

A Community Supported Publication

Waterboard Election November 5th

On November 5, 2013 three candidates are running for two seats on the La Habra Heights County Water District Board. Polls are open 7 AM to 8 PM.

Brad Cooke is a current member of the Board of Directors.



Brad Cooke

Chester Jeng, a dentist and lawyer, ran for City Council earlier this year, has attended Board meetings since July, and is endorsed by current Water Board members and government officials outside the city.



Chester Jeng

Jacquie McClish, an eleven year resident and former risk consultant, has been a regular at Water Board meetings for several years, has educated herself on water issues, and attended meetings outside the city.

Recent important water issues include the major water rate increase in 2012 and the Water Trafficking Deal with Rowland Water District. At the water rate increase hearing held in June 2012 an unprecedented number of water customers submitted rate protest cards and filled the meeting room to capacity to stop the increase. Incumbent Brad Cooke supported the rate increase despite strong objection by rate payers.



Jacquie McClish

Jacquie McClish submitted a rate increase protest card and spoke at the hearing. Chester Jeng did not submit a protest card or participate in the rate hearing.

The controversial Water Trafficking Deal with Rowland Water District, shepherded by Mr. Cooke, uses La Habra Heights water wells, pipelines and tanks to supply water to Rowland Water District in return for a wheeling charge.

We recommend a vote for Ms. McClish to bring an independent voice and balance to the Board.

City Finances Under Investigation

The La Habra Heights volunteer oversight committee had been challenging City finances for months. The City denied any errors or wrongdoing. In April, Libi Uremovic, an independent Auditor, released her findings on City Finances titled - "City of La Habra Heights Audit I Reveals 3 Checkbooks, Embezzled Funds & Forged Check Warrant". In June the City issued a statement denying the charges, but admitting inept practices in the Finance Department in the past and paying contractors out of the payroll account. The oversight committee continued to point out missing checks and discrepancies, which the City has denied. On October 7, 2013, the City issued another statement admitting to 430 unused or voided checks and many checks which were not listed on the monthly Warrant reports. The Finance Manager then left on October 12th. The volunteer committee pointed to past released bank statements which showed checks claimed voided or unused had been cashed for over \$160,000. They submitted a Public Records Request to see the canceled checks and to whom they were paid, but the City stated they do not retain canceled checks and denied the request. The citizen investigation is ongoing.

Did you know?

The City Council voted for YOU to subsidize 40% of Building Permit Costs, about \$80,000 for 2013.

- Yes - I approve of paying more taxes so builders & developers can get a discount on building fees
- No - I'd rather my tax dollars be spent on Roads, Public Safety, or just returned to me.

Let your Councilmembers know what you want!

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.

Lawsuit Filed to Stop City Hall Expansion!

A legal challenge to the embattled City Hall expansion project was filed in Los Angeles Superior Court on October 23rd by resident George Edwardz.

The complaint charges that the City violated the California Environmental Quality Act (CEQA), violated the City Municipal Code, and denied Mr. Edwardz due process and right to a fair hearing.

The \$2.5 million project was approved with a 3-2 vote in February 2013 without a Town Hall Meeting to explain the project and allow for resident input. The Council put it out to bid in July. The City issued itself a CEQA categorical exemption for the project despite significant alterations to the facility. The changes included removal of a Fire Lane, and modifying the front parking area from the existing design of a one-way flow, to a dead end cul-de-sac design (see diagram).

On August 27, 2013, the Planning Commission approved a Conditional Use Permit for the project, for which construction bids had been opened earlier that day.



Existing Traffic Flow



Drawing courtesy City of La Habra Heights. Composite by LHH.net

Proposed Traffic Flow

An appeal was filed by Mr. Edwardz on September 12th for a hearing before the City Council, as provided in the Municipal Code, prior to the City Council meeting that evening. His appeal included, "Fire sprinklers are required for Public Safety and to protect life and or property. City failed to prove fire sprinklers were not needed." Mr. Edwardz paid the required \$1749 Appeal Fee. Despite receiving the appeal and the permit not yet valid, the Council awarded the bid to Cal-City Construction.

At a Special Meeting on September 17th, the City Attorney said the Council had a possible conflict of interest and could not hear the case unless Mr. Edwardz waived his right to challenge the conflict of interest. When called to the podium, Mr. Edwardz stated he would need to speak with legal counsel first to understand the implications. The City Attorney said she took that as a "no" and proceeded to explain that the Council could hire a hearing officer instead, though no provision for one is in the Code.

A hearing was held on August 30th. When called, Mr. Edwardz stated he did not recognize the hearing officer's authority in the matter, but the hearing continued.

On October 17th, the parties received the hearing officer's report denying the appeal. The City was served with the lawsuit on October 24th. Despite receiving the lawsuit, Mayor Roy Francis signed a contract for the project to proceed. In an October 25th Whittier Daily News article, Councilman Michael Higgins said of Edwardz, "I believe he is on a crusade to take down the city," Mr. Edwardz said about the City Hall expansion: "It's a boondoggle that's going to cost millions of dollars without improving residents' quality of life. Yes, the buildings need a new roof and should be made safe. The community needs to decide if millions should be spent on multiple staff lounges and private office suites or road repairs and public safety -- because you can't have both." Mr. Edwardz seeks no monetary compensation, only for the City to follow the law.

Read the lawsuit at www.LaHabraHeights.net

Smile, You're on Candid Camera



Warning Sign at City Hall

The City recently installed 17 video and audio recording cameras inside and outside City Hall buildings.

According to the equipment proposal, the cameras can also be watched online or on a Smartphone by those who have a password. The cost of the system was just \$34 below the \$10,000 threshold that would have required approval at a public meeting. Just days after the installation, the City posted a video segment of a citizen who had been trying for weeks to get public records, only to be asked to leave. The City also posted a voice mail message left on a City Hall phone from a citizen exasperated at lengthy waits for public records and copy charges exceeding costs.

Residents should be aware when they visit or call City Hall that they are being recorded and could end up on the City website.

Your Privacy and Views in Danger as City Seeks to Defy Court Ruling

On May 14, 2013, the Superior Court ruled that the City of La Habra Heights had abused its discretion and did not follow its own codes. The case arose when the Morgan family opposed a proposed neighboring project that would impinge on their privacy. The City General Plan and Municipal Code calls for protection of existing residences' privacy and significant views from impacts of new development. The City approved the project despite missing plans and non-compliance with City Codes. The Morgan's unsuccessfully appealed the project to the Planning Commission and City Council despite evidence of the failure of the City to follow its own Codes. In a response posted on the City website the City Attorney said, "I believe the Court erred." Rather than reexamine processes and oversight, the City Council's reaction to the Court ruling has been to propose sweeping Code changes to lessen requirements and grant

more discretion to Staff. Referencing proposed Code changes, at the September Council meeting resident and retired attorney and law professor William Phelps told the City Council:

"The Superior Court said Staff abused discretion. Instead of fixing our review process, which is broken, someone decides it's a good idea to give more discretion to Staff. That's good comedy but bad government." Residents concerned about the loss of privacy, views and our rural environment should plan on attending the November 12th Planning Commission and December Council meetings, or review the proposed changes on the City website and contact the Planning Commission and City Council members.

Editorial Comment: We owe the Morgans a debt of gratitude for their efforts, at considerable time and expense, to get judicial recognition and ruling on a long standing problem.

If the City continues to ignore and weaken our Codes YOUR View and YOUR Privacy could be next.

Are you due an \$865 Road Tax Refund?

Most property owners paid a \$173 annual Road Maintenance Assessment for 5 years. The 2007 Benefit Assessment District Ballot measure described "slurry sealing streets in the City every five years".

The City is divided into five zones to accomplish



Slurry Sealed Roadway in 2006

this. The Engineer's Report forecast over 50% of maintenance expenditures for slurry seal. The budget for the annual road maintenance program was shown as "\$509,240". The Measure recommended that "the City maintain a 'ready reserve' to address unforeseen road repairs." Road Maintenance funds were not for capital projects or emergency repairs. Water getting beneath the surface causing pavement to sink and crack is the leading cause of road damage.

Filling cracks with a flexible material and slurry seal

were determined the best way to preserve our roads.

The first three zones received slurry seal as provided for in the Ballot Measure and Engineer's Report, however maintenance funds had been diverted for other uses. According to City documents, "funding from zones 4 & 5 was redirected from preventative routine maintenance in favor of replacing failing road segments."

By 2012 the final two zones were combined. Rather than using the \$1,018,480 of road maintenance as planned, the Notice of Completion report itemized \$633,000 spent, with none for slurry seal. Public Records requests have been submitted to ascertain how the City was able to divert monies from the voted purpose, but no response has been received. If the City did not follow legally required procedures to alter services and reduce funding, those property owners in Zones 4 & 5 (roughly east of Hacienda, excluding the area Avocado Crest and south to Cypress) who received no slurry seal or other repairs in front of their property on public roads may be eligible to file a claim with the City for a refund of Road Maintenance Assessment payments of approximately \$865.

Something Stinks in Proposed Trash Contract

A request for proposals (RFP) for trash service requires the selected trash hauler to pay the City \$65,000 up front and \$80,000 per year for "administrative costs." The proposed contract requires the trash hauler to keep this charge hidden on bills to residents. After Waste Management ceased trash service in 2012, the Council said residents would see about a 25% reduction in trash fees as a result of economies of scale achieved by the remaining one hauler.

Most residences contract for the \$25.60 monthly service with Haul-Away Rubbish. After almost 18 months, the reduction to \$19.20 has yet to occur. Requirements for the new hauler include providing free service for City Hall trash pickup and certain La Habra Heights Improvement Association events, with those costs added into the residential trash rates. The City's contract states that the selected hauler will be required to pick up trash at "triplex, fourplex, and townhouse condominiums" in the city, of which there are currently none, raising the question of what the City Council has planned for future development. The Council also does not want you to pay too little, with the RFP stating: "Proposals deemed to be below costs of service will be downgraded and may be disqualified." The

current timeline calls for the City Council to select the preferred hauler at the February 13, 2014 Council meeting. Comments to your Council members should be made before that time.

Residents Should be Taxed Not Heard



Speaker Podium Constructed and Donated by Frequent Participant Stan Quade

La Habra Heights exists as a result of strong citizen participation. Whether busloads of people heading to Los Angeles for a Board of Supervisors meeting in the 1970s fighting for incorporation, standing room only crowds at Council meetings to head off tract housing, or a lone voice prodding the City Council to do the right thing, it's clear residents care about the this community.

At the November 14, 2013 meeting, the City Council intends to eliminate any public comment on agenda items during the meeting, limiting comment to the beginning of the meeting only, and severely restricting the total time residents can speak. People who cannot arrive by the recently changed meeting start time of 6 p.m. will be denied the ability to speak. In a recent Whittier Daily News article council members lamented that the same people speak at meetings, calling their participation "disruptive". Mayor Roy Francis was the sole vote to preserve free speech, in the first of two required votes on the matter.

Attendance and participation in meetings has dwindled in recent years as more and more restrictions and rules were imposed on the public. Much of the "small town" feel of the meetings was lost as the council eliminated end of the meeting rebuttal comments, brief power point presentations by residents, and strict enforcement of the 3 minute time limit. Some residents have privately commented that they are hesitant to speak in public for fear of being interrupted by a Council member, having the microphone turned off while they are speaking, or being publicly ridiculed by the Council.