



"Accountability"
Glendale's Watchdog

January 21, 2008 Happy
Birthday to Barry Allen

Vanguard
Weekly News Vol III
Week of January 20, 2008
City of Glendale, CA Edition
www.vanguardians.org

HEADLINES

Solution for Street Repairs – Redux

The four stages of Vanguardians "First they ignore you, then they laugh at you, then they fight you, then you win."
Mahatma Gandhi describing the stages of establishment resistance to a winning strategy of nonviolent activism

When WE are complacent THEY win!

"I don't make jokes. I just watch government and report the facts." Will Rogers

BREAKING NEWS

[TOP STORY From the Glendale News Press by Jason Wells](#)

NEWS ANALYSIS:

Activists taking a toll on city

They claim their audience every Tuesday night from the speaker's podium in City Council chambers, arguing for myriad changes throughout the city. It is one of the purest forms of democracy — the right to address government; but in doing so, Glendale's self-described community advocates are also hitting the city's bottom line.

Next Week City Management Foibles



HEADLINES

Another approach to funding City Services



The letter from Attorney Feldman is a follow from last week's article about selling the streets.

From Lewis G. Feldman of Goodwin Procter in Los Angeles regarding 'selling the streets' and the question, 'What happens if the gas tax formula is changed?'

The Municipal Bond Insurer must pay the certificate holders and wholly bears the risk of a change in the State's gas tax allocation formula.

The City has no general fund obligation whatsoever to repay the certificate holders. This financing arrangement is not backed by the full faith and credit of the City or general tax revenues. Consequently, the insurer and the rating agency required that the certificates of participation in the installment sale agreement be sized

based on only 1/2 of the gas tax receipts; there is two times coverage on the annual certificate payment obligations. The bond insurer, which is rated AAA by Standard and Poor's, underwrote that risk on the coverage of gas tax revenues to annual payments.

As a legal matter, the article distributed by the Associated Press attached to your email errs in characterizing this financing as based upon a "loophole." The financing approach has been used extensively in

California for decades. The California Supreme Court ruled on the use of leases and installment sale agreements in the so-called *Offner-Dean* line of cases, and the use of installment sale arrangements is specifically codified in Government Code, §6508 (Joint Powers Agencies) and Government code, §37350 (leases and installment sales.) The *Offner-Dean* line of court decisions dating from the 1960s established the principle that a binding long-term lease or installment sale

agreement with vesting of title to the public improvements in the public entity at the end of the term does not create debt subject to the constitutional debt limitation. The Supreme Court and subsequent tribunals have consistently reasoned that lease or installment sale obligations, unlike debt obligations, are either contingent upon the continued use and/or occupancy of the leased property or, in the case of installment sale arrangements, contingent upon the receipt of a specific source of revenues rather than the full faith and credit of government. In this case, that source of revenues is gas tax allocations. Without the receipt of those taxes, the City has no

obligation to pay installment payments and the insurer must pay the certificate holders. The insurer received an insurance premium from the certificate holders in exchange for taking this risk. So, the structure of the transaction is nothing new. But the significant and unique aspect of this financing is that the general fund of the City is not on the hook for repayment of any of the installment purchase payments, and that decaying infrastructure can be replaced or improved today rather than patched and glued together on a dribs-and-drabs piecemeal approach. By some

estimates, the United States must spend at least \$1.6 trillion over the next five years to stave off further infrastructure decay, as can be evidenced by the levees in New Orleans, the rush-hour collapse of the Minnesota bridge, or last year's New York steam pipe explosion. Since California law mandates that gas tax revenues be used for roads, Oxnard's approach is a lawful, forward-thinking and economically responsible solution for securing its residents' health and safety. We are extremely proud to have been part of the City's successful implementation of important public policy.

All that is necessary for the triumph of evil is for good men to do nothing

If you have issues with the City and you fear retaliation or intimidation, bring them to Vanguardians and we'll share them with the appropriate department assuring your anonymity.

City Council



This sign is something new in City Hall. It appears that when the Council decided not to challenge the 1st Amendment the City Manager determined to act as a legislative body and outlaw the First Amendment, Freedom of Speech in the people's house. The notice doesn't suggest how to get materials authorized. Yet after telling Vanguard to remove Vanguard News from the table, the City allowed cards inviting the public to come to the Harvest Gallery a for profit business, to remain. It appears there is no penalty only the threat of confiscation. This matter needs to be placed on the agenda quickly.

Weekly Council Scorecard

Council	1-15-08	Overall	Contact info
Drayman	A	B	jdrayman@ci.glendale.ca.us;
Najarian	A	B	anajarian@ci.glendale.ca.us;
Quintero	A	B	fquintero@ci.glendale.ca.us;
Weaver	A	C	dweaver@ci.glendale.ca.us;
Yousefian	absent	B	byousefian@ci.glendale.ca.us;
			SHoward@ci.glendale.ca.us;
			Starbird@ci.glendale.ca.us;

Criteria: Responsiveness to the community, knowledge and understanding of the issues, placing the needs of the public first and attitude, attentiveness and accountability.

Giving money and power to government is like giving whiskey and car keys to teenagers' *P.J.O'Rourke*

Fire Department

Retired Police Chief Bruce Philpott, a 40+ year Glendale homeowner, takes on the Glendale Fire Department to show the public how to save millions of dollars and improve public safety. To schedule a presentation for your group, call him at 818 240 8949 or email him at logicpoint@aol.com.

[Click here to read a dialogue between Bruce Philpott and the fire fighters union.](#)

[Boston Fire Commissioner Roderick L. Fraser, a former Navy commander](#) with no prior experience in municipal fire departments, who took the post 13 months ago, said he was astonished to learn recently about what he describes as an abuse of the system. Other than Fraser, all the department's uniformed officers, including the fire chief, belong to the same powerful union. Glendale also has an opportunity to break this unhealthy hold on the public by hiring a new Chief from the outside. Does Bob Iger make movies or policies? Be sure to check the related chart where they list names. Why can Boston do this and Glendale can't?

[Oakland Fire Department accepting first 1,000 applications today Department doesn't expect a problem, but police will be on hand](#)



[NYC – Firefighters abuse the system and bosses say staffing cuts are next.](#)

Thanks for the heads-up on Boston. Here are my thoughts... This Boston Globe article highlights the gross abuse of the fire pension laws in the Boston Fire Department and probably all over Massachusetts. It gives unreasonable benefits to firefighters who take advantage of the available largesse. The bounty is so great that they have no problem leaving their morals and ethics behind. Boston City Government's priority investment should be on hiring the best covert video production team in the country, bust one of these criminals and send him to state prison. That would probably be the only way to stop this activity. If continued, this practice could bankrupt a city like Boston. If they adopted a model similar to the military where firefighters serve for four years, this practice,

at least in the rank and file positions, would stop. They are less likely to get injured, are gung-ho, and could be acquired for less cost and benefits than the career system now in place. The military fights fires as well as their public counterparts and they only serve for four years stints. The adoption of this model could save the country billions of dollars a year. The Boston Office of the FBI should launch an investigation with the RICO statute in mind. This clearly is an on-going criminal enterprise and should be viewed as such. The only consolation is that these former firefighters have to look in the mirror every day for the rest of their lives. If I were one of them, I wouldn't like what I saw. TB

A government that robs Peter to pay Paul can always depend on the support of Paul. - George Bernard Shaw

Leadership Circles are forming. Want to find out how to tap into and hone your leadership skills? If you are female and between the ages of 15 and 105, click below to email us to be notified of the next Circle: [Leadership Circles](#) or call us at 818.243.2322 *Fifty-Fifty Leadership* www.fiftyfifty.us is a non-profit organization 501(c)3



Our Mission: To transform the culture within which we live to one that **naturally** includes women on an equal basis in the selection of leaders

Vanguard is published independently by *Vanguardians*, Advocating for Accountability– Our vision is to live in a community where all people, regardless of geography, background or economic status, can enjoy accountability, integrity, effectiveness and responsiveness from our elected officials and each of the city's departments, through grass roots involvement, engagement and advocacy.

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1 [Commentary](#) *You may agree or disagree with the views below. Feel free to comment on them.*

Legal extortion... I was talking to an acquaintance and he gave me some appalling news. He and his neighbors decided that they would approach a developer and tell the developer that they would challenge the EIR because the proposed development would bring traffic, noise and congestion into the neighborhood. Now, if the developer wanted these pesky neighbors to go away all they had to do was pay them \$1,000,000 and away they would go. Was this a solution or was it just to line the pockets with filthy, ill gotten lucre? Mind you, the issues of complaint are still there. In Glendale we have had the same issues. The last deal that I heard of was just for a \$500,000 fee not to complain about parking variances. Believe it or not, the people asking for and taking the money were not City officials, just plain folks.

The issue of campaign contributions affecting the GRA and HA voting on issues within 12 months of receiving contributions of \$250 or more was brought before the joint meeting. Researching this issue indicates which agencies are not covered:

Section 84308 expressly exempts from its coverage the following agencies: Local agencies whose members are elected by the voters such as city councils. The exemption for these agencies extends to *committees* of the agencies, if only members of the governing body of the agency are on the committee. It also applies when the governing body, *in its entirety*, sits as the governing body of another agency (e.g., a board of supervisors designates itself as the redevelopment agency for the county). In these cases, the officers are *not appointed* to the other agency. However, as stated above, if a member of an exempt agency also serves as an appointed member of another, non-exempt agency, the prohibitions of section 84308 do apply.

Section 84308 applies to city councilmembers who also serve as members of the Redevelopment Agency, unless the redevelopment agency is made up of the city council in its entirety without any other members. (Markman I-94-223.)

In determining whether a board or commission is exempt for purposes of Section 84308, the focus should be on the actual make-up of the board or commission. For instance, the governing board of a sanitation district that may consist of both elected and appointed members, but which, in fact, consists solely of members of the board of supervisors, is exempt under section 84308. (Dixon A-96-203.)

The issue of 84308 is being addressed through legislative input that us being facilitated by Vanguardians.

The reality is that developers are investing over a billion dollars in downtown development to provide tax money to drive salaries, rebuild and maintain infrastructure; and bring in customers to shop at stores and eat at restaurants and attend arts events should NOT have to pay campaign contributions to elected officials. If not for their investment, the city would implode as tax revenues are reduced and salaries and benefits continue to escalate.

Moral cowardice that keeps us from speaking our minds is as dangerous to this country as irresponsible talk. The right way is not always the popular and easy way. Standing for right when it is unpopular is a true test of moral character.

[Margaret Chase Smith](#)

TAKE ACTION – GET INVOLVED – BE INFORMED -- READ VANGUARD

Mortgage Company breathing down your neck for late or no payments?
We can help. No equity – No problem. Call today to discuss your options.
The sooner you call, the greater the options. Call Today 818 694 0588



Potpourri

2 Letters & Email

ED – Letters published do not necessarily express the opinion of Vanguardians, this publication, the organization or Barry Allen. Names are used only when requested. Letters will not be published that aren't signed and/or are hate oriented.

The list of reforms is good except I think in one or two cases, you will run into problems with the First Amendment! Also, it might be OK to add--Remove the Council from sitting on the RDA and the Housing Authority and make those positions available to others in the community either by voting them in or having them appointed by the Council as well as serving without pay thus saving taxpayers well over \$100,000 annually!

Lastly, Forget the Term Limits farce. They have been, are now, and will be in the future, a disaster, politically, economically and socially!. We need to maintain an experienced Congress, Assembly, Council or whatever and not a group of total beginners who can't find their ass with both hands like we do now.

If we applied term limits to the private sector, most businesses, small and large, as well as other organizations would either collapse over time or be forced to raise prices of their products even more than they do now. **DS**

[ED Term limits in the private sector...people get fired for non-performance or get to stay on the job when they do good. With public officials they start to feel entitled when they stay too long.]

Good list of campaign reform ideas. I would like to suggest that you add paying Council members more, like \$80 or \$90,000 per year to reduce temptation. Give a real wage. **BG**

I can't believe that while the rest of the City employees settle for a 3% raise, Mr. Howard, the City Attorney, got an 11% raise. When you go through the council minutes, you see that he received a 3% COLA plus a 4% adjustment on July 10th and then gets another 4% on December 18th. Isn't this the City Attorney that was in charge of the office that lost the big discrimination case and approved those wonderful tree letters? It's not like he was going anywhere. It was just a gift of public funds by our council. **CE**

Re: Jan 13 issue of Vanguard -- Certainly the current management is simply out of touch and most of them need to go. While it is easy to sling mud and make personal attacks - this is not the way to address the matter of the trees. Let me tell you what I would do.

1. I would review all "silly" city ordinances and repeal them all in one action.
2. I would have a third party come in and review the city management and find ways to improve operations. But not the same consulting clowns who attempted to revive King Drew Medical Center and failed. That would likely mean replacing many of the "old timers" because even though they may be "good people", these "good people" are not subject to the changes needed to improve operations. I can hear it now "well I've been there for 10, 15 or 20 years and they owe me..." OK then, buy them out and say "thank you and adios".

Mayor Najarian, well, I personally think that both he and Mr. Weaver pose a liability to the City; that is just my opinion. I thought that your "report card" was too generous. Mr. Howard, well, I also think that he is "out of touch". Maybe he can be the City Attorney for the City of Santa Monica, Hermosa Beach or even West Hollywood.

3. If I were on the City Council, the meeting would be shorter and systems implemented to deal with issues administratively if possible, perhaps through an ombudsman. **HJ**

I SAW KAL BAN CONSTRUCTION WORKERS ON REPAIR JOB ON THURLENE & ANITA DR TOLD THEM THEY WOULDN'T BE GOOD CITY WORKERS BECAUSE THEY WORK TOO FAST THEY DON'T STAND AROUND AND TALK. DON'T GET IN THEIR WAY OR YOU'LL BE PART OF THE PAVEMENT. **CG**

[Eliminate Prop. 13](#), and your tax bill will soar, so that government (whose workers are paid more than most of us and who enjoy pensions far in excess of what most of us receive) won't have to live within its means. Many people would soon be taxed out of their homes.**FG**

CALLS: I am pleased that [Retired] Chief Philpott and Vanguard have taken on the fire department. They have been ripping off the taxpayers for years. If only they were ½ as accountable as the police department then we could see some better value.

I think Mayor Najarian is a better host as he gives the guest more time to talk than Larry Zarian. I watched Barry on both. [ED Having appeared on both programs I say that both former Mayor Zarian and current Mayor Najarian are excellent hosts even though Ara doesn't give gift certificates to Tony Roma's.]

Thank you so much, Barry, for helping me get my mother's headstone up. Everyone else blew me off. You gave a good course in contacting the Court. Thank you again.

Articles: PART 2. [The Meaning of Civility](#) by Guy Burgess, Ph.D. and Heidi Burgess, Ph.D.
Separating People from the Problem

First, and most obviously, is a commitment to civility in the traditional and relatively narrow sense of the word. People need to recognize that other thoughtful and caring people have very different views on how best to address their community's many complex problems. Constructive debate needs to focus on solutions which are most likely to be successful, and not upon personal attacks leveled by adversaries against one another. This is summed up by Roger Fisher, Bill Ury and Bruce Patton, authors of the *New York Times* best-seller *Getting to Yes*, who advise disputants to "separate the people from the problem." When this is not done, conflicts tend to escalate so much that key decisions are made on the basis of very personal, "us vs. them" animosities rather than the relative merits of competing problem-solving strategies.

Obtain Available Technical Facts

Many public policy disputes involve factual disagreements which are amenable to resolution through some type of fact-finding process. Failure to discern available facts substantially increases the probability that the situation will be so misunderstood that the solutions adopted will fail to achieve the desired results. Constructive civil debate, therefore, requires that the parties work together to resolve factual disagreements wherever possible. There are, of course, many cases in which factual issues can't be resolved because of irreducible uncertainties associated with the limits of scientific inquiry. When, this is true, contending parties need to publically explain the reasoning behind their differing interpretations of the factual information which is available.

Limit Interpersonal Misunderstandings

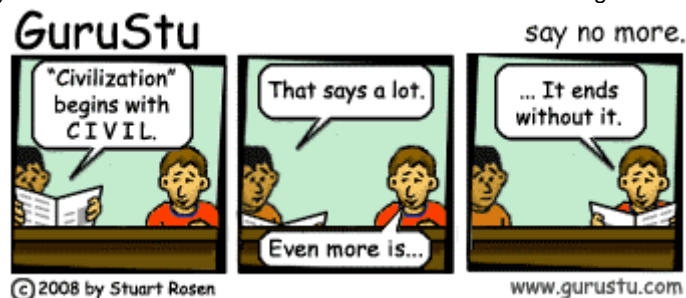
Often the adversaries proceed on the basis of very inaccurate (and usually unjustifiably evil) images of the interests, positions, and actions of others. Civility requires that contending parties make an honest and continuing effort to understand the views and reasoning of their opponents. The community needs to condemn the deliberate distortion of information and the presentation of unbalanced views as unacceptable.

Use Fair Processes

Civility also requires that the public issues be addressed by a process that is fair in both appearance and fact. Public input needs to be honestly solicited and considered. Decisions also need to be made on the basis of substantive arguments. For example, advocates of the status quo should not be able to prevail by simply introducing endless procedural delays which prevent alternative proposals from being considered or acted upon.

Limit Escalation

The most destructive confrontation process, escalation, arises when accidental or intentional provocations beget greater counter-provocations in an intensifying cycle that transforms a substantive debate characterized by honest problem solving into one in which mutual hatred becomes the primary motive. De-escalation and escalation avoidance strategies are needed to limit this problem.



LINKS: [Click here for Vanguard Archives by Hal Weber](#) [UOpen Government Guide](#) [Uwww.vanguardians.org](#) [UCheck Zip Code Demographics](#) [UGlobal Incident Map updated every 5 minutes](#) for a free copy of waste of taxpayer money and painful reading, go to [Piglet Book 2007](#) . [Glendale Fines Resident \\$347,600 for Pruning Trees without a Permit!](#) -- [ZIPskinny - Get the Skinny on that ZIP](#) [Vanguard in the Daily News](#)

CALENDAR – [Click to view the agenda](#) [City Council](#) - [Housing Authority](#) - [Redevelopment Agency](#)
Monday, January 21 City Offices Closed – Martin Luther King, Jr. Federal Holiday and **Barry Allen Birthday celebration**

Tuesday, January 22

2:30 pm Glendale Housing Authority - Glendale Redevelopment Agency -- Glendale City Council/Glendale Housing Authority --
Glendale City Council/Glendale Redevelopment Agency
6:00 pm Glendale City Council --, City Council Chambers, City Hall, 613 E. Broadway, Glendale. 548-4844

Verdugo Golf Course, Campaign Finance Reform Absentee Ballot applications-Use of TIF—Cedar Park

Wednesday, January 23

Zoning Administrator's Hearing -- 9:30 am, MSB, Room 105, 633 E. Broadway, Glendale. 548-2140
Civil Service Commission Meeting -- 5:00 pm, City Council Chambers, City Hall, 613 E. Broadway, Glendale. 548-2110

Thursday, January 24

2:00 pm, **Special Meeting (New Time)** – Arts & Culture Commission –City Council Chambers, City Hall,
5:00 pm Design Review Board #1 –, Room 105, Municipal Services Building, 633 E. Broadway, Glendale. 548-2140
(Please note the permanent time change for these Boards)

3 Open Government The question of the week...can anyone get free legal services from the City Attorney?

4 Vanguard

Please welcome Chris Winder, our new Webmaster. He has been building websites since 1998 including an American Red Cross website and a Foreign Pharmacy website. He learned while stationed at Camp Foster, Okinawa, Japan with the United States Marine Corps. He is married and has three children. Chris owns a pest control company and is opening a web development company soon. He volunteered to redesign the website because he believes in what we do and because he needs websites to help build his portfolio.

LAST Call for those wanting to be considered for the Vanguardians Board. Please contact 818 243 1502 or send an email to vanguard1@charter.net

Wants & Needs -- Vanguardians needs a light meter and a sound meter, MSVista compatible Adobe 8, a digital camcorder, a color laser printer with duplexer and office space.

VANGUARDIANS		
Please make checks payable to " VANGUARDIANS " Mail to: POB 11202 Glendale, CA 91226		
If contributing by Credit Card call 818 243 1502 or Fax to 818 243 2601		
Checks are best -- the bank doesn't discount them		
Name on Card: _____	Address on Bill: _____	ZIP _____
Card Number: _____	VCode: _____	Expiration Date: _____
Amount: \$ _____	Signature: _____	

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5 Insider

The insider says that one of the stories going around City Hall is about a 4 digit number, 8283 and Messrs. Gangi & Gregg and the acreage given to the Santa Monica Mountains Conservancy....Now, just remember, this is just a story...In December 2005 the City bought 70 acres of land known as Flint Canyon and another 10 acres called the Smith properties. The City paid \$3,000,000 for each piece for a total of \$6,000,000 in cash and accepted a future appraisal by the Cartwright Company for \$12,100,000. This was for property that was purchased several years earlier for \$475,000. The appraisal from LEA Associates was for an amount between \$4.5 and \$5.5 million. The city agreed to provide the necessary documents for the filing of an IRS form 8283 so that the \$6,000,000 paid would be tax free to the sellers. A move that would cheat Uncle Sam out of income taxes on the difference between the sellers purchase of \$475,000 and the windfall sale of \$6,000,000. The City was not indemnified for their role in this deal, only for two other provisions, thus there was still culpability. A report was made to the IRS in 2006 of this alleged nefarious activity. Bottom line...the public has access to Conservancy lands and the City didn't have to pay any fines. A win for a small effort You will find more on the Vanguardians website

A response to last week's Insider from CE. This is so true to form. Another example is Mr. Zurn and Mr. Mc Fall going to Mr. Tom, the Building Official. They admit that they made a big

mistake with their action against Mr. Lee and Mr. Bear, but can't make a public admission. They go to Mr. Tom and convince him to go along with them. If he does, they give him a

raise. Guess what happened last year? Mr. Tom testified against them and got a "salary adjustment", slang for "we made good on our deal." **CE**



New web site logo

<http://vanguardians.org.p12.hostingprod.com> Check out the birth of our reinvigorated web site under the management of Chris Winder. Sign in and explore. You will be able to provide content and even translate articles. The first to be pre-translated will be the weekly commentary in Spanish. Soon the commentary will be in Armenian and Korean.