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March 13, 2008

BY HAND DELIVERY

The Honorable Ross Johnson
Chairman
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814

Ms. Amanda Saxton
Chief, Enforcement Division
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814

Re: **ADDENDUM**: FPPC File No. 070764 - Tom Long & Douglas Stern

Dear Commission Chair Johnson and Ms. Saxton:

This letter is an addendum to our previously filed formal complaint in the above entitled matter. Since our filing of the original complaint on November 16, 2007, and our addendum on February 29, 2008, more evidence has come to light supporting our allegations against Mayor Tom Long and Councilmember Doug Stern.

The enclosed documents supplement **Exhibit L** from our February 29, 2008 correspondence to you. The enclosures demonstrate a pattern of delay and misdirection tactics used by City staff to thwart the efforts of the political opponents of then-incumbent candidates Tom Long and Doug Stern. . These documents also further demonstrate that the incumbents Messrs. Long and Stern were using City staff as their personal campaign team to gain a critical advantage over their political opponents, particularly challenger Don Reeves. As you know, under California law, using taxpayer resources to assist election campaigns is an improper and illegal use of public resources.

The attached documents show RPV resident, and Reeves' campaign adviser, Barry Hildebrand's futile attempts to gain basic information from the City. Mr. Hildebrand was advising the campaign of Mr. Reeves, who was one of two challengers to incumbents Messrs. Long and Stern for the RPV City Council. Mr. Reeves also was an opponent of a ballot measure (Measure C) which was openly and actively supported by Messrs. Long and Stern during their campaigns

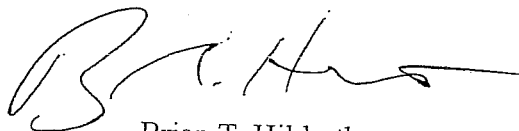
Mr. Hildebrand, on behalf of Mr. Reeves, submitted detailed questions to City staff and eventually requested a meeting with staff. As the documents illustrate, Mr. Hildebrand was rebuffed at every turn. The documents show that as the months passed, Mr. Hildebrand was unable to get answers to his basic questions. To this day, his questions remain unanswered (almost a year after his initial request).

When Mr. Hildebrand's requests (and the City's non-responses) are compared to requests made by members of the City Council, the distinction is shocking. City staff provided rapid and detailed responses to councilmembers (who then used that information for political purposes). In fact, when a campaign worker supporting incumbent Long requested financial data in support of Measure C and Mr. Long, in order to prepare campaign literature for Long, the City's deputy finance director provided the detailed information within hours. I refer you to **Exhibit K** in our February 29, 2008 letter for such examples of email requests to City staffers and staff's subsequent responses.

Such actions cannot stand and violate the public's trust in its government. We request the FPPC investigate these violations of state law and bring the proper penalty to those responsible.

Please feel free to contact me if you have any questions or require additional information.

Very truly yours,



Brian T. Hildreth

Enclosures

Subj: **RE: Storm Drain Projects**
 Date: 5/1/2007 12:10:00 P.M. Pacific Daylight Time
 From: clehr@rpv.com
 To: Bjhilde@aol.com, publicworks@rpv.com
 CC: citymanager@rpv.com, DReeves895@aol.com

Hello Barry,

I got your questions, and I'll look into these matters and get back to you. I was out of town for my son's graduation from University of Michigan. GO BLUE!

Carolyn

From: Bjhilde@aol.com [mailto:Bjhilde@aol.com]
Sent: Monday, April 30, 2007 12:38 PM
To: publicworks@rpv.com
Cc: citymanager@rpv.com; DReeves895@aol.com
Subject: Storm Drain Projects

To: Jim Bell, Director of Public Works
 Copy: Carolyn Lehr, City Manager

Subject: Storm Drain Projects

For some time we have been trying to have a brief meeting with you and other staff members to discuss the status of and plans for the Water Quality/Flood Control projects. Your predecessors and other staff members did this in order to avoid misunderstandings without getting into the politics of the Storm Drain User fee. We believe that your department is doing a good job but have the following questions and observations. We are available to discuss them at a mutually agreeable time.

- (1) The latest status posted on the city website identifies a number of completed projects as well as a number of planned or budgeted projects. We believe the recent commitment of funds is consistent with our previous recommendation. If "earned value" is based on completed projects, then the value appears to be about \$2 Million for FY '05-06 and FY 06-07 to date. Of the remaining \$4 Million budgeted most appear to be in design or delayed for various reasons. The \$1.8 Million Sunnyside Ridge project is scheduled for June but most likely cannot be completed this fiscal year. Dean Allison (former PW Director) had estimated that \$2 Million per year was the best that could be accomplished by staff which helped define a 20-year program. While your staff might ramp that number up, it looks like that could be optimistic which makes the annual funding level requirement less than that value. Do you agree?
- (2) The above numbers do not seem to include the \$0.9 Million McCarrell Canyon-Tarragon Canyon Property Purchase. The need is understood but it was not in the plan because it was not construction. We understand that the current (total) McCarrell Canyon cost estimate is \$3+ Million whereas it was originally on the order of \$4.5-5 Million. We would like some clarification on this total project.
- (3) What is the schedule and cost estimate for the final McCarrell Canyon catch basin? Would the Gabion and Timber Walls handle the proverbial 50-year storm? Has someone done an analysis?

- (4) Much of the work completed to date (~\$1.3 Million) has been linings. We totally agreed with Dean Allison and you about this approach. We understand that the average cost has been running around \$40,000 per lining. Approximately how many more linings are planned?
- (5) It has been reported that there are now more projects than originally planned. We would like to see a list of the original Priority 1, 2 and 3 projects and an addendum of new projects.
- (6) What was the original schedule for lower McCarrell canyon (below PVDrs.) and why and how should it be accelerated considering the limits on doing the work? What is the new schedule?
- (7) Do you have an updated cost estimate for construction and linings without contingency, administration, filtration, maintenance, etc?

Thank you for your time,

Barry Hildebrand Don Reeves

See what's free at AOL.com.

Subj: **FW: HOA**
Date: 5/11/2007 4:26:35 P.M. Pacific Daylight Time
From: clehr@rpv.com
To: Bjhilde@aol.com

Here it is, Barry. Hope this is what you're looking for.

Also, I'm gathering info from finance and PW on the storm drain questions. Please watch or join us for the Vision Plan update that Joel is presenting this Tuesday night at the Council meeting. I would like to know what you think, and any remaining questions you would have. I hope it will answer several of the questions you sent me. If not, we'll address them.

Carolyn

From: Carla Morreale [mailto:carlam@rpv.com]
Sent: Friday, May 11, 2007 3:56 PM
To: clehr@rpv.com
Subject:

Carolyn –

Here is the HOA list.

Carla

Subj: **Fwd: FW: HOA**
Date: 5/12/2007
To: ken.delong@gte.net, MathysRW@aol.com, DReeves895@aol.com, Sandjol@aol.com, eglamonte@cox.net, ortolanor@yahoo.com, nancycomaford@cox.net

Gang,

I just sent this to Don and forgot the rest of you. Also note Carolyn's comments about Vision PPlan (on agenda Tuesday) and PW re storm drains. Apparently nobody wants to meet with us.....so what do we do about that?

Barry

Subj: Re: FW: HOA
Date: 5/21/2007
To: clehr@rpv.com

Hi Carolyn,

Thanks very much for the updated HOA list. It was a lot larger than the one that the city got me two years ago, and almost three times the size of the one in the PV Phone Directory. It sort of leaves me wondering about the veracity of other information in the PV Directory.

As to the other two pending issues (Storm Drains and Vision Plan), it appears from your response that staff doesn't want to meet with us. We have looked at the web-site for updates on Storm Drains, and I attended two of the three meetings which the Oversight Committee has held. At last Wed's meeting, the status report was discussed...and it was fairly enlightening. However, a face-to-face meeting usually produces much better understanding, because of the opportunity to ask direct questions and get immediate feedback.

The same is true of the Vision Plan even though we submitted a list of questions. An in-person Q&A session usually produces other questions that appear because of misunderstandings being cleared up, etc. It is our hope that two meetings can still be held: (1) On storm drain program with PW/Finance, and (2) On the Vision Plan (and Open Space) with Planning/Finance.

Thanks for your consideration,

Barry Hildebrand

Subj: **Questions About Storm Drain Projects**
 Date: 8/9/2007 2:45:56 A.M. Pacific Daylight Time
 From: Bjhilde
 To: Clehr@rpv.com
 BCC: DReeves895, ken delong@gte.net

Hi Carolyn.

Sometime in March or early April we requested a meeting with Jim Bell, Dennis McLean, and yourself to discuss the status of the Storm Drain Program. You replied that the **staff was too busy** for a meeting, but that if we submitted a list of questions you would make sure that they were answered. A face-to-face meeting would have been more productive (they always are), but we complied with your resolution and compiled a list of questions which could be answered in absentia.

The e-mail below was sent to Jim Bell with a copy to you on April 30, 2007. You answered us on May 1, 2007, saying, "I got your questions, and I'll look into these matters and get back to you." However, there have been no answers provided by anyone as of this date (8 August 2007); that's 100 days and counting. Is it the city's intent to provide those answers and if so, can you tell us when? If you do not intend to provide them, then we find that there is a serious credibility problem in our city.

By the way, we note that the **staff is not too busy** to spend time at the P. V. Bay Club explaining the McCarrell Canyon work to the residents, and on a second day meeting with a P. V. News reporter at the site to provide her with a story exuding nothing but election propaganda. (???)

Barry Hildebrand & Don Reeves

Subject: Storm Drain Projects
 Date: April 30, 2007
 To: publicworks@rpv.com,
 CC: citymanager@rpv.com, dreeves895@aol.com

To: Jim Bell, Director of Public Works
 Copy: Carolyn Lehr, City Manager

Subject: Storm Drain Projects

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Thank you for your time,

Barry Hildebrand Don Reeves

Get a sneak peek of the all-new AOL.com.

Subj: Storm Drains and Other Stuff
Date: 8/17/2007
To: fnplypn@verizon.net

Hi Frank,

I've been wanting to write this since the CC meeting of 19 June, at which you gave a final report of the Storm Drain Oversight Committee. The very fact that the committee was 2-2 without your vote on the issue of the 2% increase in the TAX coupled with some consternation about whether your committee should make a "political" decision was very telling.

Having sat through two of the meetings (1st and 3rd) and witnessing the staff (Kathryn Downs and Dennis McLean) refuse committee-member requests for additional data, I believe that your committee was severely short-changed. Ray Mathys told me that similar requests at the second meeting were also denied. During the fourth meeting, Don Reeves suggested that your committee look at two other reports (prepared by the Finance Staff), but was summarily dismissed. When the Mayor (or maybe it was Councilman Wolowicz) asked at the 6/19 meeting if you were given all the materials you requested, you gave an affirmative answer. This was clearly false. **Comment?**

Since the original repair and construction plan has not been updated, the 5-year budget plan can be nothing but inaccurate hype. Couple that with the fact that 40 lining projects have been completed with a 20% UNDER-run to a budget established in 2004 (\$40k/pipe "actuals" vs \$50K/pipe "budgeted") during a period of rising material costs, says that prudent management should demand that a "cost-to-complete" be prepared. You and your committee did not have such an updated estimate to rely on.

My own personal opinion is that this subject (SD Upgrades) should take on the attributes of a mini-"Manhattan Project." To even propose a 30 year span of time to correct known deficiencies sounds like malfeasance in office to me (because the previous Pub Wks director suggested a much quicker completion). **How about you?**

The extra cash generated by the 2% increase (about \$22,000) is adequate to line maybe one-half of a CMP. Of course, the CC made hay of it by showing their concern about repairing the drains. More important than that though, is the fact that the SD/WQ Fund has more cash in it than can be spent in 3-4 years at the current burn-rate. Unless the project tempo is picked up, the city could face another McCarrell-type disaster. **Do you agree?**

Now I note that in the rebuttals* prepared for the sample ballot booklet this fall, the writer (Councilman Wolowicz, I believe) says that "Our *independent* citizen's oversight committee recommended Measure 1...". The committee, sworn in under the Brown Act, MUST act as a body at a properly noticed meeting and with a proper vote, and CANNOT make a political recommendation. **When did that happen?**

* Neither of the rebuttals submitted by city advocates are really "rebuttals"; they are merely more election pleadings and hyperbole. A true rebuttal attempts to answer questions, errors of fact, etc. that were presented in an "argument" made by the opponents of a measure. **Your comments?**

Barry Hildebrand