

## PVP Watch Newsletter – October 13, 2016

### To Our Friends and Supporters

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### **November 8<sup>th</sup> - General Election**

The November 8<sup>th</sup> election is now just a few weeks away and Election data is now being distributed.

### **YOUR VOTE is IMPORTANT on NOVEMBER 8<sup>TH</sup>.**

The Peninsula’s current Assembly Member is David Hadley. Assembly Member Hadley, a Republican was elected two years ago and has an outstanding record of accomplishment in the Democratic controlled California State Government. Mr. Hadley is an ardent supporter of Prop 13 and is endorsed by the Howard Jarvis Taxpayers Association. PVP Watch supports a vote FOR David Hadley for the 66<sup>th</sup> AD.

Hadley’s competition is Al Muratsuchi a union sponsored Democrat and the person Hadley replaced two years ago. Muratsuchi’s record is dismal and he has a problem with telling the truth. Muratsuchi would vote against continuing Prop 13. **If Prop 13 is meaningful to you, another reason to vote for David Hadley.**

Mr. Wright is not as well known on the Peninsula and he will have a tough race with the 33<sup>RD</sup> Congressional District being overly loaded with Democrats. However he deserves our votes.

***Vote for David Hadley for 66<sup>th</sup> Assembly District on November 8th.***

***Vote for Kenneth Wright for 33<sup>rd</sup> Congressional District on November 8<sup>th</sup>.***

There are 17 different Statewide Propositions on the ballot. A product of our California legislature undoubtedly hoping that taxpayers will be overwhelmed and fail to gather data on all measures.

The HJTA website [www.hjta.org](http://www.hjta.org) / Ballot Propositions provide the best assessment of the many Propositions:

## **Alleged Toxic “Dirt” at Ladera Linda Soccer Fields**

At last the deadlock on the ***alleged*** Toxic “Dirt” at the Ladera Linda Soccer fields has been fractured as the DTSC (California Department of Toxic Substances) / PVPUSD – AYSO on October 4th agreed to a “Consent Agreement to test the much discussed soil. The link to the agreement is below. The first two pages is the PVPUSD attorney’s summarization.

a <https://d3jc3ahdjad7x7.cloudfront.net/mExkmE70bvMMBtDBR90ffepUFdcfcSBzfjezHQn2srd5jGca.pdf>

We believe the agreement has a “fast track” process and the following link will provide ongoing status.

[http://www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=60002419](http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60002419)

What is pathetic is the bureaucratic process that requires the PVPUSD / AYSO to pay for the testing process that will be determined by the DTSC although the DTSC has had already obtained soil samples during the April 27<sup>th</sup> DTSC “raid” of PVPUSD offices and facilities.

*Editor’s clarification:* It has taken over five (5) months for the bureaucratic inaptness of the DTSC to arrive at any reasonable point of negotiation.....

The DTSC is comprised of at least two divisions; Compliance and Criminal. The Criminal group conducted the April 27<sup>th</sup> raid and was equipped with firearms at the ready while purportedly gathering evidence including soil samples of the Ladera Linda “Dirt.” For over five months the Criminal group has refused to release any findings of its supposed testing of the soil samples and presumably no results of any other testing as well. Included in the refusal to obtain data from the DTSC Criminal group is the DTSC Compliance group. Is this not bizarre? One DTSC agency will not release data to another DTSC agency, thus the DTSC Compliance demand that PVPUSD / AYSO pay for another testing of the disputed soil held by the DTSC Compliance group.

That the DTSC Criminal group has made no reports and will NOT provide any information leads to a logical conclusion that DTSC DID NOT FIND ANY TOXIC MATERIALS IN THE LADERA LINDA SOIL SAMPLES. Why else would the DTSC not respond? Five months later...if there was a contaminated soil what is the liability of the DTSC Criminal division for withholding evidence that contained health effecting toxic materials, if there were any such materials?

While we wait for the likely DTSC (Compliance) conclusion that there was / has been no significant toxic materials in the imported “Dirt” by the PVPUSD / AYSO it is time to identify what initiated this costly HOAX to our Peninsula Community? One person, a Ladera Linda resident Ed Hummel who is an Lieutenant in the LA County Sheriff’s Dept. has acknowledged that he filed a complaint with the DTSC that also included the LA County District Attorney’s office, the AQMD and perhaps other agencies as well. Mr. Hummel has long been antagonistic towards the PV AYSO while claiming that his complaint(s) were filed as a community public serving citizen and not as a Los Angeles County Peace Officer.

We wonder, it would seem engaging these agencies to make a “drug bust” type raid on a school facility would take some amount of Peace Officer experience. The public is entitled to an “after action” investigation and report on Lieutenant Hummel’s actions. Perhaps RPV City Manager Willmore would cooperate with the PVPUSD in such an effort. Another matter is RPV City Manager Willmore and Deputy City Manager Gabriella Yap’s close association with Mr. Hummel and another PVPUSD antagonist Joan Davison. July 20 Ms. Davidson wrote to the RPV Council including a copy of the Alta Environmental Report that PVPUSD had ordered stating “*there are some instances of high levels of asbestos found in certain instances* etc.” The Alta report contains no such evidence. We understand that Ms. Davidson has also been writing the DTSC presenting questionable data as factual evidence that toxins are in the Ladera Linda “Dirt.” Perhaps when this mess is final resolved, the DTSC will make a public investigation and report exactly what occurred. The Alta report is posted at [www.pvpwatch.com](http://www.pvpwatch.com) / PVP Schools page.

- **The Alta report contains no evidence of soil contamination with 3 minor instances of asbestos; two non-fiable instances in pieces of building material and one fiable one inch piece of vinyl building material.**

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

### **RPV – City Governance**

There has been a recent breakdown in civility by a few making unsubstantiated / spurious comments in open Council and Planning Commission meetings about Council members and Planning Commissioners. We accept that this is America and there are personal rights to openly express our thoughts. However if one is going to make law breaking accusations, there must be evidence to support those conclusions.

One such occurrence was accusations made concerning the RPV Planning Commission by RPV resident Minas Yerlian in a letter to the Council dated August 21<sup>st</sup>. Subsequently at the September 6<sup>th</sup> Council meeting during item 5, Mr. Yerelian waved his August 21st letter and publically reiterated his derogatory reports concerning the Planning Commission Chair and the Planning Commissioners. What was further shocking was Council member Susan Brooks commentary that she also had issues with the Planning Commission and agrees with Mr. Yerlian’s commentary. The video of this discussion is contained in the September 27<sup>th</sup> Planning Commission meeting in the Communications section of the meeting agenda.

Council member Brooks also joined with the anti PV AYSO gang in the Alleged “Dirty Dirt” escapade.

### **Neighborhood Watch**

Another City Manager Willmore / Council Member Brooks maneuver was an attempt at the October 4<sup>th</sup> Council meeting was to take over the **volunteer** Neighborhood Watch organization. City Manager Willmore had even gone so far as to begin the process of hiring of an additional staff employee to manage the Neighborhood Watch **volunteer** organization. Apparently Willmore and Brooks perceive that they could reduce costs by eliminating a community **volunteer** organization and hiring an additional staff employee without Council approval. Hmm, must be some new kind of *magic*. It was also purported that adding a new staff person would reduce Sheriff costs.

Wonder how that was going to work? As PVP Watch recalls, it was only a few months ago that during budget preparation, the Council was aggressive in spending more \$\$\$ for additional Sheriff services.

### **Ladera Linda Park**

Another looming “Boon Dongle” is staff efforts to build a grandiose Community Center at Ladera Linda Park. Unbelievably, the Council approved \$100,000 for a conceptual site Master Plan design. It seems that staff does not know what is needed thus the logic for “stakeholder” input. One idea is a two story building that would include a museum for the Docents. The last time we saw a complete budget the docents were receiving \$150,000 from RPV residents. In our view \$150,000 is already an excessive amount. What would a museum cost? Why should RPV taxpayers build a museum for the Docents?

A survey of adjacent Ladera Linda residents found that they prefer to modify the existing buildings or perhaps have an approximate 9,000 square foot structure built on or near the original footprint and not remove any trees from the site. It seems that Staff has different ideas. They want to demo the whole site including the removal of all trees, bushes and most fences. Why is it that City Manager Willmore / staff continue to ignore resident and Council preferences?

It would seem that the Council should become more aggressive in improving oversight of the City Manager and his staff. PVP Watch is aware that the Council is considering this matter but we encourage the Council to make it *sooner rather than later*.

### **Airbnb**

An issue on the September 20<sup>th</sup> Council agenda was short term home / room rentals. Details can be seen by watching the video of that meeting. Needless to report discussion was vigorous and heated. The Council decided short term property rentals were a violation of zoning codes and remanded the matter to staff for development of enforcement codes.

### **PVE – Update - Panorama Parklands Litigation**

In 2012, the City of Palos Verdes Estates and the Palos Verdes Homes Association were party to the sale of 1.7 acres of parkland to a private resident who had extensively encroached on this parkland around his home over the past 37 years by building several structures and landscaping much of the area. A group of concerned residents called Citizens for Enforcement of Parkland Covenants (CEPC) filed suit in May of 2013 to overturn the sale, and in June 2015 the Superior Court Judge issued a ruling in favor of the plaintiffs and declared the defendant’s actions as “ultra vires” (illegal). For details, see [www.pveopenspace.com](http://www.pveopenspace.com). Final Judgment in CEPC’s favor was entered over a year ago on September 24, 2015. However, since then the matter has been tied up on appeal. The Superior Court took several months to prepare the appellate record used by the appellate justices to decide the appeal. The appellate record was completed in May of this year. The opening briefs required to be filed by the defendants (the City of PVE, the Palos Verdes Homes Association (PVHA) and the Luglianis) were supposed to be filed in June of this year. However, the defendants have repeatedly asked

the court of appeal for extensions of time to file their briefs. The latest deadline was October 6<sup>th</sup> and the defendants have once again sought another extension, which has been granted.

At this pace, the defendants will likely continue to ask for extensions, and the appellate decision won't come until late 2017 – hence delaying removal of the encroachments and wasting considerably more investment of taxpayer dollars in pointless legal fees.

If you are concerned about why the City of PVE and PVHA is delaying the briefing on the appeal, we would encourage you to email the City Council (c/o [Vkroneberger@pvestates.org](mailto:Vkroneberger@pvestates.org)) and the PVHA (c/o [kim@pvha.org](mailto:kim@pvha.org)) and let them know your frustration.

### **PVE - PVHA (Home Owner Association) Elections**

In the 90+ years of its existence, the Palos Verdes Homes Association (PVHA) Board of Directors was selected by the current board, and then “endorsed” by its members through an election. There was no way for alternate candidates to be added to the ballot.

That has changed as the result of the initiative of a group of concerned homeowners called “Residents for Open Ballot Elections” (ROBE) which include five former PVE mayors and three former PVHA Directors. After pressing the issue last year, ROBE has caused the incumbent Board to implement procedures to allow for alternative nominations. However, the nominating petition rules were made quite onerous requiring witnessing petition signatures, affidavits and notarization. Further, there will be only one mailing (versus three in some previous years). Fax and computer submittals which had been allowed in the past will not be permitted this year. There will be minimal information about the candidates in the election mailing. The incumbent Board could support asking a judge to reduce the quorum requirement but seems disinclined to do so.

Despite these obstacles, ROBE pressed forward and property owners in PVE and Miraleste will have a choice. Over 200 signature petitions were collected for Marlene Breen, Dick Fay and Ried Schott (only 100 were required by law), and their bios can be found at <http://www.pvegoodgov.org/bios>. However, for the election to be valid, a quorum of half of the members (2711) must vote. It is therefore very important to vote. Without a quorum the Board merely reappoints themselves for another year which has been the general case. In fact, a majority of the current Board was selected never elected, and none have been elected since 2009. There are many reasons to seek a change in leadership, and these are covered in ROBE's website at <http://www.pvegoodgov.org> along with names of the steering committee, and relevant press articles and documents. PVHA sold parkland in a decision later ruled illegal in the courts – yet despite strong community opposition they are participating in an appeal of that decision. The PVHA Board supported a recent effort to close a portion of the most heavily used trail in PVE and erect a 300 foot fence (which would be a violation of the same deed restrictions that were litigated) and the PVHA offered to partially fund the effort. PVHA has at best subjective rules for deciding trees vs views disputes - pitting neighbor against neighbor in what can be expensive litigation. The parkland, trees and views are important components of our property values and must be maintained. At this time of year we are all getting lots of election mail. Please look for the ballot from the

PVHA (the PVHA has indicated that the ballots will be mailed out in late October or early November) and vote by returning it by mail. They are only sending one ballot, so please do not lose it.

**Save our parkland and preserve your home value - vote for change at the PVHA.**

### **PVP Watch Welcomes Subscriber Comments**

PVP Watch welcomes reader comments. Please send comments to [info@pvpwatch.com](mailto:info@pvpwatch.com)

We recognize that many PVP Watch newsletter subscribers use mobile devices to read newsletters. However, mobile devices do not always provide acknowledgement that a newsletter has been opened and read.. We ask that those who do read newsletters from mobile devices also open the newsletter at their primary computer before deleting.

One of the current email issues is overactive “spam” detectors and we urge everyone to enter info@pvpwatch.com and PVP Watch into their computer address book

PVP Watch welcomes all input and awaits subscriber feedback on the new newsletter format and postings.

### **PVP Watch – Welcomes Contributions**

**PVP Watch is appreciates the contributions of the many subscribers who have sent checks to PVP Watch and is dependent on the financial support of our many subscribers. Those desiring to make a modest contribution, please send checks to PVP Watch / PO Box 2041 / Palos Verdes Peninsula, CA 90274**

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**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 also suggest that [info@pvpwatch.com](mailto:info@pvpwatch.com) be added to your computer Contacts Directory to assure delivery of PVP Watch Newsletters.

### **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 [info@pvpwatch.com](mailto:info@pvpwatch.com) as well.

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