



"Accountability"  
Glendale's Watchdog

**Vanguard**  
Weekly News Vol III  
Week of March 2, 2008  
City of Glendale, CA Edition  
[www.vanguardians.org](http://www.vanguardians.org)

## No Lobbying City Council City Fears Transparency

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**

[City of Glendale 100K Club, Calendar Year 2006 and 2007 Comparison](#)

Paying too much? CA Governor has a salary of \$206,000. City Manager Patrick West in Long Beach (pop [462,000](#)) receives \$235,000. Glendale City Manager Starbird gets \$242,000.

### **The Public is Still Waiting**

1. For an accurate soils report for 3600 N Verdugo. City Attorney claims the issue has been resolved but the public has yet to see the correct soils report that may have a direct bearing on a cancer cluster.
2. Since December 4<sup>th</sup> for the GFD response to retired Chief Philpott. Fire Chief Howard says they are ready and waiting for the Mayor to place it on the agenda.
3. For the City Attorney to respond to whether his office will provide legal counseling and/or representation for Council member Weaver as Weaver makes his way across the morass of the Los Angeles County District Attorney (DA), FPPC and the IRS. (Fair Political Practices Commission agrees to keep January 2008 complaint open.)
4. For City Manager to call the victims on Broadview Street. City Attorney Howard, to his credit after meeting one of the victims, is taking on the task of investigating the issue.)
5. For justification that the payroll for the \$100K Club increased \$12,000,000 in one year!

### **HEADLINE STORY**

Slipped into the RFP (Request for proposal for the Beeline Municipal Transit system) for the BeeLine was a statement there would be no lobbying of Staff or Officials. The Statement was inconsistent with another RFP that had no such requirements. The current Beeline operator, MV Transportation, was given an after the fact 15 month contract extension because the City 'forgot' the contract expired June, 2007. Meanwhile Route 13 (Glenoaks Canyon to the Galleria) is included in the RFP even though no staff report was brought to Council on the ridership expense justification.

Bee Line preproposal conference is private – the public is not allowed per City Attorney Howard. "As I understand it the Sunday inspection is a pre-proposal inspection for those responding to an RFP. No provision of the law requires or even suggests that all members of the public be invited or permitted to attend a pre-proposal inspection required for prospective proposers. Therefore, I CANNOT in your words, "provide written (or other) authorization that the public is allowed to attend..."

It appears that the bid opening will be conducted in secret allowing the potential for corruption in what should be a \$25-\$30,000,000 contract. More on the flaws in the RFP in future Vanguards.

### **NEWS**

December 19<sup>th</sup> Redevelopment Agency closed session is being questioned as there has been no showing of a written liability issue.

Tour of audible signal cross walks requested by Council member Drayman didn't happen once again. Drayman, traffic engineer Ko, GTV6 and community ADA advocate Dr. Richard Espiritu were there and waiting for the host of the entourage, DPW Director Steve Zurn, to show up. He didn't. Even after having the time changed from 10AM to 1PM. Another slap in the face of the disabled community and to an elected official by top city management. It could be that Zurn is unhappy that a fireman was paid \$63,000 more than him even after a \$15,000 raise.

BeeLine RFP fraught with errors including attending certain sessions of proposers, MV contract following the DPW management approval. Vanguardians, a community process to make certain there are no other abysmal record and has been highlighted by 13 bus service had been awarded to date has not provided the City Council with



prohibiting community members from Transportation had been given a 15 month renewing contract prior to Council watchdog, is monitoring the entire 'errors'. The present provider has had an the ADA community advocate. The route Southland Transit without a bid and to ridership or revenue numbers.

A check of the letter writers to the GNP show that a number of them did not vote in the last City election. Some of them are nom de plume and others are just made up names. It calls to question the need for 'verification' of the writers indentity. Further, there is no distinction made between fact and fiction in the letters, commentary or the editorial.

Burbank reacted to the Missouri City Council shooting by renting a \$600 per day metal detector. In Glendale there is always at least one police officer on duty, even though he sits in the back of the room facing the flag when he should be facing the door to the Chambers. Just follow the Secret Service guidelines for executive and dignitary protection. Glendale has a 'bullet-proof dais'.

Glendale considers strip search to protect Just kidding...



Council and cut down on Oral Communications.

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

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

## City Council

### Weekly Council Scorecard

Council	2-26-08	Overall	Contact info
Drayman	B	B	<a href="mailto:jdrayman@ci.glendale.ca.us">jdrayman@ci.glendale.ca.us;</a>
Najarian	B	B	<a href="mailto:anajarian@ci.glendale.ca.us">anajarian@ci.glendale.ca.us;</a>
Quintero	C	B	<a href="mailto:fquintero@ci.glendale.ca.us">fquintero@ci.glendale.ca.us;</a>
Weaver	D	C	<a href="mailto:dweaver@ci.glendale.ca.us">dweaver@ci.glendale.ca.us;</a>
Yousefian	B	B	<a href="mailto:byousefian@ci.glendale.ca.us">byousefian@ci.glendale.ca.us;</a>
			<a href="mailto:SHoward@ci.glendale.ca.us">SHoward@ci.glendale.ca.us;</a>
			<a href="mailto:Starbird@ci.glendale.ca.us">Starbird@ci.glendale.ca.us;</a>

Quintero was called on the possible use of influence to get stop order issued. Weaver went on a tirade against Patrick Masihi over a 'leak' during closed session. Yousefian speaks up about the Beeline RFP. Hillside ordinance confused even the Council. Najarian prepared for his trip to DC/ City Clerk, Yousefian and the Mayor spoke to Margaret Hammond allegations.

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

## Fire Department

### Glendale Public Safety Budget (In Millions) Per City Website for Fiscal Years 2001 to 2008.

	FY 00-01	FY 01-02	FY 02-03	FY 03-04	FY 04-05	FY 05-06	FY 06-07	FY 07-08
GFD	\$26.1	\$27.3	\$33.4	\$38.1	\$48.2	\$45.5	\$51.1	\$ 56.9
GPD	29.1	31.5	36.3	38.6	51.6	55.4	58.6	63.2
CAFR Public Safety	\$52.9	75.5	67.7	50.1	83.0	94.7	107.7	

Subject to a report from Finance Department

The GFD has assigned one Engineer to redesign fire stations and has even given him a car, fuel, maintenance and insurance. When the GFD leased new fire engines and trucks there was no design committee or an Engineer assigned to the project, according to public documents. The fire department ordered apparatus and ambulances that are excessively large (some can't navigate the winding, narrow roads without hitting parked vehicles and some were ordered with inappropriate drive trains and had to be refitted at taxpayer expense. The time has come that Glendale needs a change in the way business is conducted.

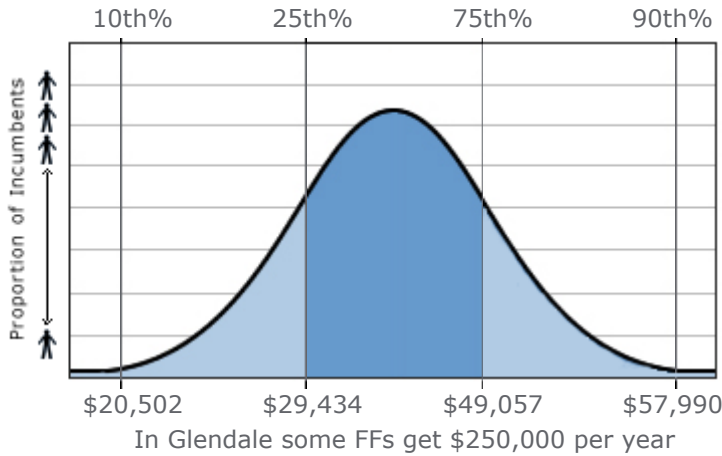
"You've just had a heart attack and, without aid, you have between six and seven minutes to live. As seconds tick by, you're in what emergency personnel call "golden time" - the best time to avoid permanent brain damage from a lack of oxygen," is from

the cover feature article in the [Pasadena Weekly](#) about Bruce Philpott's continuing call for a better managed Glendale Fire Department.

**It was a rough week for the Glendale Fire management and the firefighter's union chief as they appeared before the Civil Service Commission to justify the lack of women in the department. Chair Gantus and Commissioner Abkarian pushed management for real answers as did Commissioner Devine, union President Stavros acknowledged he took his 4-man Engine Company, from Station 26 at Brand & Stocker, out of district to speak on the lack of women. According to the Fire Department, women firefighters prefer to work for other women. The City Manager should keep that in mind when he chooses the replacement for former Fire Chief Gray.**

**One of the speakers on this topic, Carole Weling wrote.** "I have been advised that Capt. Stavros left Station 26 with his staff and truck and proceeded to leave his assigned area to speak at the Civil Service Meeting on Wednesday, February 27<sup>th</sup>. This information is extremely upsetting because when the homeowners in the Mountain/Rossmoyne area wanted speed humps the fire department was adamant about the bumps not impeding their response time. Since I am now finding out the Fire Station personnel leave their assigned area on a whim, I am certain that Mayor Ara Najarian will be extremely displeased since he was one of the advocates that took the position that the loss of even ONE SECOND was not acceptable as regards response time and voted against the speed humps. I attempted to contact Capt. Stavros Friday at approximately 12:30 PM to speak to him directly, however the response at Station 26 was that there is no one there to take the call, and if you have an emergency to call 911. I was under the impression that all fire stations are fully manned at all times for the safety of the community. Since my home is designated in a fire area, I am extremely concerned about this latest development."

Fire Fighter - U.S. National Averages



**I am a Firefighter and I can park my personal car where-ever I choose!!!**

**Retired Police Chief Bruce Philpott, a 40+ year Glendale homeowner, takes on the Glendale Fire Department to show the public how to save \$100,000,000 and improve public safety. To schedule a presentation for your group, call him at 818 240 8949 or email him at [logicpoint@aol.com](mailto:logicpoint@aol.com).** On March 4 the Rotary Club of Crescenta Valley will host Bruce Philpott presenting his plan to streamline the Glendale fire department saving the taxpayers money while becoming more efficient. The club meets at Grandview Palace, 2650 Foothill Blvd, La Crescenta at 7pm for dinner followed by the program. For more information call club president Katie Friedman at 818 248 5348.

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

**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.**

## CONTENTS:

- |                      |                                  |                       |
|----------------------|----------------------------------|-----------------------|
| 1) <b>Commentary</b> | 3) <b><u>Open Government</u></b> | 5) <b>The Insider</b> |
| 2) <b>Potpourri</b>  | 4) <b><u>Vanguard</u></b>        | 6) <b>Humor</b>       |

# 1 **Commentary**

You may agree or disagree with the views below. Feel free to comment on them.

While open meetings are not a right given by the Constitution, the right of the people to have a transparent government is an interpretation of the freedom of press clause.

"Open meetings are not required by the First Amendment. As a result, no minimum standard of openness exists. The federal and state sunshine laws therefore vary significantly in scope, detail and enforcement. The First Amendment-oriented thinking behind open-meetings laws is that a free press must have access to government proceedings in order to do its job of informing the people."  
([http://www.firstamendmentcenter.org/press/information/topic.aspx?topic=open\\_meetings](http://www.firstamendmentcenter.org/press/information/topic.aspx?topic=open_meetings))

The Issue:

Q: Does the act of communicating through emails or text messages between board members during City Council meetings constitute a violation of the open meeting laws?

A: Yes, with a few exceptions

#### Facts and Notes

In article after article, the resounding theme is that our laws were not worded to accommodate technology; specifically, the Ralph M. Brown Act did not foresee e-mails, text messaging, and all other forms of immediate, electronic communication. In a Washington state case (Wood v. Battle Ground School District, No. 25332-1-II), the court found that emails did violate the open meeting laws, based on the facts of the case. They also laid out what they thought to be requirements for a violation of the law:

- 1) a majority of the governing body must interact in the electronic communication,
- 2) that the members must have the intent to meet in order to discuss meeting items, and
- 3) that the discussion of meeting items actually takes place.

([http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=wa&vol=2001\\_app/25332-1&invol=3](http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=wa&vol=2001_app/25332-1&invol=3))

The Reporters Committee for Freedom of the Press website has a very interesting article on this very topic. They note that some states have passed legislation to redefine the term "meeting" to include communication not conducted face-to-face. Virginia, Maryland, and Delaware have all heard cases regarding open meetings and emails/ text messages; and all have made note that the immediate and instantaneous response and reception of communication through those means can constitute a "meeting."

One notable exception to the electronic communication is that which takes place between two people not constituting a majority. "Very few of these open meetings acts try to prohibit one-on-one communication between commissioners or board members... it would be unlikely that officials instant messaging during an official meeting would violate any state laws, since that is essentially not different from one official leaning over and whispering something to another."(<http://www.rcfp.org/news/mag/31-3/foi-messages.html>)

#### Analysis

The Blackberry communications occurring during the meetings that you note could be construed as serial meetings, so long as there are a majority of members participating in a discussion on items to be discussed before the board. I'm not sure how feasible it would be, but what about a state law banning cell phones, PDA's during board meetings? How necessary are they during a council meeting? By Christine Waldron Legal Volunteer

## **TAKE ACTION – GET INVOLVED – BE INFORMED**

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](#)

## **2 Potpourri**



### **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.

All the noise over the distracting absentee ballot applications is over and the candidates won. Good for them. They don't have to spend any money to mail ballot applications; they can get the list from the City Clerk. A minor step in the process of visiting the voter or inviting them to a party to help fill out the ballot. This was the original complaint but it seems as if those that were concerned about an ethnic group prevailing 'forgot' the most important complaint. LC

### **CALLS: We get numerous calls – here are some of the questions:**

Why didn't you speak on the absentee ballot applications? [ED - I was one of the first speakers as to the original report that incited the public because the staff report spoke to BALLOTS – NOT APPLICATIONS. There are many issues in Glendale and Vanguardians has a certain niche regarding fiscal and process accountability.]

I wrote a substantial check to 'Dreaming of Roses'. Where did it go? [ED – A very good question. Check out the deposit stamp on the back of the check. There are two 'Dreaming of Roses'. The original is a committee of the Glendale Rose Float Association, Inc. a non-profit membership organization. It is NOT a charity. Deductions are not automatically tax-deductible unless you deduct the donation as a business expense. The other DoR is a corporation with Council member Dave Weaver at the helm. They are attempting to get exempt status according to their resident agent. According to IRS records the Dreaming of Roses Corporation is sharing the taxpayer Identification number with the Glendale Rose Float Association, a practice that is frowned upon. Talking with investigators, it seems they are looking into many aspects of the cash flow under the control of or for the benefit of Mr. Weaver including the Miss Asia contest. If an investigator calls you to inquire about your contribution or donation, my advice is, cooperate. Financial manipulation is being carefully scrutinized under the Patriot Act II.]

### Articles

<http://halweber.googlepages.com/home> [Videos by Glendale Citizens](#)

**LINKS** [Click here for Vanguard Archives by Hal Weber-- Open Government Guide](#) [www.vanguardians.org](http://www.vanguardians.org) [Check Zip Code Demographics](#) [Global Incident Map updated every 5 minutes](#) for a free copy of waste of taxpayer money, read [Piglet Book 2007](#) . -- [ZIPskinny - Get the Skinny on that ZIP](#) [Vanguard in the Daily News](#) [The Glendale California 100K Club](#) See who makes how much in Glendale

**CALENDAR** – Click to view the agenda [City Council](#) [Housing Authority](#) [Redevelopment Agency](#)

#### Monday, March 3

Glendale Water & Power Commission – 4:00 pm, City Council Chambers, City Hall, 613 E. Broadway, Glendale. 548-2107.

#### Tuesday, March 4

Annual Arbor Day Celebration – 10:00 am, Casa Adobe de San Rafael, 1330 Dorothy Drive, Glendale. 548-2004  
(In the event of rain, event will be moved to Civic Auditorium)

2:30 PM City Hall Council Chambers - Glendale Housing Authority Glendale Redevelopment Agency - Capital Improvement Projects)  
6:00PM Glendale City Council -- 6:00 pm, City Council Chambers, City Hall, 613 E. Broadway, Glendale. 548-4844

#### Wednesday, March 5

Zoning Administrator – 9:30 am, Room 105, Municipal Services Building, 633 E. Broadway, Glendale. 548-2140  
Parks, Recreation & Community Services – 3:00 pm, City Council Chambers, City Hall, 613 E. Broadway, Glendale. 548-2000  
Planning Commission – 5:00 pm, Room 105, Municipal Services Building, 633 E. Broadway, Glendale. 548-2140

#### Thursday, March 6

Design Review Board #1-- 5:00 pm, Municipal Services Building, Room 105,633 E. Broadway, Glendale. 548-2140  
**Community Meeting** – Indigenous Tree Ordinance – 6:30 pm, Chevy Chase Library, 3301 E. Chevy Chase Drive, Glendale. 548-3200

#### Saturday, March 8

**Community Meeting** – Indigenous Tree Ordinance – 10:30 am, Police Community Room, 131 N. Isabel Street, Glendale. 548-3200

## 3 Open Government

**City Attorney opines that by having departments copy them on correspondence that will be sufficient to claim privilege to keep documents such as email from the prying eyes of the public.**

Courts have long struggled with this seemingly easy question. While no doubt exists that "mainstream" media, such as broadcast stations, newspapers and magazines, enjoy the freedom of "the press," the line gets blurrier in cases involving underground newspapers, free-lance writers and pamphleteers. In general, however, courts have defined "the press" so as to include all publishers. The 2nd U.S. Circuit Court of Appeals, for example, has said that First Amendment protections extend to "every sort of publication which affords a vehicle of information and opinion." von Bulow v. von Bulow, 811 F.2d 136, 144 (2d Cir.) (Quoting [Lovell v. Griffin](#), 303 U.S. 444, 452 (1938)), cert. denied, 481 U.S. 1015 (1987).

## 4 Vanguard

Wanted: Armenian and Korean Translators— Wanted: Vanguardians needs a light meter and a sound meter, MSVista compatible Adobe 8, a digital camcorder, a color laser printer with duplexer, a portable document scanner 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

**Checks are best -- the bank doesn't discount them**

Contributions are tax deductible – Rev. Proc. 92-85, 1992-42 I.R.B. 32 –

You will receive a receipt for income tax purposes

Email [Vanguard1@charter.net](mailto:Vanguard1@charter.net) to subscribe to the Weekly News on issues that impact Glendale. **The media with a voice; the organization that gets results you want; we encourage and support your advocacy, involvement and engagement with government.**

© 2008 Vanguard is intended for personal use by recipient and forwarding without change to recipient's personal email list. Vanguardians is in legal formation as a 501C3 charitable non-profit corporation under Rev. Proc. 92-85, 1992-42 I.R.B. 32. Contributions are tax deductible. To ensure you continue to receive Vanguard, please add our email addresses [vanguard1@charter.net](mailto:vanguard1@charter.net), [vanguard1@charterinternet.com](mailto:vanguard1@charterinternet.com) and [ba@fieldworks.net](mailto:ba@fieldworks.net) - to your address book or Internet Service Provider safe list. **Annual subscription for email \$50, by US Mail \$75, Newsstand \$2 per issue** Copyrighted materials used with permission.



To view and print PDF files, you will need Adobe Acrobat reader. If this software is not available on your computer, you may download it for free by clicking on this icon.

## 5 the Insider

Glendale is a Bureaucracy in the truest sense of the word. Most of the managers are people that are bent on building their own dynasty on the backs of others and the ones that are focused on making the system work for the public are on the bottom of the food chain. Mr. Molano is correct when he says it's a cultural issue. The sad part is that it appears to be a perpetual one with no end in sight. The Mayor did not know how the issue (3501 Oceanview) would be referred to staff that Stuart Tom would be looking for ways to stop the project because "that is what the mayor and council want." You can tell just by reviewing the managers' calendars that they are spending a lot of time in meetings with each other and have no time to see what is really happening. All the information is filtered as it goes up the chain of command, because nobody wants to be the one to say things are not going perfect. If you do, then you are not a team player. Even the staff down the line can't open up to the public since there are more than a few out there just waiting to jump on any bandwagon to say we have "bad employees". I have worked for a number of cities and all can be described as different and none of them are perfect. But Glendale has the most deep seated issues. As I can isolate areas that can be changed, I'll get back to you.

With the recent lawsuit of the police woman in the headlines, how about looking at some of the other Departments for possible discrimination problems. If you look at Public Works, one of the biggest Departments, I don't find any female managers. There is one female mid-manager in building and safety who has been acting as a manager for two years without being given the position or even having the position open to apply for. I also hear that she had to file a grievance to be considered for the acting position in lieu of it being given to a male subordinate of hers. I guess the City is just waiting to be sued.

Just to let you know, there will be no report from the Fire Department until Mayor Najarian puts it on the agenda according to Deputy Chief Howard.

## 6 Humor



Brewster Rockit on the Campaign Trail