

# Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



*"The voice and conscience of the Santa Monica Mountains since 1968"*

## December 2012 MEETING Tuesday, Dec. 11 at 7:00 p.m.

### AGENDA

[www.lvhf.org](http://www.lvhf.org)

**The Place – Diamond X** – Take Las Virgenes to Mulholland; turn left on Mulholland. For the next 3/4 mile, the King Gillette Ranch will be on your right. After you've passed Stokes Canyon Road, in about 3/4 mile, you will see a sign on your right with "Diamond X" and the National Park Service logo on it. A short distance past the sign a narrow road goes south at a right angle. This is Wickland Road, and, at this point you are entering the King Gillette Ranch. Follow Wickland about 300 yards until the road forks; take the left-hand fork; keep bearing left to the lighted house on the right. Park; enter through the lit doorway.

Call to Order  
Roll Call  
Agenda Changes/ Approval

Correspondence/Announcements  
Officers' Reports  
Approval of Meeting Minutes

### OLD BUSINESS

1. Calabasas Right to Vote Initiative and Term Limits Initiative-Update. Jody Thomas.
2. Calabasas Heritage Oak Update – Roger Pugliese.
3. Malibu Lakeside HOA-Old Lodge Project Update-Regional Planning Commission.

### NEW BUSINESS

1. **Margie Steigerwald**, principal planner National Park Service's Rim of the Valley Corridor Study Update. Comment period closes on January 7, 2013.
2. **Emma Howard**, lead planner, Community Studies-North Section, re: the County's new Significant Ecological Area (SEA) Program.
3. Welcome to Marian Dodge – President of the Hillside Federation.
4. Dorothy Reik – Fracking.

**HOLIDAY PARTY!**

# FIVE CALABASAS CONTENDORS TO VIE FOR THREE OPEN SEATS



The filing period closed on Friday, and the residents of the City of Calabasas will go to the polls on March 5, 2013, with just five candidates competing for three open Council seats.



*Liat Samouhi*



*Jody Thomas*

Calabasas Environmental Commissioner, Liat Samouhi, and HOA president and activist, Jody Thomas, will vie for the Council seats along with 16-year incumbent James Bozajian, 8-year incumbent Mary Sue Maurer and their interim Council appointee David Shapiro.



*James Bozajian*



*Mary Sue Maurer*



*David Shapiro*



**LVHF Banquet 2012**

*Left to right – Joe Edmiston, Executive Director of the Santa Monica Mountains Conservancy, Zev Yaroslavsky, Los Angeles County Third District Supervisor, Jody Thomas, Old Topanga HOA President, Liat Samouhi, Calabasas Environmental Commissioner*

# LVUSD TURNS OFF THE LIGHTS!

In the spirit of “good neighborship,” at a recent community meeting held at Calabasas High School, the Las Virgenes Municipal School District (LVUSD) announced it would “turn off the lights” at its new Performing Arts Education Centers (PAECs).

Superintendent, Dr. Dan Stepenosky, made the announcement, much to the approval of the surrounding neighborhood HOA’s.

In Calabasas, the new PAEC sits on the Mulholland Highway Scenic Corridor, surrounded by semi-rural communities and directly in the view shed of others.

LVUSD re-directed lighting that had been slated upward to illuminate the building. They capped the lighting and turned it downward instead to mitigate the impacts. Only emergency lights will remain on inside the building at night when the performances are finished so the large glass windows do not shed light on the corridor or up through the hillsides either.

Calabasas has a dark sky ordinance and certainly LVUSD’s good neighbor efforts to conform are greatly appreciated.

The PAECs will officially open next year on January 25 and 26 with an “Opening Festival of Performances” featuring all the Performing Arts Programs in the LVUSD as well as other artistic surprises from the community.

There will be at least 17 different events at Agoura Hills High School and Calabasas High School combined. Tickets for these special events will go on sale soon. Check for updates on the LVUSD website at [www.lvusd.org](http://www.lvusd.org).



# CALABASAS BALLOT INITIATIVES GATHER STEAM DESPITE...

## Who is Afraid of Democracy?

Calabasas volunteers continue to gather signatures for two ballot initiatives authored by resident activist and HOA President, Jody Thomas.

Her **Calabasas Right to Vote** initiative was inspired by the successful efforts of Planning Commissioner Mic Farris when Thousand Oaks City Council appointed a replacement once again to fill a vacant Council seat rather than hold an election.

Likewise in Calabasas, City Council voted to appoint, rather than to call an election, to fill the seat vacated by Jonathon Wolfson. Wolfson still had a full 16 months to serve in his term when he officially announced on November 15, 2011 his intent to resign on December 15, 2011.

Not only did Calabasas City Council not call an election, they also had an opportunity to make a clean, justifiable, unbiased decision - a democratic appointment - backed by the votes of the city's citizens. They chose to do neither; instead, they ignored the voters and used the opportunity for their own advantage.

So, what was the appointment process like? The applicants were interviewed live by Councilmembers and instructed to, "give us a pitch why you should be selected". Other comments from the dais included references to American Idol and remarks like, "I am in awe of you", stated indiscriminately. At times the process resembled a popularity contest with the appointers in judgment of character and desirability of the applicants. In other instances, questions were asked for example, by Councilmember Maurer, not to elicit information, but to embarrass or trip up the contestants. (See the link at the end of this article to watch for yourself).

So, who was awarded the prize?

Behaving more like a clique, three of the four Council members, Mary Sue Maurer, Fred Gaines and James Bozajian voted to appoint resident, David Shapiro.

- Did any of them know Mr. Shapiro personally? Yes, based on the comments they made.
- Did any of them have a professional or business relationship with Mr. Shapiro? Yes, most definitely.
- Was it disclosed? No, it was not disclosed by anyone – and that includes no disclosure by Mr. Shapiro.

Mr. Shapiro was Mr. Bozajian's personal attorney. In actuality, a day before he was administered the oath of office and sworn in as the appointed Calabasas Councilmember, Mr. Shapiro filed (stamped Jan. 24, 2012 at 2:00 p.m.) a lawsuit on behalf of James Bozajian versus the Los Angeles County District Attorney's Office.

In the, "COMPLAINT FOR DAMAGES, INJUNCTIVE RELIEF, AND DECLARATORY RELIEF – DEMAND FOR JURY TRIAL" James Bozajian is the Plaintiff vs. District Attorney, Steve Cooley, individually and in his official capacity; Curtis Hazell, individually and in his official capacity, John Spillane, individually and in his official capacity; John Zajec, individually and in his official capacity; Jacquelyn Lacey [newly elected District Attorney], individually and in her official capacity, Janet Moore, individually and in her official capacity, Sharon Matsumoto, individually and in her official capacity" ....

Read the lawsuit here: [www.lvhf.org](http://www.lvhf.org) - Documents – *Bozajian-Shapiro Lawsuit*.

Because none of this was divulged, it can't help but call into question (along with several other factors) the entire deliberation and appointment process. Was it just a kabuki dance? Was it back-room dealing; or, perhaps a political favor?

Why would Mr. Shapiro apply to be appointed when he was Mr. Bozajian's attorney? Where is the integrity in not revealing that to the public?

Many Calabasas residents were stunned by the appointment of David Shapiro – not because anyone even knew anything about the lawsuit or relationships - but, because an election had been held only months earlier, and many residents took for granted the next highest vote getter Bob Sibilia would be appointed to the vacant council seat.

Mr. Sibilia had finished the race just 200 votes shy of Lucy Martin and Fred Gaines. He delivered **votes** from across the city in **every** single precinct/neighborhood, and in some cases even garnered more votes than the two top finishers. He was well known to residents and well vetted. His voice was the voice the residents elected as the third highest vote getter, making him the next-in-line and the obvious **democratic** choice.

In a further snub to the voters during the process, Councilmember Mary Sue Maurer asked Bob Sibilia, "do you think you're **entitled** to this position because you came third in the election?" (Perhaps Councilmember Maurer should be reminded that the Council seat actually does belong to the voters).

Councilmember, Lucy Martin, was the lone supporter of Mr. Sibilia as "the residents' choice" and therefore her only choice to fill the Council seat vacancy.

Clearly, the appointment process was revealing and so was the Council's choice:

- Was Mr. Shapiro at least well known to the electorate? No.
- Mr. Shapiro was an unknown quantity in terms of policies or positions. He had never received a single vote or run in any election. He had no established track record of speaking or being a presence at Council meetings or weighing in on major issues impacting the city's residents. So, neither the Council nor the public had opportunity to hear him speak on major community issues. His appointment was prima facie evidence of cronyism on the part of the Council.

So, then how does the Calabasas Right to Vote initiative work? It assures that when an unexpected vacancy occurs on Council, a Special Election will be called at the next regularly scheduled election so the residents of Calabasas can vote in their own Councilmembers. A provision in the initiative allows for an interim appointment, but only until the Special Election.

Supporting this initiative would seem to be a no-brainer. Of course, citizens should elect their own representatives...and the elected officials in Calabasas support this too, right?

Well, according to Ms. Thomas, Councilmember Lucy Martin is the only official thus far to sign up **for** Calabasas voters and their right to elect their own leaders.

So, why would any elected official oppose or be against their own constituents' right to vote?

In fact, opponents of the initiative have even promulgated misleading claims that an election will cost the City upwards of \$50,000 under a pretense that it's too expensive.

The truth however, is that there are many variables that dictate the cost of adding a Special Council ballot to a regularly scheduled election. "In the case of Mr. Shapiro's appointment," says Thomas, "the City could have piggy-backed on the June primary and held an election to fill the seat for a mere \$5,000."

Making any assertion that democracy is too expensive to conduct in Calabasas is incredulous, and even more so in the context of elected officials' track record of "spending" and even boasting publicly about "how much money" the city purportedly has. Residents may be insistent that **their right to vote is more important** than spending \$15,000 annually on rotating artwork at cityhall or hemorrhaging hundreds of thousands of dollars annually on "pet projects" or wasting tens of thousands of dollars on "legal fees" to persecute a select group of seniors.

Let's also not forget that Calabasas Councilmembers have **not** been giving up their seats in droves either over the past 20 years ...just the opposite.

Only two Councilmembers have vacated their terms early, so clearly, any argument perpetuating cost as the motive for not supporting the peoples' right to vote over crony appointments is unfounded.

Furthermore, anointing anyone with the status and power of an elected official for an extended period of time can cast a lot of shadows. So, who is the appointed Council member beholden to first – the officials who appointed him - or the residents who did not elect him or vote for his authority over their lives?

Serving as an appointed councilmember under the pretense of an elected official generates a lot of benefits, advantages and an uneven playing field if there is no Special Election and the appointee runs for office during the eventual return of the next election cycle - which is exactly what is happening in Calabasas right now. Although an appointee cannot run as an incumbent, many residents may not even remember or even be aware he was appointed. It also discourages the participation of more homeowners in the election process and that is never a good thing.

City Councilship is not something that should be awarded as a prize, payback or a political favor. It belongs to the people and to their "right to vote."

As for the **Calabasas Term Limits initiative**, it calls for Councilmembers to serve no more than two consecutive four-year terms. The initiative does not impose a lifetime ban, rather, a candidate must sit out for one four year term before running again. A similar Ordinance has been in force in the city of Malibu since 2000, and the City of Thousand Oaks just passed their Term Limits initiative by a resounding 78% in November.

To get the initiatives on an upcoming ballot, residents must gather signatures from 10% of the City's 14,500 registered voters. "Our goal is gather 2,000 signatures and we're well on our way. The response has been overwhelmingly positive, as many residents are shocked to discover that a vote is not currently required to fill an unexpected vacancy on Council," said Thomas.

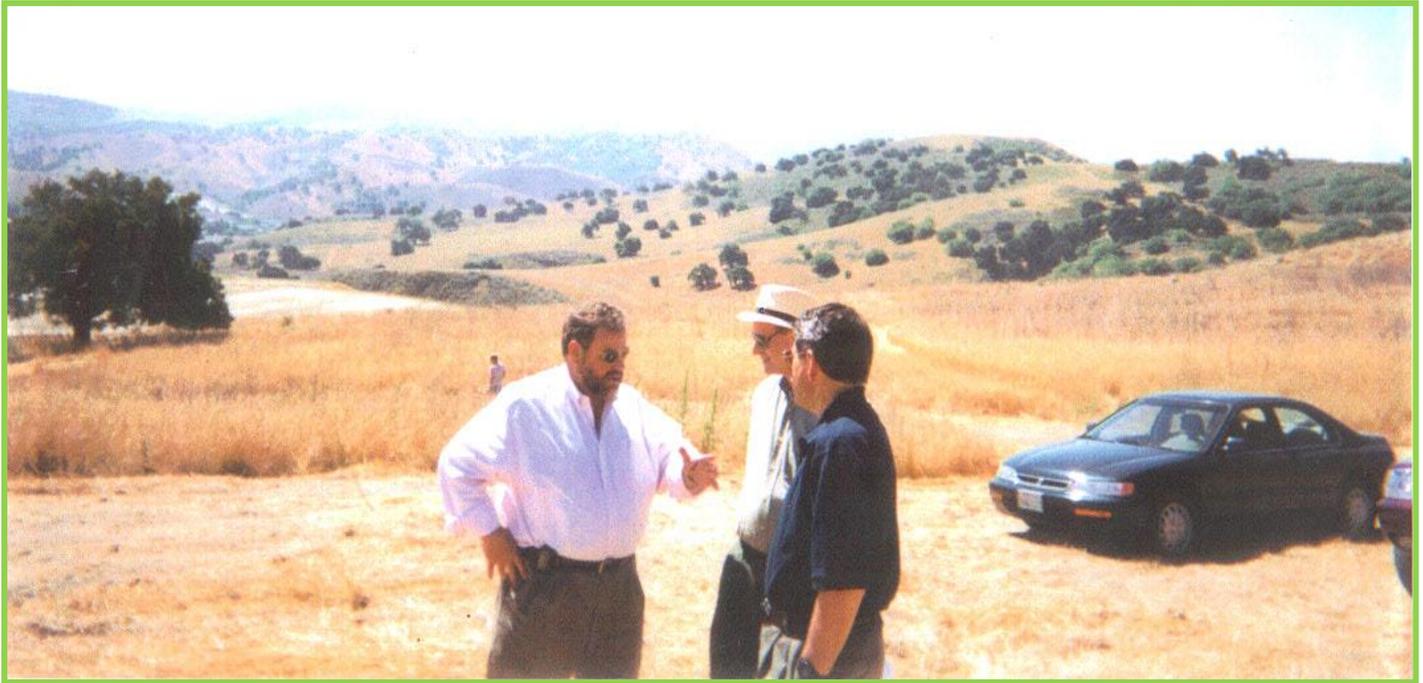
After the signatures have been verified by the County, the Council will then have 30 days to place the Right to Vote initiative on the agenda. At that point they will have the option to adopt the initiative as written (as the City of Thousand Oaks did this past July), delay the decision by ordering a fiscal impact report, or direct the initiative to be put to the voters at the next election. In the case of the Term Limits initiative, state law mandates the initiative be decided by voters.

More information can be found online at [calabasasrighttovote.org](http://calabasasrighttovote.org) and [calabasastermlimits.org](http://calabasastermlimits.org).

Follow this link to watch the appointment process for yourself.

[http://calabasas.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=3564](http://calabasas.granicus.com/MediaPlayer.php?view_id=2&clip_id=3564)

# THE GOOD GUYS!



*From Left to right: Joe Edmiston, Carlyle Hall and Zev Yaroslavsky standing on the Palo Comado SEA*

The land in this photo is part of the Palo Comado Significant Ecological Area (SEA), where former Los Angeles County Supervisor Michael Antonovich wanted to approve the grading of millions of cubic yards of land for 1700 condos and a major boulevard.

In 1971 Carlyle Hall, co-founded the Center for Law in the Public Interest, one of the country's first such organizations, with Brent Rushforth, John Phillips, and Ric Sutherland. An environmental and land-use attorney whose advocacy efforts helped shape environmental law in California for nearly 30 years, Carlyle carried the 1976 lawsuit that over-turned the pro-development 1975 County General Plan and paved the way for the establishment of the County's system of Significant Ecological Areas. For years he was a champion of SEAs.

Carlyle Hall and his staff put in long hours drafting legal testimony threatening litigation against this development, and he was a force in persuading the Regional Planning Commission to deny the condos and the boulevard 5-0.

# LANDMARK HERITAGE OAK SAVED . . . FOR NOW



Kudos to the City of Calabasas Planning Commission (PC) for their actions on December 6 to save a heritage oak tree in the Calabasas Highlands. The PC unanimously refused to consider a proposed project that would have removed 50% of the oak's canopy (according to both the City's and the applicant's arborist), and instead directed staff to ask the applicant to come back to the PC with scaled down project that would not encroach upon and endanger the tree.

The property in question has changed hands three times in the last decade and was held by the original owner for many years. All of the owners, including the applicant, were aware of the oak when they bought the property. None of the recent owners, including the current applicant, chose to build a house that would fit with the oak. The City arborist's report said of the proposed project "the impacts to the Heritage Oak to construct the home are very significant and perhaps lethal" and goes on to state the home will result in "major canopy reduction that will destroy the aesthetic quality of the tree and probably result in its early demise."

During his testimony at the December 6 PC hearing, the applicant's architect presented their client's project as one that was environmentally sound and a better alternative than simply cutting down the tree. The architect seemed to be unaware that the City's oak tree ordinance does not allow for the removal of a heritage oak by the property owner without City permission, no matter how large the deposit into the City's mitigation fund. The PC members were aware of this however, and chose to demonstrate that the purpose of the oak tree ordinance is to protect and preserve oak trees.

The landmark heritage oak tree is spectacular with a 98 inch trunk diameter. As many residents testified during the hearing it is a defining characteristic of the rural neighborhood.

## **MALIBU LAKESIDE PROJECT CONTINUED**

### **Gaines Represents Developer**

Last Wednesday, December 5, the Regional Planning Commission (RPC) continued the hearing on a proposed two home project on Crags Lane in the community of Malibu Lakeside to January 9, 2013. In the time leading up to that second hearing, the Commission encouraged both the applicant and the representatives of the homeowners to meet to discuss the issues raised at the hearing. The Commission asked the Director of Regional Planning to facilitate that meeting.

The main issues raised by the community were the size of the homes, septic issues, and that the community did not want to lose the historic purposing of that property for recreational uses.

The two homes as proposed are inconsistent with the North Area Plan (NAP) and community character of the Malibu Lakeside community.

The North Area Plan's community plan was developed by the community to preserve the rural character of its neighborhoods. The policies are focused on conservation, preservation and the protection of its rural communities - not on urban and suburban intrusion. This two large home (mansionization) project is not only inconsistent with maintaining what the community wants, but also what the policies do not permit. The Malibu Lakeside community is comprised of roughly 168 homes with an average home size of 1200-2500 square feet. This project's two proposed homes, each approximately 7500 square feet in size, are **three times as large** as the homes that surround them. **Clearly therefore, the homes are inconsistent and incompatible within the Santa Monica Mountain neighborhood they are being proposed.**

The Commission asked the two sides to explore whether it would be possible to give the applicant the use of the land to which they are allowed, while still preserving that historic purposing.

One Commissioner emphasized it would be important for the two sides to discuss whether this could be worked out cooperatively before any such conditions were imposed by the Commission.

According to HOA representatives - Attorney and Calabasas City Councilmember Fred Gaines now represents the developer....

## **URBAN-WILDLAND INTERFACE - WE'RE NOT BEING GOOD NEIGHBORS**

### **Wildlife Poisoning-Unintended Consequence of Rodenticides**

Fact or fiction? Have you seen the claims? Multi-million dollar corporations like Orkin, d-Con and Ortho assure us in their ads that they can quickly and easily eliminate those pesky rats and mice and make our homes safe again in no time. Those pesky rats and mice, they say, are most certainly a serious problem for our health and the health of our families. They are the vectors or carriers for such horrible diseases as the plague, typhus, malaria and dengue fever.

The question is not, "do we get rid of the rodents," the question is, "how do we do it without creating new and worse problems?" What worse problems, you say? Think about other living things that must deal with the same rats and mice that we do, each in their own way – right here in the urban-wildland interface of the Santa Monica Mountains.

The biological classification of predators includes owls, foxes, coyotes, bobcats and mountain lions. Rodents are a significant fraction of their food source. The problem is not that they kill and eat rats and mice, the problem is what we place in the bodies of the rats and mice that the predators eat and what happens to them as a result of eating the rodents.

Warfarin is a common name for a blood thinner also known as Coumadin. Your doctor may have prescribed Coumadin to thin your blood if you have a clot in your artery. It's the same stuff. Also, it's one form of anti-coagulant. Many coyotes, bobcats and mountain lions now have significant levels of Coumadin in their blood streams. P-25,



one of the youngest mountain lions in the Santa Monica Mountains, was discovered to have rat poison in her blood in a UC Davis necropsy. What was left of her dead body was found by hikers not that long ago in Sycamore Canyon in Pt. Mugu State Park. Two other lions, P-3 and P-4 were found dead on the shoulder of the Simi freeway, with their blood pooled next to their bodies. They died of mange a few years ago, a disease related to the excess amount of anti-coagulants in their blood stream. P-14 had significant amounts in his



body, as did P-17. Dead coyotes and bobcats have been found to have died of mange as well, with high levels of anti-coagulant rat poison in their blood streams. Owls, known in the Santa Monica Mountains as predators of rats and mice, have died after eating rodents killed with anti-coagulants according to a Canadian study.

So, using rodenticides has become a very convenient way of getting rid of vermin for us, but has become a serious health problem for the wild animals sharing our spaces. The rats and mice are not the only ones we're effective at dealing with.



Do you know what a single-feed is? It used to be that we killed off the rodents slowly with Coumadin. They'd get sick slowly, wander off somewhere outside of our house and yard and bleed to death. In the interests of greater efficiency, we now dispense warfarin in much larger doses, which we pay more for. They are called single-feeds. The rats still have enough time to wonder out into the back yard but they die sooner. In your back yard. If the predators catch them there in the night, they ingest much more warfarin in a much shorter period of time.

We're much more efficient in our use of poisons and we are now reaching further up the food chain into the various levels of predators. Also, the single-feeds have a much longer half-life. That means the poison lasts longer in the dead and dying rats and mice. Predators such as owls that are used to ingesting several mice in a short period of time, can now ingest enough warfarin to kill them in just a few days. The results are that more bobcats, coyotes, owls and mountain lions are dying from mange, a disease closely related to excess amounts of Coumadin in their blood stream. By the way, the higher up the food chain, the more the anti-coagulants. With a mountain lion, it's winner takes all.

So what can we do to get rid of the disease-carrying rodents but not the predators that dine on them? How about not using anti-coagulant poisons? How about not leaving rat bait, like bird seed or BBQ leftovers in our back yards to bring in the rats? How about covering our garbage cans the night before pick-up? We can rodent-proof our buildings, all of them.

Not that long ago, Yosemite National Park had a severe outbreak of hantavirus in the Curry Village tent compound. Deer mice had gotten into the tents and 20,000 Park visitors were affected. The NPS decided to use snap traps to kill them, the good old fashioned spring loaded ones that we all associate with cheddar cheese. You can't get a coyote or a lion to eat one of those traps, not even the Yosemite ones, so no poison, no passage up the food chain. If you use a snap trap, and dispose of the rodent, the predators won't eat them. Incidentally, mouse traps won't work on rats. You think they're cheaper, which they are, but the rats just shake them off.

You probably are not too happy about picking up a dead rat in a rat trap and then releasing it into your garbage can. You might want to wear big gloves and cover your arms. Also, there are self-contained 'container traps' which you can buy most anywhere rat traps are sold. They cost a little bit more but you never have to see the dead animal, you just throw away the whole thing. Also, there is an electronic Rat Zapper that electrocutes them which costs about \$42. The Rat Zapper is very effective and very easy – and many residents have used this method successfully.

Then there is Gopher Goo. It's a bunch of crystals that absorb water and fill their tunnels with a soggy mess that drowns gophers. The ultimate gopher killer is a \$1000.00 hydrogen/oxygen gas thing that you stick into their tunnels. The problem is it makes a hole in your yard when it blows up, but it takes out rodents at 5,000 feet per second.

Or you could try the natural way. Those owls get rid of thousands of mice each year, if you don't kill them off with rodenticide. Make a happy home for an owl and put it in a nearby tree. You get to hear them hooting at night. The next time you see a gopher snake, don't panic, they kill rats and mice and gophers too and they are volunteers. You don't have to pay anything. If you are an addicted poison junky and just can't say no,

buy one of those upper shelf grabber things and pick up the dead bodies before the predators do. Just stick them in a shopping bag and dump them into the trash, bag and all. Don't re-use the bag, it may have disease carrying fleas. Think about your dog if you are reluctant to do the job yourself. Have you ever heard of a rat terrier? Also, think about your kids when you decide where to store or place your poisons.

Incidentally, the Environmental Protection Agency has warned companies like d-Con and their parent companies such as Spectrum Group and Liphatech about the dangers of anti-coagulants to predators and to 13,000 children who are affected each year. Yes, children really are affected by anti-coagulants, look it up in the Center for Disease Control (CDC) website. The problem is that those companies can't make any money killing rats unless they kill rats, so they just ignore the warnings. Of course if no one bought the anti-coagulants or if the government enforced the in-place regulations.....

We must be responsible for what we do. Increased awareness may help. Knowing that we are affecting other animals than the ones we are attempting to get rid of may help but ultimately we must be responsible homeowners and considerate neighbors.



Wouldn't you enjoy seeing a fox out back?  
Bob Coutts

*Photo Credit: Bob Coutts  
"The purity and joy of nature"*