

# PVP Watch Newsletter – April 24, 2014

## To Our Friends and Supporters

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### **RPV – Attorney / Client Privilege**

The latest dispute is RPV Councilman Brian Campbell's legitimate and longstanding request that City Attorney Carol Lynch provide him copies of correspondence between herself and then City Manager Carolyn Lehr in regards to the San Ramon fiasco approximately one year ago. As readers will recall, City Attorney Lynch and then City Manager collaborated to not inform the Council concerning a potential lawsuit from a construction firm that believed they (the construction firm) had been discriminated against by RPV by not accepting their bid that would have saved RPV residents over \$1 million in San Ramon construction costs because staff had decided that their proposal was one minute late. The Council subsequently learned of the situation by the astute actions of RPV resident Sharon Yarber who sensed a *smelly situation* when the staff change order request became public knowledge. That City Manager Lehr had decided she was the final authority in this negotiation is likely one of the reasons she decided to pursue other interests when her agreement expires on June 30<sup>th</sup>.

Back to Mr. Campbell's longstanding request (July 2, 2013) to City Attorney Lynch for copies of correspondence (emails) that have yet to be delivered. City Attorney Lynch has maintained that this request is an "*Attorney / Client Privilege*" matter and there needs to be RPV Policy created in regards to handling "*Attorney / Client*" documents. Although City Attorney Lynch's initial *Policy* document was on the Council's March 18<sup>th</sup> (#6), the Council did not get to that item that evening. The "*Policy*" document was then placed on the April 1<sup>st</sup> Council agenda (item 4). The discussion was long and confrontational with Council Member Brooks, RPV Mayor in 2013 when this debacle occurred, leading the three person majority of Brooks, Knight and Misetich in supporting City Attorney Lynch and opposing Councilman Campbell's request for information to which as a Councilman he was entitled. Others, not Councilmembers, objected to the procedure document as poorly written, which PVP Watch concurs that it is a poorly written document, yet Knight, Misetich and Brooks rushed to approve, stating that *THEY MUST DO SOMETHING* and that the *Policy* document could be amended if necessary. Sort of a Nancy Pelosi philosophy! There have been objections as to whether or not a *Policy* was really needed. As some logical

residents pointed out, after 40 years of not having a written “*Attorney / Client Privilege*” Policy, why do we need it now? Common sense and good judgment has worked for the past 40 years.... Why change now?

A second segment (April 15<sup>th</sup>) of the “Policy” was the procedure of how documents would be obtained and City Attorney Lynch’s proposal was that a Council member wishing to view a “Privileged” document would have to go to City Hall during normal working hours to view the desired documents. After extended discussion the vote was Brooks, Knight and Missetich in agreement and Duhovic and Campbell opposed. The procedure approved by Brooks, Knight and Missetich is silly but the vote was not surprising.

An issue; why has Susan Brooks, the Mayor during the 2013 San Ramon fiasco, been so vigorous in opposing Councilman Campbell’s request for documents he is entitled to see? We wonder... Why is Councilwoman Brooks so obsessed in restricting Councilman Campbell’s access to the correspondence he has been requesting? Ms. Brooks’ behavior during Council meetings is appalling but for whatever reasons Knight and Missetich “tag along” with Brooks lack of civility and decorum.

### **RPV Salary Comparisons**

In the last (March 31<sup>st</sup>) PVP Watch Newsletter we commented on RPV salaries and projected that eighteen (18) RPV employee salaries would exceed \$100,000 in 2014. The City Manager’s salary exceeds \$200,000 and the department heads have a top of about \$175,000 annually plus benefits. Posted on the PVP Watch website, Current Issues page is RPV salaries 2013 that is further information on staff salaries. As a comparison we obtained salary ranges for selected LA Sheriff positions; Sergeant ranges from \$76,600 / \$100,475, Lieutenant from \$88,800 / \$116,485, Captain from \$115,345 / \$151,200 annually. Although we have not checked with the LASD personnel division for how salaries are managed, it is likely that few are at top range with most somewhere being at less than top salary depending on how long a person has been “at rank.” A comparison between LA Sheriff vs. RPV salaries and responsibilities, clearly LASD command positions have much greater responsibilities than RPV senior personnel. While RPV staff may perceive that they are underpaid, we the taxpayers find otherwise.

It is past time for a factual evaluation of jobs and individual performance, particularly those considered management. A caveat: any job performance evaluation must be by an unbiased third party not controlled by the City Manager.

There are valid reasons for RPV residents to question RPV staff salaries. Due to poor management policies, the RPV City Manager has had virtually unlimited authority on employee salary treatment. There are two classifications of RPV employees; exempt and non-exempt. Exempt are considered management and non-exempt are represented by the employee union. Negotiations are currently underway with the union concerning the non-exempt employees. Details are unknown because current law makes discussions restricted to those so identified by the Council.

Some good news: at the April 15<sup>th</sup> Council meeting the Future Agenda Items period, Councilman Campbell proposed an “Open Public Engagement in Negotiations” (OPEN) ordinance. Councilman Campbell’s proposal is

posted on the PVP Watch website on the Current Issues page. The purpose of “OPEN” is to make all labor negotiations public documents for ALL residents to observe.

The Open Public Engagement in Negotiations” (OPEN) proposal will be on the April 29th Council agenda. Hopefully all Council members will recognize that Councilman Campbell’s proposal is significant step forward towards Open & Transparent government and vote accordingly.

### **City Manager Authority**

City Manager authority has been under question by some in RPV and other cities as well. For those so interested, MC 2.04 / City Council and MC 2.08 / City Manager are posted on the RPV website [www.palosverdes.com/rpv](http://www.palosverdes.com/rpv). Click on Government button / City Clerk / Municipal Code / #2 Administration / then MC 2.04 & MC 2.08. These MC’s were written in 1974 as RPV first formalized a city structure. As residents will observe, the Council has little authority and the City Manager has broad authority. PVP Watch will further address this topic in the next newsletter.

### **RPV Sewers**

Item G (Consent Calendar) on the April 15<sup>th</sup> Council agenda was for the Council to approve an almost \$200,000 project to validate that five (5) sewer lines were “under capacity” meaning that the pipes were not large enough for sewerage demand. Included in the projects was development of plans to upgrade sections of these pipes when the “under capacity” issue has not been investigated. First of all this is a significant expenditure and should have been on the Public Hearings section of the agenda. It is PVP Watch’s understanding that this “crisis’ to increase the size of certain sewer lines is based on a **2009 Report**. Would it not be more prudent to first make a capacity analysis before proceeding with developing a sewer line replacement plan? The good news is that Mayor Jerry Duhovic pulled this item from the agenda and anticipate that it will be rescheduled for a future meeting.

Although staff’s new Infrastructure Management Plan (IMP) was scheduled for the April 29<sup>th</sup> meeting it has been replaced by a FY 2014 / 2015 budget workshop. The IMP was first presented at a Council workshop on February 10<sup>th</sup> where the IMP was rejected by the Council mostly for lack of specificity.

### **PVE – Palos Verdes Estates**

The PVE Parklands / Via Panorama saga continues.

John Harbison, PVE resident reporting on the pending legal suit relative to the Via Panorama parkland transfer situation. *“As far as our CEPC case is concerned, we recently were finally given the 1940 deed transfer for the Via Panorama property tract; it is a real smoking gun that brings clarity to our legal case. Basically, the deed has much stronger prohibitions on any use other than public parklands “forever” and further prohibits the sale of the property “except to a body suitably constituted by law to take, hold, maintain and regulate public parks.” Finally, the 1940 deed trumps the rights of the PVHA to exercise any discretion by binding them (and any future owners)*

*to these restrictions on selling parkland forever. Perhaps most troubling is that both the City and PVHA withheld this 1940 deed when it was requested as part of our legal discovery process last summer; we find it very disconcerting that our public officials have chosen to obstruct justice by withholding critical documents.”*

We understand that a new Judge has been assigned this case who reportedly seems more pragmatic. As far as we know, the next hearing has not yet been scheduled.

### **In Sacramento...**

April 18<sup>th</sup> the Daily Breeze reported (page A1) that a Field Poll found that *“Proposition 13 is not as sacrosanct as it had been in the past. California has so many more younger voters today, and they don’t have the same historical memory as the older generation.”* This comment was reportedly made by Carl Stempel, a California State University East Bay professor who helped write the poll.

April 19<sup>th</sup> the HJTA (Howard Jarvis Taxpayer Association) reported **“Recent poll on changes to Proposition 13 not what it appears.”**

According to HJTA, the question asked by Field: *“Because of complexities in the way businesses and commercial properties are sold, they, unlike residential properties, are not always reassessed when ownership is transferred. Do you favor or oppose changing Prop. 13 to insure that when business and commercial properties are sold or transferred, their property taxes are reset and based on their current assessed value?”*

According to HJTA the poll question was regarding business property assessments and had nothing to do with Prop 13 residential property assessments. So we wonder, why did Professor Stempel make what is seemingly a misleading statement?

Unfortunately, the only group existing to protect taxpayers from the “tax & spenders” in Sacramento is the Howard Jarvis Taxpayers Association. Repeating what we have asked previously, it is in YOUR best interests to join HJTA, annual fees are \$25.00.

### **PVP Watch**

We recognize that many PVP Watch newsletter subscribers use mobile devices to read newsletters. However, mobile devices do not provide acknowledgement that a newsletter has been opened and read; that must come from the primary computer whether desktop or laptop. This is a new system capability that can report opening and reading newsletters which is a very important tool for newsletter management. We ask that those who do read newsletters from mobile devices, to also open the newsletter at their primary computer as well.

One of the current email issues is overactive “spam” detectors and we urge everyone to enter [info@pvpwatch.com](mailto: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.

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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 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 2041 / 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 [info@pvpwatch.com](mailto:info@pvpwatch.com) as well.

***The Editorial Committee***

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