Initiatives to be "Red Herrings" and urges a NO vote on each.

RPV in Crisis..... Continues

The "Rules and Regulations" saga continues on... Will Councilman Jim Knight continue to support Mayor Anthony Misetich and Council member Susan Brooks in their attempt to modify the Council's meeting "Rules and Procedures" to give greater power to the City Manager / staff or will he support the much more acceptable version proposed by Councilman Jerry Duhovic

that is also supported by Mayor Pro Tem Brian Campbell? Also "on the table" is a new Council, Commission and Committee "Protocol" initiated by Ms. Brooks which would have the effect of limiting freedom of speech for RPV volunteers to conform to a questionable new set of "standards."

Some ask, "What is the Big Deal with Rules and Procedures? Why do we care?"

Following are excerpts from a submission from Lowell Wedemeyer, an RPV resident and current Chair of the Storm Drain Oversight Committee which was presented at the joint Council / Planning Commission on May 8th. Mr. Wedemeyer said "it well" and we believe a powerful message for all.

*"As always, this Comment addresses issues of public policy only. It does not address or criticize **any** Council Member, Commission Member, or City Staff member. Council membership is essentially a volunteer, unpaid position. Each Member also has a day job and a family. There is a strictly limited amount of volunteer time that City Council Members can devote to council meetings. There also is a limited amount of time that Council Members can spend outside of meetings, but that poses different issues that are left for another comment. There is an impossibly large volume of written and oral information and demands directed at Council Members. The information flow is akin to drinking from a fire hose. -- it is impossible to drink without drowning in the absence of at least one powerful control valve.*

The Council's meeting agenda generally serves as its main control valve. At least six people are trying simultaneously to operate that main control valve -- five council members and the City Manager. Only one of those persons, the City Manager, has a full time, paid job dealing with the massive flow of information.

POINT 1. *Never should any City Manager ever be given discretion to control the Council's meeting agenda to the exclusion of City Council Members.*

Why is there peril?

There is peril because *who sets the meeting agenda controls the debate*. This is true of any meeting, but it is especially, harshly true in California government meetings. Under the Ralph M. Brown Open Meeting Act, who sets the agenda is exercising the power *to criminalize debate of any and all topics left off the meeting agenda.*

There is peril because who sets the agenda also chooses the public policies and priorities that actually are implemented by the Council and the City. Only that which appears on the meeting agenda gets meeting time and attention. That which does not appear on the agenda gets a zero priority - omitted matter is affirmatively prevented from

receiving majority attention both during and outside a meeting because of the criminal strictures of the Ralph M. Brown Open Meeting Law.

There is peril to democratic government because elected Council Members are excluded by a non-elected City employee from operating the most powerful control valve in the government system.

POINT 2. Council rules must provide opportunity for Members who are in the minority (either on a single issue or on a broader split within the Council) not only to make a bare offer of items for meeting agendas, but also to explain their proposals on the merits so as to have a meaningful opportunity to lawfully build a majority. The Council Rules must not enshrine a tyranny of a majority with the power to insulate themselves from meaningful comment or debate from minority Members.

Just as a city manager can control debate and can criminalize dissenting speech of elected Council Members by omitting topics from the meeting agendas, so also can a mayor or a council majority."

Mr. Wedemeyer's complete thesis is posted at www.pvpwatch.com. Please go to the Current Issues page.

The initial submission by Mayor Misetich and Council member Brooks contained modifications that were objected to by many community participants. Since then there have been outreach meetings with RPV Commissions and Committees. A public session is scheduled at the Traffic Safety Commission meeting on May 21st at 7PM in the Community room at RPV City Hall. A Council workshop is scheduled for May 29th. We remain hopeful that the majority, perhaps all Council members will support the revised Rules & Procedures version proposed by Councilman Jerry Duhovic that includes protection for Council minorities. It is past time to put this matter to rest and to move to the important matters that should have the Council's attention.

For those seeking further information, this link to the May 8th special meeting of the Council and the Planning Commission provides greater detail.

http://www.palosverdes.com/rpv/planning/agenda_videos/display/index.cfm?id=161

Nature Preserve Trails.

Kudos to the RPV Council for deciding on May 15th that Agenda item #1 "Amendments to the Approved Preserve Trails Plan (PTP) for the Palos Verdes Nature Preserve" needs considerably more study. In short, staff proposed making most trails "multi purpose" meaning

that hikers, horses and bicycles could be on the same trails. Some 25 or so residents spoke with most opposing staff recommendations, reason; hazards on some trails. Although the staff was accustomed to the previous Council's usual acceptance of staffs preserve recommendations, this Council did not, to the credit of ALL Council members. Each Council member stated they did not have sufficient data for making any decision on the staff's potential life threatening recommendations. Some Council members plan to walk the Trails themselves in preparation for making a better-informed decision.

Councilman Jerry Duhovic suggested that a citizens (those that use the trails -- hikers, bikers, equestrians) committee be formed for better management oversight and input. While Duhovic's suggestion seemed to have merit, it was opposed by staff and the PVP Land Conservancy. It seems to us that Duhovic is "on target" with something long needed, a Public Lands Commission that could protect taxpayer interests and we will comment more on that concept in the future.

RPV – Budget Time

It is that time of year and budgets are now being compiled for Fiscal Year (FY) 2012 / 2013. Residents for all Peninsula cities but particularly RPV should be observant of what unfolds. It's interesting that the Council is charging forward with a goal of "Reducing Crime" and has inserted \$178,000 into the budget for a Crime Prevention Deputy and to our knowledge has not yet had any meetings with Captain Bolin, Lomita Station Commander concerning his opinion of what, if anything, is needed for further crime reduction. Although there was a significant crime increase last fall, first quarter 2012 crime statistics reflect a general crime reduction. A significant increase was Identity Theft which is hardly a problem for local police services. Another item is \$100,000 for traffic enforcement. Did not the taxpayers make themselves clear? We do not want overly aggressive traffic management. Have the Sheriffs focus on real problems, not "ticky tack" citations for "soccer moms."

RPV taxpayers may recall that a year ago the last Council discontinued paying the 6.5% employee contribution to the pension fund. However, employees were given a 5% permanent salary increase to offset the 6.5% pension contribution (in addition to a 3% COL raise) which also gave the senior staff a significant pension spike. Coupled with cost of living increases, general salary increases, bonus payments and merit increases, most employees received significant salary increases.

Undoubtedly, City Manager Lehr will ignore current financial times and again seek substantial salary increases for not only herself but staff as well.

It is becoming increasingly apparent that the "residents / taxpayers" may have to put an Initiative on the ballot that further defines City Manager / staff vs. Council responsibilities. Currently, as has been noted by others, RPV operates on a Council – Manager form of government and specifics are contained within RPV Municipal Codes and Ordinances. As Mr. Wedemeyer opined earlier, the Council must not abrogate its responsibilities. The public also needs a viable option for when elected representatives fail to do what they said they would do if elected. Waiting four years until the next election can be catastrophic and present laws for recall require about 5,500 qualified signatures. Better options are needed.

PVP Schools

The Sunday May 13th edition of the Daily Breeze had, in our opinion, an excellent Op-Ed article "Want to appreciate teachers? Reward them with merit pay." The article was written by Sarah Longwell, director of communications at the Center for Union Facts, a union watchdog organization in Washington, DC and the entire article is posted at www.pvpwatch.com. Please go to the Position Papers page.

It is difficult to understand why the teachers union is so adamant about basing teacher pay solely on seniority rather than recognizing performance. Yes, seniority should be acknowledged but so should performance. Performance bonuses should be one-time annual events that recognize performance during the past year or other reasonable periods of time.

There are some 575 or so teachers employed by PVPUSD and we wonder, do the 40 or so activists represent the moods and desires of all 575 teachers? Do the majority of PVPUSD teachers truly subscribe to the questionable union demands, or is this just an activist minority? Using the term "Teachers" as a blanket statement may not seem fair but all teachers do subscribe and are represented by the teachers union so what other options are there?

Newsletter Responses

Subscriber comments are welcomed, please send comments to info@pvpwatch.com

We have been reminded that not ALL subscribers are aware of the PVP Watch website; www.pvpwatch.com. Lots of good info posted there.

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.

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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