

A Community Supported Publication



Jacquie McClish

**Water Board
Election Results**

Newcomer Jacquie McClish was the top vote getter in the November election. Brad Cooke placed second and retained his seat on the Board.

City Attorney Resigns

City Attorney Holly Whatley announced her resignation, and the resignation of the firm Colantuono and Levin from La Habra Heights. Prior City Attorney Sandi Levin resigned in 2013.

Michael Colantuono or Colantuono and Levin had been the City attorneys since 1994. Ms. Whatley cited a decline in effectiveness as a reason for leaving, without mentioning specifics.

A recent article on Public Agency Attorney Ethics suggests a reason for the City's Law Firm resignation: "if indeed it is clear that the agency is taking an unlawful action and the attorney's efforts to encourage corrective action have failed, the attorney's only recourse is to resign."

The City hired the firm of Jenkins & Hogins to be the new City Attorney. Michael Jenkins was an early City Attorney for the City.

Spin City

Councilmember Higgins requested publishing and mailing a new publication to the community be agendized for February. The publication would be based on the City facts web page, which gives the City's "spin" on issues. With an increased Fire Tax, new Road Tax, and Trash Tax via new contract expected for 2014, the City will need to convince taxpayers why they should vote for the taxes.

Council Votes to End Shuttle Vouchers

The Council voted to end the popular Airport Shuttle voucher program effective January 1, 2014 to save money on staff time. Many residents took advantage of the discount Shuttle Vouchers. The vouchers were funded with State Proposition A monies.

Council Cuts City Hall Hours in Half

With one Councilmember blaming Citizens seeking service as "disruptive" to Staff working, the Council voted to cut City Hall Office Hours to save money. The Council queried staff as to what were the most popular hours for builders to ensure City Hall was open for them. Effective January 20, 2014, New Hours are 8-11 A.M., and 2-4 P.M. - Current hours are 7:30 A.M. - 6 P.M.

Council Keeps Builder Subsidy

In discussions on whether to cut the Paramedic subscription program, Airport Shuttle Vouchers, City Hall hours, or other services to save money, the Builder Subsidy program was spared. The City Council had voted for YOU to subsidize 40% of Building Permit Costs, about \$80,000 for 2013.

Water Board Removes Publications from Office

At its December meeting, the Water Board voted to remove all non-government publications from distribution at their office. State Law requires all publications be treated equally.

During discussion the existence of La Habra Heights Improvement Association political Enemies was disclosed and that recently resigned Councilmember Higgins received \$500 per month for Heights Life editing.

An Emergency item regarding the City of La Habra takeover of L.A. County Cal Domestic Water customers led to discussion of the advantage to La Habra Heights County Water District taking over the customers as a defense against the District being taken over by the City. The Board decided not to take the customers and to support the La Habra takeover.

More Information on All Stories can be found at www.LaHabraHeights.net

Correction and Retraction Policy

To report errors or omissions requiring correction or clarification, e-mail the editor at LHHnet@aol.com or mail to the address on the back of this newsletter.

**Raid!! on City Hall Remodel
CalOSHA, AQMD-EPA**



*State Health & Safety Inspectors with
City Public Works Manager*

Acting on tips and complaints about possible asbestos and lead paint mishandling, inspectors from CalOSHA, and the Air Quality Management District (AQMD) made a surprise Raid on the City Hall remodel on December 31st. City documents and Officials' comments had identified asbestos containing ceiling tiles and walls. Residents found ceiling tiles, wallboard and insulation strewn about the open, unlocked work site and pieces remaining on wall studs and ceilings. Concerns were raised about health threats to firefighters and children at the adjacent pre-school. The AQMD inspector, who spent several hours on site, stated she found no asbestos.



*Sheriffs attempt to retrieve evidence of
possible Brown Act violation*

**DA Bureau of Fraud & Corruption
Hits City Again - 3 Brown Act Violations
Evidence of Back Room Decisions**

In two separate letters to the City dated November 21, 2013, acting on complaints and their own investigations, the District Attorney's Office of Fraud and Corruption issued a stinging rebuke for multiple counts of City failure to let members of the public speak. "The commissioner violated the Brown Act by interfering with Ms. Kurtz's right to make public comments." "The public right to address the Commission includes the right to criticize the Commission or other city personnel." "This effect of censorship violated a principle right of the public under the Brown Act. It must not be repeated."

The second letter dealt with possible City Council decisions made out of public view (back room deals). "Serial communications as inferred from the scenarios described above, violate the primary concern of the Brown Act of allowing public access to the decision making process by local government bodies. We urge all members of the City Council to not engage in improper communications and to take caution to avoid even the appearance of such conduct."

In late 2012, in a 6 page letter addressing another Brown Act violation, the District Attorney's Office warned the City, "...if similar conduct occurs in the future, we will not hesitate to convene a grand jury.."

**Council Uses Sheriffs to Retrieve Evidence
of another possible Brown Act Violation**

When Staff notes in a December 12th Agenda Report handed to a resident indicated prior City knowledge of increased legal costs not revealed to the Public, Sheriffs attempted to retrieve the evidence from the resident. The document had handwritten notes stating projected legal costs of \$268,000, \$68,000 more than the report provided to the public.

Council Posts Armed Sheriff Deputies to Prevent Public & Press from Attending Secret Back Room Trash Deal Meeting



Sheriffs posted to keep public out of Trash meeting

A City search for a new trash hauler, advertised by the City to be done with “integrity and transparency”, got off to an opaque start as the City posted armed deputies to keep the public and press out of a November 14th orientation meeting for prospective trash haulers.

The City would not answer questions of where the townhouse condominiums were planned, or why forcing haulers not to disclose to customers an annual \$80,000 payoff to the City was an example of “integrity and transparency.”

The proposed contract also includes free service for the City and free service for certain La Habra Heights Improvement Association events with the costs to be built into rates.

The Council told residents contracting with one hauler would bring economies of scale and reduced trash bills. The Contract and winning bidder is scheduled to be brought to the Council at the February meeting.

Does Eden-the-Llama Scare Employees Away?



Tweet used as example of scaring potential employees

The Council approved spending \$25,000 to hire an independent recruiter for a new City Finance Manager, after a Staff report indicated difficulties filling the position, including Tweets that the City claimed scared off potential employees.

Investigations of City Continue

At the December Council meeting, City Manager Shauna Clark revealed outside investigations of the City.

A DA Criminal investigation is now completed with no evidence of wrongdoing found within their jurisdiction. The Citizen Finance Committee is now able to petition the State Controllers Office to investigate allegations of missing checks and admitted off warrant spending. Multiple CalPERS investigations are ongoing as well as a Gas Tax Audit. The City Manager also admitted all kinds of things need to be straightened out in the Finance Department.

Follow-Up - Road Tax Refund

We requested invoices from the Zone 4 and 5 contractor which were released after a 2 month delay. Invoices revealed that no slurry seal was done, denying taxpayers the same benefit received in other zones.

A request to see documents from the City Attorney identifying the legality of diversion of funds from the intended use received a response that the documents are “attorney-client privilege.”

Another request to see Road Maintenance Plans for 2014 was non-responsive referring us to the City Budget which had no plans.



Roads deteriorate without crack seal and slurry

Oil Field Plans - 24 Hour Drilling

Environmental Documents available only upon special request, reveal inconsistencies with Matrix Oil statements.

The Traffic Study assumes that oil will be trucked out, with no plans for a pipeline. Widening of Las Palomas Drive to accommodate the large trucks is planned as “mitigation”. The trucking route will send heavy, oil filled trucks up steep and winding Hacienda Road. Past

City Councils have prohibited north bound oil trucks due to danger and noise early in the process. Plans include drilling or deepening of 30 wells. Wells take one month to drill, with Matrix planning 24/7 drilling.

Neighbors will be subject to 24/7 noise for several years with the entire construction phase taking 5 years.. The Noise Study did not consider noise impacts of trucking along the truck route.

City Hall Remodel Now Exceeds Cost of New



*City Hall Construction December 30, 2013
Cost continues to escalate*

With the Council’s vote to expend \$270,000 to defend a public interest lawsuit against the City Hall expansion and remodel and the cost approaching \$3 million, questions have been raised why the Council did not take the new construction choice, estimated at \$1.9 million at their February 2013 meeting.

Asbestos - Did the City Council Cry Wolf?

Council and Staff Statements and multiple City documents identified lead paint, and asbestos containing ceiling tiles and walls in the Administration and Planning Buildings as a danger to Staff and impetus for the almost \$3 million rebuilding of City Hall. Roofing, plumbing, electrical, hazard abatement and other repairs identified in a facilities assessment would only have cost about \$1 million spread out over 10 years.

After asbestos removal was completed by a contractor, residents visiting the unlocked and open work site found debris piles of drywall and ceiling tiles. Concerns were raised that these contained asbestos, according to City documents. City officials stated they didn’t contain asbestos, even though a court document filed days earlier corroborated that they did. Had residents not visited the site that day, the discrepancy would not have been known.

Would the Council and Staff have exaggerated the dangers in order to get the rebuilt facility with multiple staff lounges, private office suites, and residents separated from city departments and accountable service?

LHH Fire Watch - Filling a Need

The drought has again raised awareness of fire safety. In recent years, the City Council has eliminated the Emergency Preparedness Committee, cut Fire Engine staffing from two engines to one, replaced the full time fire chief with part-time, eliminated on-site volunteer dispatch, removed the Fire Department Training Room from the new city hall and reduced Sheriff Dept patrols to about 12 hours per day.

Seeing a need, a group of residents got together and started La Habra Heights Fire Watch in 2008. The group has a radio network consisting of individuals throughout the community with portable radios. A transmitter network (Repeater) exists in and out of town to provide coverage under most conditions. The group patrols the city during times of high fire danger looking out for problems before they develop, and during other significant events.

The group also keeps an eye out for suspicious individuals or activities and alerts the Sheriff Dept. One of its most valuable services is an online resource that allows anyone to listen to the La Habra Heights Fire Dept, the Sheriff Dept and Fire Watch radio communications. You can obtain ‘real time’ information on what’s happening. More and more residents have tuned in when they hear sirens approaching and want to know what is going on. Access the link at www.LHHFireWatch.com. Fire Watch has monthly meetings at Hacienda Golf Club. New members are enthusiastically welcome.

Code Changes - Petitions Circulating

Residents opposed to proposed Code Changes which will endanger our rural environment are circulating petitions to present to the Commission and Council. The petition identifies proposed changes including:

- Weakening the Landscaping and Lighting Plan requirements by giving the city staff too much discretion to approve projects without requiring limits on lighting and landscaping.
- Weakening the requirements which are designed to stop construction of large big boxlike houses
- Increasing new construction allowed in the setbacks without proper review