



Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



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

August 2010 MEETING (www.lvhf.org)

Thursday, 19 August 2010, 7:00 p.m.

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
Delegates Reports**

**Correspondence/Announcements
Officer’s Reports
Approval of Meeting Minutes**

Old Business/ Reports

1. Oak Tree Committee Report & Update - HOO
2. The Edge
3. Tapia/RWQCB

New Business

1. GUEST SPEAKER – STEVE HARRIS - “What it takes to protect our natural resources from development....from someone who knows both sides!”
2. GUESTS – SMITH FAMILY & Reps – Discussion/Action re: Calabasas OWTS Property Raid - Stokes Canyon – Cold Creek
3. STRATEGIC ALLIANCE FOR DE-ANNEXATION & NO-ANNEXATION Discussion/ Formation
4. Malibu Valley Farms Revocation Request

CALABASAS RAIDS PROPERTY OF COLD CREEK FOUNDING FAMILY – Latest OWTS Casualty

On July 8th, the Calabasas Community Development Department, its building official, code enforcement officers, other employees, personnel and agents, Los Angeles County Animal Control and armed Sheriff's deputies — a total of 14 people, eight of whom still remain unidentified despite requests for the City to identify them — descended en masse on one of Cold Creek's founding families in the heart of undeveloped upper Stokes Canyon, 1.2 miles off the beaten track.

Backed by a criminal inspection warrant issued by Judge Lawrence J. Mira of the Los Angeles Superior Court at the pleading of the City of Calabasas, the raid came with no warning or notice, terrifying and stupefying two residents who happened to be home at the time. Thus the City's war against septic systems has taken another casualty, with what is arguably the most draconian OWTS ordinance in California being used as a tool to invade and evict.

Almost all of Cold Creek relies on home septic systems, only two parts of Cold Creek lie within Calabasas city limits and are subject to the City's harsh and increasingly questionable actions on septic compliance: the homes along Mulholland Highway and Dry Canyon Cold Creek from Mountain Park to the county line—and the old-time Smith ranch in Stokes Canyon, which comprises **60** beautiful acres zoned Hillside/Mountainous (three adjacent parcels of 20, 35 and 5 acres).

Old-timers may remember "Smitty," who for decades delivered all of Calabasas' mail. Smitty was the son-in-law of Edgar Smith, who, according to one family member, bought the property in the upper reaches of Stokes Canyon in the 1940s after having fallen in love with the area as a teenager.

Now that property lies under a legal cloud cast by the City—and its four residents have no place to live.



Their family's 60-acre ranch has been Lloyd Smith's and his son Gary's home for decades.

Citing several “possible” Municipal Code violations in addition to “possibly” maintaining an unlawful OWTS, the warrant authorized the City:

- “to make an interior and exterior inspection of all structures, recreational vehicles, trailers and adjoining open space areas. Take measurements, photographs, videotape, and samples of any substance or fluid and have them analyzed.”
- “to allow Sheriff’s Deputies to assist in the execution to ensure there is no interference,” and permit the City Prosecutor’s Office to attend.

Further

- “in order to avoid possible destruction, removal or concealment of evidence of code violations, execution of this warrant may occur **without prior notice of its issuance to the owners and without prior notice to any occupants.**”
- “execution may also occur if the owners and occupants are not present” when the City executes the warrant.
- **“the city is authorized to forcibly enter any locked structure, trailer and/or recreational vehicle by any means necessary...”**
- Animal control officers can participate in the inspection to “ensure dogs or other animals do not pose a hazard to inspecting officials.”

Whoa! Doesn’t the Fourth Amendment protect citizens from *unreasonable* search and seizure? Keep in mind this property is tucked away and has existed in this manner for decades with no record of any criminal activity or trouble. Yet the City – actually, according to the documents, Community Development Director Maureen Tamuri and Building Official Sparky Cohen — is suddenly empowered to unleash a grievous action of this magnitude?

And the justification given for surprising the family with a raid doesn’t resonate either, especially given that the warrant identifies there *may* be OWTS and *structural* code violations; it is difficult to imagine that either could suddenly become “concealed” or “removed.” So what is the real objective here? Is it about bringing the property into compliance, or is there some other motivation? Wouldn’t any work done prior to an inspection or with notification of a pending inspection be a significant advantage to public health and safety? Surely common sense and decency dictate giving the family opportunity to comply. Doing so would have allowed the actions perpetrated by the city (removing them from their homes and potentially forcing them into sale of their land) to be far less harsh.

Seven days after the incursion on July 15th, the City posted and served the owners and “[occupants of the encampment](#)” * with a 9-page “**Notice of Violations and Immediate Threat to Public Health, Safety and Welfare,**” which the City said gave it justification for the following:

- “The Community Development Department will immediately ask Southern Edison to terminate all electrical service on or after July 19, 2010.”
- “The *Building Official* will immediately ask the Las Virgenes Municipal Water District to terminate all water service on or after July 19th”.

**Note: In acquiring the criminal warrant against the Smiths, the City’s affidavit disingenuously labeled the structures on the old Smith property as an “encampment,” which they clearly are not.*

When there is an actual immediate threat to public health and safety, City Code allows that the Director “may” (not must) order abatement. Why then did the City take an entire week after the initial inspection to inform the owners/residents that an alleged immediate danger existed and should be abated, urgently? According to the affidavit, Ms. Tamuri identified the “encampment” from aerial photos on April 29th. Might the reason be that the “immediate” threat was not so immediate after all? Or perhaps this strategy was necessary because on-the-spot abatement by the City would require an after-the-fact public hearing, at which the City would be expected to substantiate its allegations of immediate threat.

Despite this, the family made substantial efforts to cooperate and comply in the subsequent very short period of time allowed, but the abatement was not enough, and Ms. Tamuri shut off the Smiths’ electricity on July 19th and the water a week later on July 26th, consequentially forcing them out.

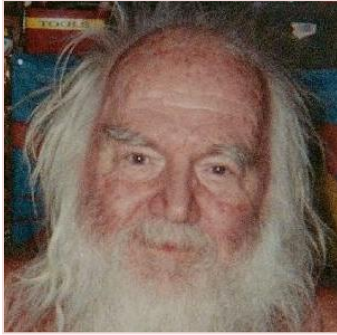
Two days later, the City then attempted to compel them to sign and accept a 12-page “Notice of Violation and Code Compliance Memorandum” with impossibly harsh demands, punitive restrictions and waivers of rights, such as allowing inspections seven days a week without warrant at almost any time, agreeing never to borrow money against their land, agreeing to indemnify the City for anything, or any action the City might take against them, etc. The document, laced throughout with implicit threats and bullying language, frightened the Smiths half to death — but with an outpouring of support from family and friends, they did not sign.

Meanwhile, the Community Development Director had the fire hydrant capped off; leaving the property totally vulnerable to fire should one spread there as it did in 1996. At the same time she did this, she was accusing the Smiths of a “fire risk” violation, saying that “structures are located in the Very High Fire Hazard Severity Zone – and a fire could have catastrophic consequences to the occupants and fire fighters, as well as persons and structures on neighboring properties.” So after using the high fire risk as a hammer to justify imposing the code violations, she cuts off the fire hydrant?

What is the taxpayer exposure and liability if the city intentionally blocks off a fire hydrant, depriving a property owner and the fire department of the water needed to fight fire in a high-risk fire zone during fire season (now!), should property or human life be lost?

John Mundy, general manager of the Las Virgenes Municipal Water District, acknowledged that district workers shut off the Smiths’ water, but said they did so based solely on the city’s allegations. He also acknowledged that the water district had done no investigation and had no proof of the pollution [by OWTS] beyond pictures provided by the city.

Unfortunately, based on Calabasas’ sketchy and inflammatory OWTS City Council updates, as we’ve reported previously, pictures and tests results done and presented by city officials have not been entirely credible. In some instances, actual test results have not even been disclosed, just a sensationalized description of what was allegedly found. So where do the alleged pictures and purported test results used to substantiate incrimination of the Smiths fit in that questionable record?



Mr. Smith

On August 1st, the elder Smith, weakened by extreme stress and anxiety, was rushed to the hospital when it appeared he was suffering a stroke and an inflamed diabetic condition. He was admitted and is still under medical care, with no home to come back to.

In its Notice, the City identified several violations, including OWTS, structural and gas and electrical installations that have not been approved by the City's Building & Safety Division. Most of those installations, however, predate the city. How fastidiously and with what goal in mind did Building Official Sparky Cohen search Los Angeles County permits that would date as far back as 50 or 60-plus years?

One of the remnants on the property is the foundation of the original ranch home built in 1927, which would have been grandfathered in. Sadly for the Smiths, it burned to the ground in the 1996 Calabasas fire that started next to the 101 Freeway just east of Las Virgenes Road, leaving the Quonset hut, where the elder Smith lived, and several trailers.

The Quonset hut – installed on the Smith property in 1956 – predated Calabasas cityhood by 35 years, and the City tried in vain in its Memorandum to force the Smiths to agree that it had been “installed, erected and established without land use approvals.”

In fact, the Quonset hut could potentially be considered for a historical designation in Calabasas under the city's Historical Preservation Ordinance.



Quonset huts were developed by the British in World War 1. After World War II the U.S. military sold their surplus Quonset huts to the public for \$1,000 each, which approached the cost of a small home. A few in LA County are still standing, such as the Smith home in Calabasas.

Laws that protect water quality and public health and safety are important, and septic systems must be kept in good condition. But using the OWTS Ordinance to gain access onto people's properties and to crawl through them with a fine-tooth comb *looking* for code violations and then requiring the owners of a century-old property to meet current code standards almost instantaneously is unrealistic and cruel. "Electrical and water service to the parcels will be restored when the hazards discussed herein are fully abated with all required approvals, permits and inspection approvals from the Community Development Department." (Excerpted from the *Notice*).

What's more, the Community Development Director also stipulated in the *Notice of Violations* that yet a second *Notice* would be forthcoming with more violations. When uniformed City inspectors visited the property just a few days ago specifically to inspect the septic tank, they had to be repeatedly asked by the family to stick to the pre-arranged purpose of the meeting and stop randomly wandering the property. Interestingly, one of the inspectors was noted to be carrying what appeared to be a handgun.

Other government agencies manage this kind of situation with a kinder, gentler hand. Take, for example, the Santa Monica Mountains Enforcement Task Force, which includes representatives from the Sheriff's Department, County Public Works, the Coastal Commission and State Parks, among others. These officials meet monthly to deal with landowners who are out of compliance "to see where we can work together with the landowner," according to one member of the Task Force. "We never evict first. Even after we issue a cease and desist order it sometimes takes two or three years before we act. We don't want to hurt the landowner."

So what is the City's motive for such aggressive action and timing? Was there a plan to force the Smiths to sell their long-held land? Surely the Smith's strategically located 60 acres are not connected to the City's current bid to again consider annexing the nearby property of developer Brian Boudreau and other landowners who may want to get out of the county and into the city of Calabasas so they can develop Stokes Canyon? According to the affidavit, Ms. Tamuri was looking at neighboring lands for sale. Why? Was it possibly to satisfy LAFCO requirements that annexation areas be contiguous and there be no zigzagging of boundaries?

The result is that one of the area's oldest settled properties — hidden in upper Stokes Canyon — was condemned by the City. Suddenly, after at least six decades on the land, the family could no longer live there. Their water and power were abruptly cut off. Vulnerable, frightened and distressed, they were threatened with so many penalties, actions, requirements and fines that abatement became daunting to finance and impossible to accomplish in the incredibly short time given them by the City.

Why did the City invest such an inordinate amount of energy, time, resources, and money into this — and *in this way*— when it seems that most, if not all, of the resources could have been saved, and most of the heartache and stress for one of Cold Creek's founding families could have been avoided? Who green-lighted the City's countless expenditures, such as prosecuting attorney fees, at a time when the city says it has no money and is even cutting back on Dial-A-Ride? Who authorized the

over-the-top show of force to crush four unassuming citizens and surprise them with a warrant of that scale? Elements on the property may be out of code, but what do you expect from a ranch settled almost 100 years ago? The family is eager to work to get the problems fixed and go home.

How will the City respond next? The Smiths' attorney asked that very question at the Council meeting last week, saying the city's enforcement attorney is not responding or returning his calls — to which he received a reply that the City has no control over its contracted attorneys.

If you would like to contribute to the Smith Family Fund and help them keep their land and get back in their homes please contact: *James Moorhead* at 818.761.6724 or limehousekid@att.net. *We will also be discussing this at the Federation meeting.

The information in this account is based on interviews and the following supporting documents:

1. Warrant Application submitted by the City of Calabasas to the Judge
2. The Warrant
3. The Notice of Violations
4. Code Compliance Memorandum

TELL US AGAIN: *HOW DID THEY GET THAT WARRANT?*

Although it appears to have been initiated and driven by Calabasas Community Development Director Maureen Tamuri, it was Sparky Cohen, the City's Building Official, who applied for the warrant to raid the Smiths' property. **“This application is based upon the declaration of Calabasas Building Official Sparky Cohen...” his affidavit reads.**

But it doesn't appear that he actually had firsthand knowledge of the property. Mr. Cohen attests to viewing “the *encampment* using the City's GIS system software and Microsoft's Bing Search Engine” and information provided by the Community Development Director Maureen Tamuri. “On April 29, 2010, Maureen Tamuri informed me that she identified an encampment of trailers and/or structures on 2 parcels of adjoining land from an aerial photo while using the City's GIS software to review neighboring lots that were for sale,” he wrote.

So what happened between April 29th and July 15th to create the Smith ranch's purported *immediate* threat to the *public's health and safety*, which was used to justify shutting off the family's power and water?

According to Mr. Cohen's Declaration, “The encampment presents the following concerns that form the basis of this request for an inspection warrant:”

- a) Persons in the Encampment *may be* unlawfully disposing of human waste [OWTS]

b) Persons in the Encampment *could be* unlawfully generating significant materials that are entering the Pacific Ocean.

c) Structures with installations *may exist* and uses *could be* occurring in the Encampment that violate the Building Code, as well as the Land Use and Development Code.

Note: Mr. Cohen states that he cannot locate permits showing construction of lawful structures but then he says when “reviewing historic records” that he obtained from the Los Angeles County Assessor, he notes a “Bldg Slip L.A. County Assessor’s Office” document referencing for a 1673-square-foot residence, a 810 foot cabin and a 90 square foot shed” on the property. He then states, “I am informed and believe and allege that the residence, cabin and shed burned down during a Calabasas fire in 1996.” He makes the determination that **all** the buildings burned down because James Jordan, the city’s director of public safety and emergency preparedness and a retired fire captain, reports that, “*he was present in the Encampment area in 1996.*” That area is large – hundreds of acres around the Smiths’ 60 acres — so it is difficult to decipher whether Mr. Cohen is actually saying Mr. Jordan *is attesting to seeing* those specific and original buildings **all** burn down five years ago.

Note: The city lists a shed and another structure as unpermitted violations in its *Notice*.

On June 8th, Mr. Cohen declared that he “spoke to Robert Desantes, the Los Angeles County Sheriff Deputy who is our liaison to the city.” He added, “I informed him the Department was going to ask for an inspection warrant for a remote and rural area in the city where inspecting officials could be exposed to danger because of unknown persons and activities.”

On June 10th, Mr. Cohen stated that Deputy Desantes informed him that he “*had sent 2 deputies to the property in a marked car* to determine if persons at that site might be dangerous...” Although there doesn’t appear to be an official report attached and there is no reference to an official report from the Sheriff’s department, Mr. Cohen states that Deputy Desantes “**gave** him the following information concerning his Department’s June 9, 2010 visit”: that they had spoken to a resident who was the caretaker of the property and that there were three other occupants [family members] living there including an 80-year-old man. Further, that it looked to be in disarray, sewer lines from the trailers were lying on the ground and appeared to be terminating in Stokes Creek and electrical lines were on the ground. There was no mention of “dangerous” people or activities [which could impact city officials in the future when they served the warrant].

How confusing. Did the two Sheriff’s deputies sent by Mr. Desantes at the City’s request go onto the property and do a pre-inspection? Was that information used by Mr. Cohen to substantiate his request for the warrant to the judge?

Even more confusing is that when we asked the elder Smith about the visit, he said he had indeed spoken to the two deputies who had come onto the property, and when he asked them why they were there, they said it was because there had been a “report of smoke in the area,” to which Mr. Smith replied, “I don’t smell any.”

Building Official Sparky Cohen was successful in acquiring the warrant and the right to

serve it without notice and by a total of 14 people, surprising the two City residents who were home and who by all accounts were anything but dangerous. The group, which included a locksmith, swarmed the property, videotaping, measuring and taking samples and pictures...

WHY WOULD A MAJOR DEVELOPER WANT TO ANNEX HIS LAND TO CALABASAS?

Item 21 on the Calabasas City Council Agenda last Wednesday August 11th, was a recommendation “That the City Council discuss interest in extending the boundaries of the City southward...” According to the staff report “... a property owner south of the City of Calabasas has expressed interest in potentially annexing to the City.”

The staff report went on to point out that ...an annexation of territory south of the city will be more complex and involve more issues...” Some of the reasons for this are discussed in the report:

- “...properties south of the City are largely undeveloped ... consequently debate over possible transfer of Regional Housing Needs Assessment (RHNA) allocations from L.A. County to the City will be a central concern...” [i.e. where to put the additional state-mandated allocation of high-density (at least 20 units to the acre) low- and moderate-income housing to meet the state-imposed RHNA housing requirements for the annexation area? Potential annexation areas south of the City are mountainous and lack the road system needed to support high-density, low-income housing. Could this mean that additional RHNA low-income housing allocation required by this annexation would have to be placed in areas of the City further to the north in established communities closer to the freeway?]

- “...because the Coastal Zone protrudes into some of this area, annexation of any property within the Coastal Zone would require the City to prepare and adopt a Local Coastal Plan in accordance with state law.” [Because some of the planning policies of the Coastal Act are different from the policies of the Calabasas General Plan, the City would probably have to hire a new team of consultants to draft an LCP for the Coastal Zone portion of the annexation area.]

- “Also, recognizing that the City has been contacted by only one of several property owners in the area, the Council may wish for staff to canvass the entire [annexation] area to gauge property owner interest.” [How does the City staff propose to ensure this canvass of voters will truly reflect voter sentiment in the annexation area? Will residents adjacent to the proposed annexation be consulted? Would the Cold Creek Community Council and the Monte Nido Valley Community

Association have any say in how this canvass would be conducted in their communities?]

Let's cut to the chase. The "property owner south of the City [who] has expressed interest in potentially annexing to the City" is listed as a Robert Levin with a Moab, Utah, address. Levin of Moab claims to own 300 acres somewhere between upper Stokes Canyon and a point south of the present Calabasas city limits. [We can't tell exactly where Levin's property is because for some reason the staff report on Item 21 fails to provide a map showing the area proposed for annexation. However, it is common knowledge that Levin of Moab is often listed as the owner of record of much of the land east of Stokes Canyon that is actually controlled by local developer Brian Boudreau, including parts of Malibu Valley Farms and the undeveloped area north and east of the existing rural homes in Stokes Canyon.

[Brian Boudreau became well known in Las Virgenes in 2005 when he proposed the infamous Malibu Valley Inn. This 400,000-square foot mega-resort complex, grossly mis-labeled as a "bed and breakfast," would have put almost half the floor space of Westfield Shoppingtown on the hillside overlooking the entrance to King Gillette Ranch and added vastly more daily vehicle trips to Las Virgenes Road, which is already operating at over its capacity of about 18,000 daily vehicle trips and is especially crowded at peak hours and on weekends.

[At the instigation of then Councilmember Barry Groveman in 2005, the Calabasas City Council voted to hold a citywide referendum on the annexation and development of the Malibu Valley Inn, expecting it would easily gain voter approval. Instead, even after a deceptive advertising campaign showing horses running through green pastures, Measure C annexing the Malibu Valley Inn property to the City was voted down by 60 percent of the voters of Calabasas, suffering defeat in every community in the City except The Oaks.

[More recently, it was Boudreau, with the help of his attorney, Fred Gaines, who persuaded the Coastal Commission to ignore the required stream setbacks in the Local Coastal Plan and approve a major horse facility – Malibu Valley Farms – virtually on the banks of Stokes Creek and immediately upstream from the public-use areas of King Gillette Ranch, telling the Commissioners that the project had the support of Supervisor Zev Yaroslavsky when the opposite was the case.]

In their oral report to the City Council Wednesday night, City staff spoke of "...a number of property owners who own hundreds of acres" who supposedly wanted to annex to Calabasas, but none of that number of property owners got up and spoke in support of whatever it was that was proposed to be annexed. Levin of Moab sent a letter from far-off Utah. Five others sent letters of support for annexation but did not speak at the hearing. A couple of those who wrote letters supporting annexation cited lower development fees as their reason for wanting to annex to Calabasas.

City staff then talked about "additional areas that might be explored for annexation," possibly to satisfy LAFCO requirements that annexation areas be contiguous and that

there not be any “doughnut holes.” It was reported that a study of annexation would cost about \$50,000.

Joan Slimocosky, president of the Monte Nido Valley Community Association, which represents approximately 375 homes south of the City, submitted a letter from the board of directors and some 25 individuals stating Monte Nido was most definitely not interested in annexation. On a personal level, she stated that “despite shared battles and originally supporting cityhood when proposed, the values the City wanted some 14-15 years ago are not what I’m hearing tonight. Why would anyone want to belong to a city that treats the Smiths like it has or Old Topanga?” [See this newsletter’s article on the recent “raid” on the Smith property in upper Stokes Canyon.]

Joan Kay, representing the Coalition to Preserve Las Virgenes, reminded the City Council that the hawk in the Calabasas logo was the Council’s “sacred trust” and rhetorically asked, “after hearing what we’ve heard tonight, why not just replace that hawk with a high-rise?” Yehuda Netanel testified that those in Monte Nido made a choice to live in a rural area, not a city, even one with a certain beauty like Calabasas. He further stated, “That bird [the hawk] left the City long ago” but that, “We [in Monte Nido] will take care of it.”

Don Wallace of Cold Creek testified that no one from the City had ever contacted Cold Creek about any annexation proposal. He presented letters from residents opposing any study of annexation. Cold Creek resident Richard Lague testified, “None of my neighbors would want this; it’s about development.”

During this impassioned testimony, City Manager Tony Coroalles mentioned for the first time that the annexation proposal involved only areas north of Mulholland, especially the Stokes Canyon area.

Cold Creek Community Council President Cynthia Maxwell then testified that she lived [north of] Mulholland and didn’t want to be annexed; she then handed in a sheaf of letters from Cold Creek residents opposing annexation. Bob Singer announced he owned 50 acres in Stokes Canyon and presented 14 letters from the 18 residents of Stokes Canyon opposing annexation.

Lee Renger, a 43-year resident of Stokes Canyon, said he considered Calabasas “quite urban” and didn’t want to be annexed.

Malibu Canyon Community Association President Mary Hubbard again reminded the City Council of the RHNA requirement to provide a certain number of high-density, low income housing units for any annexation and the difficulty the City experienced finding any remaining suitable locations for high-density housing during the drafting of the General Plan. She reminded the City Council that our General Plan forbids the use of annexation to increase the permitted development density of a property.

Community Development Director Maureen Tamuri acknowledged that “The one large

parcel [Levin of Moab?] is not contiguous with the City of Calabasas” as LAFCO would require.

City Manager Tony Coroaalles then pointed out that to create an annexation “that works” the City may have to annex additional properties, including a few that may not want to be annexed.

Councilmember Mary Sue Maurer spoke up, saying she was “...embarrassed there’s such distaste for our city.” Councilmember James Bozajian announced he would not support annexation based on requests from two large developers.

But after assuring the assembled citizenry that the City would not move ahead with annexation if the people in the annexation area were opposed to it (as they clearly were), the same three City Council members did the same thing they did with the water park and voted 3-2 (Grovesman, Washburn, and Wolfson) to instruct the staff to continue to study the matter and report back. Bozajian and Maurer opposed more study of annexation.

3-2 VOTE DRIVES EIR FOR OLD TOPANGA SEWER

Also, at its August 11th meeting, in a 3-2 vote, the Calabasas City Council authorized \$100,000 to prepare an Environmental Impact Report (EIR) for a proposed 6,300-foot sewer expansion into Old Topanga Canyon at taxpayer expense. Advanced by Mayor Grovesman, motioned by Mr. Wolfson and seconded by Mr. Washburn, only Council Members Maurer and Bozajian spoke in strong opposition, challenging both the need for a sewer and the fiscal irresponsibility of such expenditure in light of recent budget cuts.

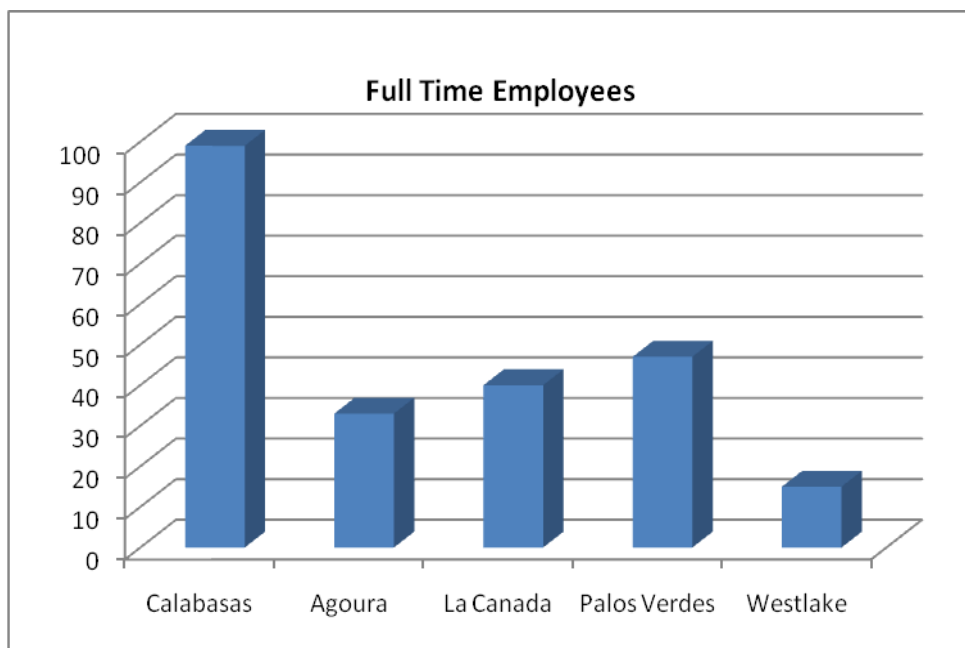
Consider this: The cost will undoubtedly soar, possibly to the tune of \$200,000 or even \$300,000, not the \$100,000 allocated. Why? Because there likely will be a lot of opposition, which will bring a change order for the amount of time allocated for response to public comments, which Rincon (the EIR consultant) is currently showing as a meager 48 hours. At \$300k, the Council could apply \$10k per household for 30 homes for septic repairs or upgrades. The cost of a new system (conventional) is about \$15k. A repair is typically a portion of that cost.....

So, for just about the cost of the EIR, the City could solve its purported problems.

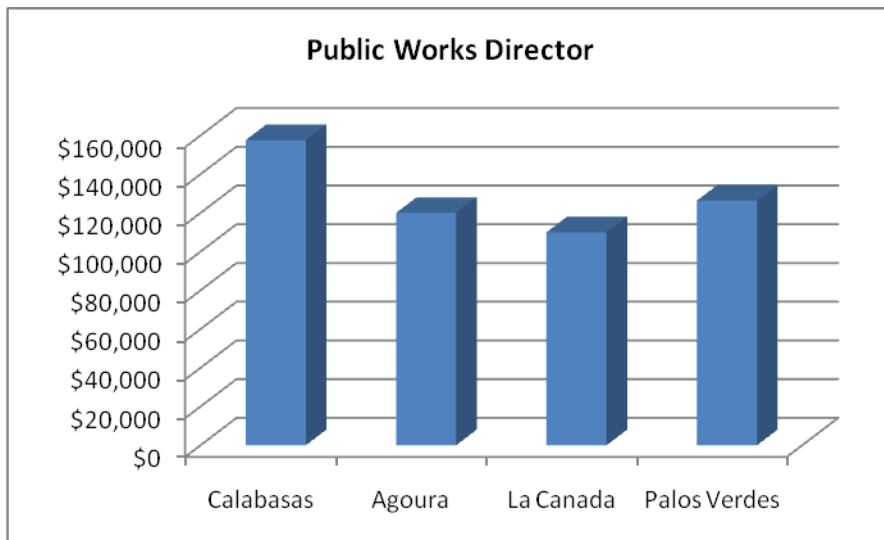
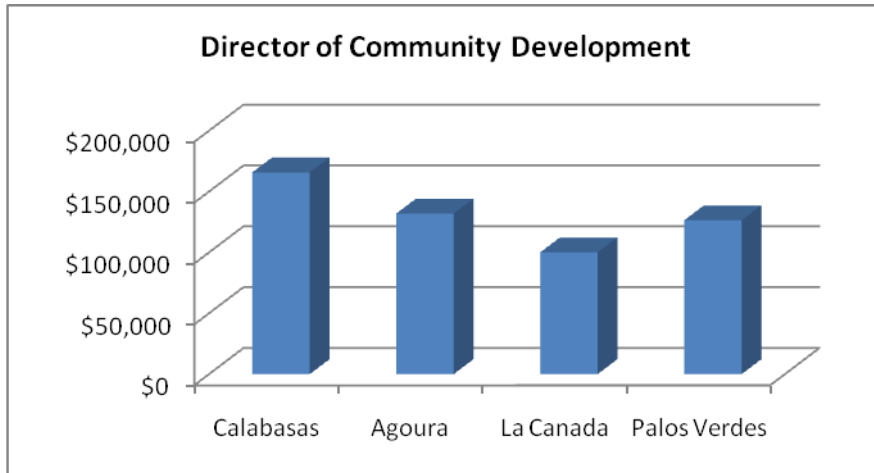
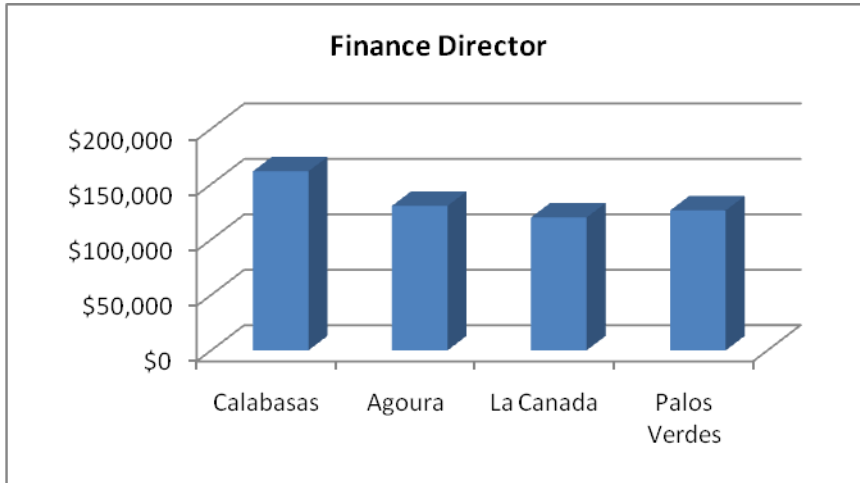
And you still think it’s not about bringing in sewers for development...?

CALABASAS PROFLIGACY?

We've heard a lot recently about the outrageous salaries provided to the senior management of the City of Bell. Those salaries, and the subsequent pensions, are inexcusable for civil servants. But here in Calabasas, there is another government payroll that is of concern. Ten years ago, the City had a budget surplus. Over the last decade, that surplus has been eroded, and the City now has an operating deficit. A big part of the problem is the bloated staffing levels at City Hall compared with other cities of similar size and demographics. In fact the City of Calabasas (pop. 24,000) has more than twice the number of full-time staff as the City of Agoura Hills (pop. 23,000), and Calabasas also has a small army of part-time employees.



How does the City Manager justify the burgeoning payroll? The other cities report high-quality city services, so it can't be argued that Calabasas residents get superior service. But the profligacy doesn't end there. For each senior management position, the City of Calabasas typically pays between 10 and 25 percent more compared with similar cities. For example, the City Manager in Calabasas is paid an annual salary of \$210,695 compared with \$188,946 in Agoura and \$171,564 in the City of La Canada. Other positions show similar differences:



These are not isolated examples. Calabasas staff is largely paid more than their peer group, and in comparison with the city of Agoura Hills, in some instances, there may be double the number of employees or more in similar positions. The City of Calabasas also has positions that other similar cities may not have. Some examples:

| Position | Salary |
|---------------------------------------|---------------------|
| Media Operations Director | \$137,855 |
| Media Production Specialist | \$58,043 |
| Senior Media Specialist | \$69,000 |
| Media Supervisor | \$77,748 |
| Deputy Director of Public Works | \$114,108 |
| Financial Analyst | \$67,000 |
| Information Systems Manager | \$102,804 |
| Information Systems Assistant | \$52,283 |
| Special Events Coordinator | \$65,000 |
| Business Services Coordinator | \$65,000 |
| Assoc & Ass't Transportation Planners | \$56,052 & \$69,743 |
| Facility Supervisor | \$68,000 |

Indeed, the Deputy Director of Public Works in Calabasas makes more than the Director in most comparable cities. Collectively, these payments are larger than those in the City of Bell, which have been widely condemned.

So while the City of Bell may take the prize for the highest paid individuals, the City of Calabasas might win the award for the most employees per capita and for paying them mostly above the prevailing wage rate.

Can Calabasas residents afford this profligacy, particularly in these trying economic times? Some of the city's recent budget cuts include cutting back on Commission meetings (citizen volunteers), Dial-A-Ride and school bus subsidies....

AGOURA HILLS – A LEANER MACHINE

We took a look at some additional full-time employee comparisons between our neighboring cities of Calabasas and Agoura. These base salary figures reflected do not include benefits or car allowances.

We will continue to report on budgets in future newsletters, including full-time, part-time and benefit management/employee comparisons and consultants as well as legal. Please note that we are reporting information:

Population (approx):

Agoura Hills – 23,000

Calabasas – 24,000

A - Full time employees - 35

C - Full time employees - 99

A – Director of Planning/Community Development \$132,000 (Michael Kamino)

C – Director of Community Development \$166,000 (Maureen Tamuri)

A - Director of Finance \$130,000 (Christy Pinuelas)

C - Chief Financial Officer \$162,000 (Gary Lysik)

A - Director of Community Service \$87,000 (Amy Jones-Brink)

C - Community Services Director \$131,000 (Jeff Rubin)

A – Recreation Manager \$86,000

C – Recreation Manager \$95,000

A – Planning in addition to above Director : 4 for a total of \$356,000

Ass't Director of Planning-106,000, Principal Planner - 95,000, Assoc. Planners - 83,000 & 72,000

C – Planning in addition to above Director: 8 for a total of \$610,000

City Planner-111,000 Senior Planners-87,000 & 87,000 Planners-71,000 & 69,000

Assoc. Planners-66,000 & 65,000. Planning Ass't - 54,000

A – Inspectors and Code Enforcement Officers: 2 for a total of \$131,000

Senior Building Inspector – 71,000 Code Compliance Officer – 60,000

C – Inspectors and Code Enforcement Officers: 9 for a total of \$545,000

Senior Building Inspector–68,000 Building Inspectors-58,000 & 64,000 & 58,000 Building Ass't–58,000

Code Enforcement Officers 54,000 & 52,000 Senior Public Works Inspector-68,000 Public Works

Inspector-65,000

A – City Librarians: \$0

Agoura is part of the County's system – Agoura owns building & County provides staffing. Calabasas chose to opt out of County system.

C – City Librarians: \$310,000

City Librarian-78,000 Librarian-57,000 Library Circulation Supervisor-51,000
Library Assistant-38,000 Library Assistant-47,000 Library Technician-39,000

A – Public Works Director & Engineers: 3 for a total of \$304,000

City PWD & Engineer-119,000 Ass't Engineer-81,000 Senior Civil Engineer-104,000

C – Public Works Director & Engineers: 6 for a total of \$557,000

Public Works Director-158,000 Deputy Public Works Director-114,000 Senior Civil Engineer-89,000
Assoc. Engineer-70,000 Assoc. Engineer-66,000 Building Engineer-60,000

CORRAL FIRE DECISION UPHELD ON APPEAL

The Court of Appeal has upheld the decision of the Superior Court in *Avendon v California*. This case involved the State's potential liability for homeowner losses in the Corral Canyon Fire of November 23, 2007.

The Corral Canyon Fire was caused by careless young men who, with a Santa Ana wind blowing full blast in the middle of the night, started a bonfire in a cave on the ridgetop south of Malibu Lake, presumably to provide light so they could see to open their six-packs. Predictably, the fire spread and ended up burning almost 5,000 acres, destroying more than 50 homes and damaging many others downwind in Malibu.

Because the cave they partied in was just inside the boundary of Malibu Creek State Park, the victims of the fire filed claims against the state with the California Victim Compensation and Government Claims Board. When they were turned down, they filed suit, charging the state with maintaining a "dangerous condition on public property."

The Superior Court dismissed the plaintiffs' suit, holding that the existence of natural vegetation is not in and of itself a dangerous condition and that the legal responsibility for the fire losses lay not with the state but with the morons who started the fire in the first place.

The victims appealed the decision of the Superior Court to the Court of Appeal, continuing to contend that the state maintained a "dangerous condition of public property" by allowing "unrestricted and easy access to the top of Corral Canyon Road,

by failing to gate off the top of Corral Canyon Road (a County-maintained public road), and by failing to put up bars to deny access to the cave.”

The Court of Appeal rejected the victims’ argument that the state maintained a “nuisance” in providing access to its parklands, pointing out that Section 3482 of the Civil Code states that “nothing done under authority of statute can be held to be a “nuisance”, and that Section 5001 and 5003 the Civil Code give the California Department of Parks and Recreation the authority to “administer, protect, develop, and interpret the property under its jurisdiction for the use and enjoyment of the public, and that its decision to allow access to the cave and to the road near the cave fall squarely within its statutory authority.”

All this overlooks the state’s normal policy of closing its parks during high fire hazard weather, but enforcement of that policy is contingent on the state being given enough staff to patrol its parks during fire weather.

PROPOSITION 21 TO BE ON NOVEMBER BALLOT

Proposition 21, the State Parks and Wildlife Conservation Trust Fund Act of 2010, has qualified for the November ballot. Proposition 21 is in response to the deteriorating condition of our state parks and the increasing inability of the state to protect state park resources and ensure the safety of park users and communities surrounding state parks due to staff cutbacks and inadequate maintenance resulting from budget cuts.

Proposition 21 would be funded by an \$18 annual State Park Access Pass surcharge on the license fees of all California cars, motorcycles and recreational vehicles (commercial vehicles and mobile homes would be exempt). In return, all California vehicles subject to the surcharge and all their occupants would have free admission to any and all state parks for that year. (Out-of-state vehicles would still have to pay the one-time \$15 to \$20 entrance fee each time they visited a state park.)

Trust Fund revenues could only be spent on state parks or wildlife, natural lands, or ocean conservation programs. 85 percent of the revenues from the Trust Fund would go to state parks, primarily to cover operation and maintenance costs.

With a dedicated revenue stream for state park operations in place, the \$130 million the state now spends on state parks could be diverted to other pressing public needs, like schools, police, and fire protection.

Expenditures from the Trust Fund would be audited by the State Auditor and by a Citizens Oversight Committee. Administrative, audit and oversight costs would be limited to 1 percent of annual Trust Fund revenues.

For more information on Proposition 21, contact the California State Parks Foundation at *Calparks.Org*, 714 W. Olympic Blvd, Suite 717, L.A. 90015, ph. (213) 748-7458, fax (213) 748-7495.

LAS VIRGENES WEATHER REPORT

You've heard the old saying that everybody talks about the weather but nobody does anything about it. We Las Virgenes residents can't do much about weather systems that are influenced by global climate patterns, but we can avoid a lot of grief by learning what our weather is capable of doing based on past performance and planning our homes and landscaping accordingly.

The following information about Las Virgenes weather was gleaned from Weather.com and county rainfall records. Rainfall averages and peaks in major storms are higher and minimum temperatures are lower in mountain communities, such as Cold Creek, Malibou Lake, Monte Nido and Topanga.

August is normally the hottest month in Calabasas and Agoura Hills with an average high of 96, but with a more comfortable average nighttime low of 58. Monthly average high and low temperatures will drop fairly steeply from September to December until we've "bottomed out" at average highs of 69 and lows of 38 in December. Temperatures rise gradually in the spring months, tempered by overcasts, until average highs are back in the mid-90's by July and August.

According to Weather.com recorded temperature extremes for Woodland Hills are 116 in 1985 and 18 in 1989. A low of 7 was recorded in Monte Nido about 35 years ago. Our temperature averages are pretty stable from year to year, but extremes of heat can occur at any time due to compression and Santa Ana winds. Pierce College recently recorded a rare reading of 119 degrees, and summer temperatures of up to 110 are not unusual. Our low humidity and low evening temperatures make such high temperatures more tolerable than in eastern cities.

Especially dangerous are the hot, dry "Santa Ana" winds of October and November because they come at the end of the dry season and create extreme conditions of high winds, heat and low humidity under which firefighters will freely admit they cannot control the spread of brush fires. That leaves it up to hillside homeowners to prepare their property beforehand to receive a fire. This means following Fire Department instructions on brush clearance. But it also means not planting highly combustible landscaping, such as cypress and juniper. If you live in a hillside location or adjacent to wildlands, it might be a good idea to observe how the wind blows onto your property during a Santa Ana and plan landscaping, brush clearance and sprinkler systems accordingly.

We do get frost and an occasional "black" freeze, and that puts limits on what plants we can use in our landscaping. Things that grow well on the Westside or even in the Valley (eucalyptus, banana plants, most tropicals, etc.) may be killed here by an occasional deep freeze. New residents would be advised to check with a local nursery to see what can safely be planted in their part of Las Virgenes before putting a lot of money into landscaping.

Weather.com tells us that our average annual rainfall over decades of record-keeping at the old Farmer place in Old Town, Calabasas was 19.08". Long-term unofficial records in Monte Nido, Malibou Lake, and Cold Creek show long-term annual averages between 22" and 23". Long-term official records at the Topanga Fire Station show an average annual rainfall of 23.63", with 80 percent of that falling in December through March.

But the average annual rainfall isn't the most important thing to consider when you're looking for a place to build a home; it's how often flood-producing quantities of rain have fallen there in the past. For example, between 1927 and 1980 County rainfall records show 12 individual storms dropping between 10" and 19" of rain in a period of one or two days.

Those same records show 30.49" of rain falling in Malibou Lake during an eight-day storm in January, 1969, capped with 10.61" on the final day. Almost every hillside in the Las Virgenes Valley failed in that storm, and floodwaters came close to topping the bridge at Tapia Park; in Topanga, cars were swept into the creek and carried out to sea. During a two-day storm in January, 1943, 19.13" of rain fell in upper Zuma Canyon. In two months from January 3rd to March 6th, 1978, 50.70" of rain fell in Malibu Creek State Park. Yes, it can rain in southern California, and that rain can generate a lot of runoff – 38,000 cubic feet per second at the mouth of Malibu Creek in March, 1978, for example.

Planners talk about "Flood Plains," which are the flat areas next to creeks that sometimes appear to be very desirable building sites, but they are called "flood plains" for a reason that becomes evident every time we have one of those abnormally heavy rains. There is a reason our General Plans and the Draft Local Coastal Plan require that new development be kept out of flood plains and set back a good distance from streams.

THE LATEST FROM LVMWD

In case you missed it, this month's edition of *The Current Flow*, the newsletter of the Las Virgenes Municipal Water District, contains a lot of information on current and new District billing and conservation measures.

Your annual water budget is still in effect, but customers are now permitted to "roll over" billing periods of low water use and apply them against a billing period when the customer goes over budget – as long as the net use does not exceed the customer's water budget. If you have any questions about your bill or your water budget, call LVMWD Customer Service at (818) 251-2200.

- Sewer rates for single family homes have increased to \$108 per two-month billing period.

- Water rates have gone up about \$3 per month for an average home due primarily to increased costs from the Metropolitan Water District, the District's only supplier of drinking water.
- Mandatory water conservation measures remain in effect.
 - Irrigation is prohibited between 10 AM and 5 PM.
 - Irrigation may not run off the property into the street.
 - No "hosing" of sidewalks or driveways without a water broom.
 - Penalties range from a warning for the first violation to \$250 for a fourth violation to restriction or termination of service for repeat violators.

The Las Virgenes Municipal Water District is governed by a Board ("The Water Board") composed of five directors, each elected from a separate "division" or district. Here is the current Board membership,

Division 1 (Calabasas Park, Hidden Hills, Mountain View) – Charles Caspary

Division 2 (Malibu Canyon, Saratoga Hills, Old Agoura, Liberty Canyon, Triunfo-Lobo, Deer Springs) – Glen Peterson *

Division 3 (Mulwood, Calabasas Highlands, Cold Creek, Monte Nido, Malibou Lake, Corral Canyon, Saddle Peak – Lee Renger *

Division 4 (Lake Lindero, Westlake Village) – Joseph Bowman

Division 5 (Fountainwood, Morrison Ranch) – Jeffery Smith

* Glen Peterson and Lee Renger are running unopposed for reelection on the November ballot. Jeffery Smith is being opposed by Barry Steinhardt.

ROAD MAP TO FIRE SAFETY!

ROAD MAP TO FIRE SAFETY – HOW TO CREATE DEFENSIBLE SPACE IN THE SANTA MONICA MOUNTAINS has just been published by the Santa Monica Mountains Fire Safe Alliance.

Copies were sent to unincorporated Los Angeles County residents and to local cities for distribution. If you did not receive this guide, copies are available at County offices or online at www.fire.lacounty.gov/Forestry/RoadMaptoFireSafety.pdf

The mission of the Alliance, a collaboration of related public agencies, departments and communities, is to find solutions and resources for property owners and land managers to improve stewardship in the wildland urban interface, including integration of best-management practices to create defensible space while protecting wildland. The Alliance will help create safer communities and protect natural areas by involving and educating stakeholders, sharing information and locating and providing beneficial resources.