

PVP Watch Newsletter –August 30, 2009

To Our Friends & Supporters:

More & more residents are favoring voting at home using Absentee Ballots. Those desiring that option, PVP Watch has the absentee ballot application filed at www.pvpwatch.com / Current Issues. Forms can be downloaded, completed and submitted to the LA County Clerk by US Mail.

PVP Schools

Some Good News from Sacramento. Gov. Arnold Schwarzenegger has called (Sacramento Bee Aug. 21) a special legislative session for lawmakers to repeal a controversial law that prohibits linking teacher evaluations to student performance. As we understand the situation, our California Legislature, at the request of the California Teachers Association, several years ago passed legislation that *prohibits linking teacher evaluations to student performance*. Now "The Obama administration is demanding the repeal to make California eligible for part of \$4.3 billion in federal stimulus funds for schools. But the move could face tough going in the Democratic-controlled Legislature because of opposition from the California Teachers Association" according to the article written by Torey Van Oot. Go to www.pvpwatch.com / PVP schools page for the entire article.

Editor: It is time (really past time) for implementing a merit / bonus pay plan for teachers. While we make broad statements concerning teachers, in reality there are many fine teachers who should have that option open to them. PVP Watch encourages the PVPUSD to make "merit" pay a "must do" objective for the 2010 teacher contract negotiations. PVP Watch urges Peninsula taxpayers to make their opinions known on this important topic.

PV Fire

Kudos as well as a resounding **Thank You** to the LA County Fire Department and to their mutual aid partners from Redondo Beach, Torrance, Los Angeles City and Long Beach and other unknown fire departments for their outstanding efforts in containing last Thursday's (Aug, 27th) Peninsula fire. No homes were lost and damage was limited to some fences and outbuildings along the Rolling Hills boundary with the RPV Nature Preserve.

We understand that the fire started in an area adjacent to Narcissa & Peppertree Lanes in upper Portuguese Bend. Not yet known (at least not yet revealed) is how the fire started. With current weather conditions all must be ever vigilant in fire prone areas.

One must now wonder what RPV's liability would have been **IF** fire had spread to homes in Rolling Hills? What is clear is that since RPV purchased the land several years ago which is now

known as the Palos Verdes Nature Preserve which includes most (perhaps all) of the land where the fire occurred, RPV now has liability for the maintenance of this property. We are now learning that the fire was fed by brush / foliage that apparently had not been trimmed / removed since the last fire in 1978 or so. It has also become apparent that RPV is deficient (trying to say it nicely) in managing brush clearance in other areas as well.

An issue is RPV's relationship with the Palos Verdes Peninsula Land Conservancy (PVPLC) and the intent of RPV to give (in some way shape or form) management control of the "preserve" to the PVPLC. Control of the preserve MUST be maintained by the City of Rancho Palos not by an entity over which the people have little (no) control. The proposed NCCP (Natural Communities Conservation Planning) document that was composed in 2004 budgeted \$300,000 payments by RPV to the PVPLC for managing the preserve. Responsibility, including the new Park Ranger, should be placed in Recreation & Parks Department with a concurrent creation of an Oversight Committee that will represent the people's interests.

A concern among residents is that RPV has spent about \$800,000 over the past several years for emergency preparedness and it is difficult to see what has been achieved. It would seem that one recurring and predictable hazard in RPV is fires which are likely to continue if plans are not implemented that attain brush control in the preserve areas.

RPV

The August 18th Council meeting was another marathon session that began about 5PM for interviewing prospective candidates for completing Peter Gardiner's term (Nov. 2009) and ending about midnight in the midst of the Marymount appeal.

During the interview of Jon Cartwright for the open Council position Councilman Doug Stern displayed a lack of integrity, character and judgment by accusing Mr. Cartwright of soliciting a "quid pro quo" deal for trading votes several years ago. Anyone familiar with Mr. Cartwright knows he is a respected, ethical and honest person. As for Stern's accusation...unfortunately it seems Stern's unfounded accusations are a continuing RPV liability.

Terranea: Another matter before the Council was Terranea. The primary item was the rescinding of the TOT credit ordinance. At issue was that Lowe's had failed to implement the agreement within the two-month time frame as initially agreed. The problem was that Terranea's primary lender is Corus, a bank located in Chicago that has its own problems and would not agree to the TOT deal thus limiting Terranea options. That day Cascade Investments (Bill Gates) secondary Terranea lender had filed foreclosure proceedings. People knowledgeable with large real estate

financing transactions have commented that this was a very smart move by Cascade and likely Bob Lowe as well. Cascade now has legal standing should the FDIC or (Feds) move on Corus.

The fact that a foreclosure action had been filed sent Councilman Doug Stern into a 'tizzy.' Stern & Long had been against the TOT deal from the getgo and Stern was again disgusting with his rantings. Stern's greed was apparent when he remarked that the TOT was RPV money and he wanted that money. Looking at the other side, should Terranea close, 600 people will lose their jobs and there will be \$0 TOT dollars for RPV. What a responsible public official would have done was to offer to assist the Lowe organization in any *feasible* way.

RPV's law firm, Richards, Watson & Gershon ran up a \$150,000 fee for their so called experts to evaluate the TOT deal. This is but another example of the questionable behavior of the RPV financial staff for allowing an endless billing clock. It was reported that the analysis took nights and weekends for what? Bob Lowe certainly has a right to question the \$150,000 expense.

Terranea is now "open for business" and apparently exceeding initial expectations. It is reported that total TOT (occupancy tax) will be approximately \$400,000 by the end of August. This equates to roughly \$4,000,000 in guest room receipts. Not known is other income from the many restaurants, bars etc. Unquestionably there are some tough issues ahead for the Lowe's organization but it seems to some of us that there is an extremely capable management team in place that will persevere and make Terranea a flourishing community partner. We, the Peninsula community, need to support Terranea.

Political Supporters

RPV Councilman Doug Stern distributed (email) the following statement on August 7, 2009:

"I am hopeful that all candidates will adhere to both the letter and spirit of the California Constitution, Article II, Section 6 which declares:

- (a) All judicial, school, county, and city offices shall be nonpartisan.
- (b) No political party or party central committee may endorse, support, or oppose a candidate for nonpartisan office."

PVP Watch requested a legal clarification and received the following:

California Democratic Party v. Lungren, 860 F.Supp. 718 (N.D. Cal. 1994) invalidated the Article II, Section 6 prohibition on political party endorsements of candidates for non-partisan offices.

It would seem that RPV Councilman Stern, an attorney, has misquoted the applicable California law concerning political endorsements. We can only speculate as to how much Doug Stern has cost RPV taxpayers in pursuing questionable lawsuits.

Marymount

The RPV planning Commission recently approved the Marymount plan for upgrading / modifying the Marymount campus on PV Dr East. There has been a small opposing faction who have appealed the Planning Commission decision and the appeal was on the August 18th RPV Council agenda. After an abbreviated hearing the meeting was continued to September 12th.

For whatever reason that does not make sense, when a Planning Commission decision is appealed, the Council starts from the beginning as if the Planning Commission was never involved. Why start from the beginning? This wastes staff time, wastes time for everyone who has to sit and listen to the entire situation again. Does it not make sense that the Council would hear the Merits of the appeal and act on that matter?

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 welcomes modest contributions and appreciates the many contributions received. Those desiring to contribute, please send checks to PVP Watch PO Box 7000-22, Palos Verdes Peninsula, CA 90274. We thank those who have contributed for helping to promote PVP Watch.

Subscribers

The PVP Watch e-mail list continues to grow. For those who wish their addresses removed, please send notice to info@pvpwatch.com.

PVP Watch strives to bring current issues to www.pvpwatch.com. Those who have topics of community interest are encouraged to bring those issues to PVP Watch.

The Editorial Committee