

PVP Watch Newsletter – July 29, 2014

To Our Friends and Supporters

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RPV – Residents BE AWARE

Item #6 on The RPV Council July 15th agenda was a proposed “*Ordinance Reducing the Utility Users Tax from 3% to 2.75% and Modernizing the City’s Utility Tax.*” Included was authorization for having a Special Election this November. The report is 35 pages and states on page 2 that the UUT (Utility Users Tax) *is unfair*, proposes a reduction of .25% (3% to 2.75%) and has a lot of words concerning past legal history. Reading the staff report “alarm bells” began ringing almost immediately. When RPV staff reports unfairness and a tax reduction the matter does attract attention.

Reading the voluminous staff report it appears that RPV staff and City Attorney believe that RPV’s UUT Ordinance is not in compliance with Prop 218 the California Law defining when the electorate is to vote on Ordinances that effect when taxes can be assessed. As we understand the situation, in 2006 that City Council made findings that since the electorate had voted on the UUT only several years prior, further voter action should not be required. However, according to Staff, since 2006 many changes in definitions of telecommunications services have occurred thus the current UUT is unfair and needs to be modernized.

Councilman Campbell wisely questioned “why the rush?” What has occurred since the June 3rd budget meeting that a Special Election is now appropriate? Also Staff is proposing a .25% (1/4 point) UTT reduction to entice taxpayer approval. While residents might appreciate a tax reduction, why such a miniscule amount? Campbell questioned Staff motives and was not inclined to support Staff’s proposal without further analysis.

PVP Watch believes that Councilman Campbell was on target and we share his concerns with this proposal as it appears to be a “Trojan Horse.” Has not Staff and City Attorney Lynch been aware of the unfairness and the need for the UUT to be modernized for some time? The FY 2014 / 2015 budget was approved at the June 3rd

meeting some 30 / 45 days prior. We do not recall this problem being mentioned then. Has the Council been previously aware, it does not seem so? The telecommunications definitions section (Section 3.30.020) consumes over 3 pages of the staff report with some 23 categories. This is excessive and provides an opportunity for subsequent "mischief." A better option would have been a simple acknowledgement that the RPV UUT would adhere to all applicable FCC or Calif. PUC Rules and Regulations relating to local taxing of telecommunications services." Of course, attorneys deal in "Whereas" rather than easy to understand simple statements of fact.

During the Council hearing of July 15th as might be expected, Council members, Brooks, Knight and Misetich voted in unison. However, Councilmen Campbell having objected to the process; to conduct a Special Election requires a unanimous (5) vote thus the matter will have be brought back to the Council on July 29th.

The July 29th agenda has been posted and the UUT matter is items #6 & #7. Although the proposal introduction has been modified eliminating "unfairness," the body of the proposal seems unchanged. It does not appear to PVP Watch that substantive changes have occurred. Lacking substantive changes that clarify the logic for the proposed changes including a clearly presented business case analysis, this proposal should be deferred until the logic is clear and the taxpayers are fully aware of why "modernization" is needed.

RPV - New City Manager Status

Staff reports that some two dozen residents attended the Town Hall meetings at Miraleste Intermediate School and the Point Vicente Interpretive Center (PVIC) and that there were 95 responses to the individual surveys.

Hopefully, that was a sufficient size sample of resident opinions that will be of assistance to the Council and the search firm Bob Murray Associates. A glossy brochure with numerous photos has been prepared and it is anticipated that the Council at its July 29th meeting will approve the Murray Associates brochure and allow the search to begin.

RPV - Council Actions

Those that follow City Hall activities will easily recall the June 3rd bizarre actions by Council member Brooks with the participation of her two Council associates, Jim Knight and Anthony Misetich against Mayor Duhovic's proposal. For the record, this is what Mayor Duhovic proposed:

RECOMMENDATION:

Review and discuss the proposed edits to Municipal Code Chapters 2.04 and 2.08 and provide direction to the City Attorney to incorporate any desired changes into a draft Ordinance, to be introduced at the next meeting.

That Councilmember Brooks organized an OPPOSITION, prior to the Council meeting, to any substantive discussion of the merits is sordid but typical for her and we shall comment further below.

The good news is that as more residents learn of Council member Brooks' antics, they are demanding that the Council pursue a public dialog of the potential benefits that could result from Mayor Duhovic's proposals. The Municipal Codes in recent question, (MC 2.04 / MC 2.08) are posted at www.pvpwatch.com – go to the Current Issues page. We encourage all to read and observe that modifications are mostly clean up from former City Managers Len Woods submission in 1974, some 40 years ago.

Food For Thought: Should the City Manager's position have quantifiable goals and metrics that can measure job performance? Unfortunately, there appears to be a current Council majority (Brooks, Knight, and Misetich) that has little interest in protecting the taxpayer's interests. PVP Watch believes that reviewing municipal codes involving the City Manager's role should be looked at more often than once every four decades, especially as the Council is undergoing a search for a new City Manager.

RPV – City Council “Oversight”

As PVP Watch has previously posted, what do RPV residents who elect Council members believe Council member's duties should be? Have you read the proposed modifications to MC's 2.04 & 2.08 posted on the PVP Watch website? We welcome your opinions. Should the Council have “oversight” of the City Manager and be able to question staff actions, decisions and make recommendations for improvement? Or should our elected representatives delegate ALL authority to the City Manager, usually a *professional bureaucrat*, to make decisions as he / she so decides without Council oversight? Please send your opinions to info@pvpwatch.com.

Beginning in 2012 the RPV Council majority, with Anthony Misetich as Mayor, he and Council member Brooks attempted to rewrite the Council's “Rules and Procedures” to give control of the Council meeting agendas to the City Manager. Remember, the Council can only discuss issues as a body when the subject to be discussed is posted on the agenda. Although current Mayor Duhovic and Councilman Campbell were able to limit that maneuver, Brooks, Knight and Misetich continue to commonly vote as a block that often seems predisposed to their majority conclusions that seem to seldom consider the taxpayers best interests.

Readers should recall the past several newsletters with commentary from former Councilman Tom Long and others claiming that California Law defines the “Council-Manager” form of city government and “oversight” is prohibited. In previous Newsletters we have challenged Mr. Long and / or others who oppose Council “oversight” to provide specific identification of California Law that defines “Council-Manager” form of city government. There have been no response, conclusion, apparently there are no such laws and our findings are correct, that the administrative laws of any given city are what the taxpayers want them to be. We previously have referred to Government Code Sections 34851- 34859 that define City Council responsibilities and that information can be found in previous newsletters.

We again urge subscribers to read the proposed modifications to MC 2.04 & MC 2.08 posted at www.pvpwatch.com / Current Issues page and make it known how you want RPV city government managed.

RPV - A Major Concern

Council member Susan Brooks has one crisis after another and her latest is *her perception* of being “threatened.” One of her most recent actions was filing a complaint with the Lomita Sheriff’s that she had been “*threatened*” in a Facebook posting. An editorial in the PV News (July 16th) reported that Lomita Sheriff’s investigated and found no evidence to support Council member Brooks assertions. More recently Brooks has reported late night parking of unknown vehicles in her neighborhood and apparently she is now supposedly worried for her physical safety. Have residents observed Brooks actions at the Council dais? She does not follow protocol of asking to be recognized and is continually interrupting with irrelevant commentary such as recently wanting the Council to agenzize a discussion about limiting Facebook postings that criticize elected officials. Council member Brooks does not seem to realize that her attempts to limit speech is a violation of the US Constitution 1st Amendment.

One must accept, and this includes PVP Watch, if you are going to participate in the public arena, you need to be ready to take some “flak” for your actions. Ms. Brooks and some of her supporters seem to believe that PVP Watch is too stinging in our reporting about her *deficiencies*. When Ms. Brooks ran for the RPV Council in 2011 she sought PVP Watch support. After several sessions discussing “the issues,” PVP Watch agreed to support her. Once elected, Ms. Brooks quickly forgot what she had committed to during the campaign and there is an old political adage “*don’t make political commitments that you do not intend to keep*” as the results can be very inhospitable.

Peninsula - July 29th Press Release

A Vision of Providing Improved Amenities for the Eastside residents of Palos Verdes Peninsula

The City of Rancho Palos Verdes, the Palos Verdes Peninsula Unified School District, and Marymount California University have a shared vision of providing the residents of the eastside of the peninsula and Miraleste with enhanced services, including access to improved amenities and active recreational activities at the Miraleste Intermediate School site.

At the February 18, 2014 Rancho Palos Verdes City Council meeting, the City Council voted 5-0 and at the April 3, 2014 Palos Verdes Peninsula Unified School District meeting, the Board of Education voted 4-0 (one member absent) to allow conversations to continue with Marymount California University to analyze the feasibility of entering into a tri-party agreement for the shared use of the Miraleste Intermediate School Athletic Facilities and certain facilities at Marymount’s Rancho Palos Verdes campus.

The parties are discussing the current uses of the Miraleste facilities, among other locations. The School District and Marymount have entered into a one year agreement using the Civic Center Act while the possibilities for a long-term, multi-party, multi-year agreement are explored and pursued.

Schoolteacher Tenure

For those who may have missed the announcement, June 10th Judge Rolf M. Treu, Los Angeles Superior Court, ruled in a landmark decision in Vergara v. California that school teacher tenure was unconstitutional. Needless to say, the decision will be appealed and only time will determine what the final conclusion will be. More information can be found by Googling Judge Rolf M. Treu, school teacher tenure.

California Politics and Election Issues.

Following is an announcement by the HJTA relative to another frivolous action by the California Legislature:

HJTA Files Suit to Remove Senate Bill 1272 from Ballot.

July 22nd the Howard Jarvis Taxpayers Association filed a legal action seeking to remove Senate Bill 1272 from the statewide November ballot. SB 1272, which would appear on the ballot as Proposition 49, is yet another effort by the California Legislature to pervert the election process.

SB 1272 would submit to California voters an “advisory” ballot proposition advocating a change to the U.S. Constitution that is intended to overturn the U.S. Supreme Court decision in Citizens United v. FEC, which held that the First Amendment prohibits government from restricting political independent expenditures by associations, corporations and labor unions. That SB 1272 is poorly drafted is gross understatement. It dramatically oversimplifies a complex and nuanced area of constitutional law.

If Peninsula residents have not been watching the California 66 Assembly District (that includes the Peninsula) race, you should. Al Muratsuchi (Democrat) was elected two years ago (thanks to over \$2 million dollars of contributions from the California Teachers Association and other public sector unions) was beaten in the June primary by David Hadley, a Republican. Hadley is a refreshing individual who will better represent the people’s interests in Sacramento than Al Muratsuchi. If you have not yet met David Hadley, you should. His campaign headquarters is located at the corner of Lomita and Hawthorne Blvd’s.

Muratsuchi was recently fined \$800 by the FPPC (Fair Political Practices Commission) for improperly reporting campaign contributions during the 2011 election.

PVP Watch

PVP Watch welcomes reader comments. Please send comments to *info@pvpwatch.com*

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. PVP Watch is now using a new system with capability to 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 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 – 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* be added to your computer Contacts Directory 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. Those who have topics of community interest are encouraged to bring those issues to info@pvpwatch.com as well.

The Editorial Committee
