



"Accountability"
Glendale's Watchdog

Happy New Year



Vanguard
Weekly News Vol II
Week of December 31, 2006
City of Glendale, CA Edition
www.vanguard-usa.org

HEADLINES

Fire Department Approved for 5th Rescue Ambulance

BREAKING NEWS!

Chevy Chase residents upset with Bambi and Reindeer

The four stages of Vanguard "First they ignore you, then they laugh at you, then they fight you, then you win." Mahatma Gandhi

"The price of freedom is eternal vigilance." – Thomas Jefferson

"Get your facts first, and then you can distort them as much as you please." Mark Twain

Short Range Transit Plan did not take into consideration several issues:

1. Interaction with MTA transportation
2. The expensive NextBus system
3. The need for public transportation after 7 PM
 - a. New residents in the downtown area
 - b. Service workers in hotels, restaurants and shopping centers
 - c. Shoppers
4. Continued mismanagement of public transportation
 - a. Maintenance Facilities
 - b. Fueling
 - c. Smaller vehicles
 - d. Malfunctioning equipment
 - e. Staffing for need (schools, workforce)

Coupled with the mobility study the cost to the taxpayers was about \$1,000,000 and there are many unanswered questions. [See for yourself, click here.](#)

In response to the request for more information about the GASB Rule 45

This Just In:



Governmental Accounting Standards Board

GASB Issues Statement That Addresses Employer Reporting of Post employment Benefits

Norwalk, CT, August 2, 2004—The Governmental Accounting Standards Board (GASB) has issued Statement No. 45, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions*, which addresses how state and local governments should account for and report their costs and obligations related to postemployment healthcare and other nonpension benefits. Collectively, these benefits are commonly referred to as *other postemployment benefits*, or *OPEB*.

The statement generally requires that state and local governmental employers account for and report the annual cost of OPEB and the outstanding obligations and commitments related to OPEB in essentially the same manner as they currently do for pensions. Annual OPEB cost for most employers will be based on actuarially determined amounts that, if paid on an ongoing

basis, generally would provide sufficient resources to pay benefits as they come due. The provisions of Statement 45 may be applied prospectively and do not require governments to fund their OPEB plans. An employer may establish its OPEB liability at zero as of the beginning of the initial year of implementation; however, the unfunded actuarial liability is required to be amortized over future periods.

Statement 45 also establishes disclosure requirements for information about the plans in which an employer participates, the funding policy followed, the actuarial valuation process and assumptions, and, for certain employers, the extent to which the plan has been funded over time.

According to project manager Karl Johnson, "When implemented, Statement 45 will provide those who use government financial reports with improved information about the cost of providing postemployment benefits, the commitments that governments have made related to those benefits, and the extent to which those commitments have been funded. "Reasons

CITY COUNCIL ELECTION NEWS

Save the Date: Feb 7 for the Vanguard Forum for Candidates for Glendale City Council. By January 25th all those running will need to have their petitions turned in to the City Clerk's Office. To date the incumbents Rafi Manoukian and Dave Weaver will be challenged by Vrej Agajanian, John Drayman, Chahe Keuroghelian and Greg Krikorian. The election is on April 3rd.

Trash: Holiday Trash Pickup Schedule

Because New Year's Day falls on a Monday, trash pickup for those days will be on the following Tuesday. All regular trash collection days during those two weeks will be delayed by one day.

Statement of Economic Interest: Arthur Mangassarian realized how important it was to file an SEI form for being a Commissioner, he did so and even paid the fine. Now if the others who haven't filed follow suit...

Published independently by **Vanguard** – Our **vision** is to live in a City where all people, regardless of geography, background or economic status, can enjoy accountability, integrity, effectiveness and responsiveness from our elected officials and each of the city's departments

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THE FOLD

1 Council **NO MEETINGS UNTIL January 9, 2007**
Click on the underlined to view the agenda
[City Council](#) - [Housing Authority](#) -- [Redevelopment Agency](#)

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

As we embark on an election season we are encouraged to review our rights:

RIGHTS

Inalienable Rights

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

In these memorable words of the American Declaration of Independence, Thomas Jefferson set forth a fundamental principle upon which democratic government is founded. Governments in a democracy do not grant the fundamental freedoms enumerated by Jefferson; governments are created to protect those freedoms that every individual possesses by virtue of his or her existence.

Inalienable rights include freedom of speech and expression, freedom of religion and conscience, freedom of assembly, and the right to equal protection before the law. Since they exist independently of government, these rights cannot be legislated away, nor are they subject to the momentary whim of an electoral majority. The First Amendment to the U.S. Constitution, for example, does not give freedom of religion or of the press to the people; it prohibits the Congress from passing any law interfering with freedom of speech, religion, and peaceful assembly. A historian, Leonard Levy, has said, "Individuals may be free when their government is not."

Every democracy is charged with the task of building the constitutional, legal, and social structures that will ensure their protection.

Speech

Freedom of speech and expression is the lifeblood of any democracy. To debate and vote, to assemble and protest, to worship, to ensure justice for all--these all rely upon the unrestricted flow of speech and information. Canadian Patrick Wilson, creator of the television series *The Struggle for Democracy*, observes: "Democracy is communication: people talking to one another about their common problems and forging a common destiny. Before people can govern themselves, they must be free to express themselves."

Citizens of a democracy live with the conviction that through the open exchange of ideas and opinions, truth will eventually win out over falsehood, the values of others will be better understood, areas of compromise more clearly defined, and the path of progress opened. The greater the volume of such exchanges, the better. American essayist E.B. White put it this way: "The press in our free country is reliable and useful not because of its good character but because of its great diversity. As long as there are many owners, each pursuing his own brand of truth, we the people have the opportunity to arrive at the truth and dwell in the light.... There is safety in numbers."

Democratic governments do not control, dictate, or judge the content of written and verbal speech. Democracy depends upon a literate, knowledgeable citizenry whose access to the broadest possible range of information enables them to participate as fully as possible in the public life of their society. Ignorance breeds apathy. Democracy thrives upon the energy of citizens who are sustained by the unimpeded flow of ideas, data, opinions, and speculation.

But what should the government do in cases where the news media or other organizations abuse freedom of speech with information that, in the opinion of the majority, is false, repugnant, irresponsible, or simply in bad taste? The answer, by and large, is nothing. It is simply not the business of government to judge such matters. In general, the cure for free speech is more free speech. It may seem a paradox, but in the name of free speech, a democracy must sometimes defend the rights of individuals and groups who themselves advocate such non-democratic policies as repressing free speech. Citizens in a democratic society defend this right out of the conviction that, in the end, open debate will lead to greater truth and wiser public actions than if speech and dissent are stifled.

Furthermore, the advocate of free speech argues, the suppression of speech that I find offensive today is potentially a threat to my exercise of free speech tomorrow--which perhaps you or someone else might find offensive. One of the classic defenses of this view is that of English philosopher John Stuart Mill, who argued in his 1859 essay "On Liberty" that all people are harmed when speech is repressed. "If the opinion is right, they are deprived of the opportunity of exchanging error for truth," Mill wrote, "if wrong, they lose...the clearer perception and livelier impression of truth produced by its collision with error."

The corollary to freedom of speech is the right of the people to assemble and peacefully demand that the government hear their grievances. Without this right to gather and be heard, freedom of speech would be devalued. For this reason, freedom of speech is considered closely linked to, if not inseparable from, the right to gather, protest, and demand change. Democratic governments can legitimately regulate the time and place of political rallies and marches to maintain the peace, but they cannot use that authority to suppress protest or to prevent dissident groups from making their voices heard.

Citizenship: Rights and Responsibilities

Democracies rest upon the principle that government exists to serve the people; the people do not exist to serve the government. In other words, the people are citizens of the democratic state, not its subjects. When citizens in a democracy vote they are exercising their right and responsibility to determine who shall rule in their name. Similarly, citizens in a democracy

enjoy the right to join organizations of their choosing that are independent of government and to participate freely in the public life of their society. At the same time, citizens must accept the responsibility that such participation entails: educating themselves about the issues, demonstrating tolerance in dealing with those holding opposing views, and compromising when necessary to reach agreement.

An individual's exercise of his rights is also his responsibility to protect and enhance those rights--for himself and for others. Even citizens of well-established democracies often misunderstand this equation, and too often take advantage of rights while ignoring responsibilities. As political scientist Benjamin Barber notes, "Democracy is often understood as the rule of the majority, and rights are understood more and more as the private possessions of individuals and thus as necessarily antagonistic to majoritarian democracy. But this is to misunderstand both rights and democracy."

It is certainly true that individuals exercise basic, or inalienable, rights--such as freedom of speech, assembly, and religion--which thereby constitute limits on any democratically based government. In this sense, individual rights are a bulwark against abuses of power by the government or a momentary political majority.

But in another sense, rights, like individuals, do not function in isolation. Rights are not the private possession of individuals but exist only insofar as other citizens of the society recognize them. The electorate, as the American philosopher Sidney Hook expressed it, is "the ultimate custodian of its own freedom." From this perspective, democratic government, which is elected by and accountable to its citizens, is not the antagonist of individual rights, but their protector. It is to enhance their rights that citizens in a democracy undertake their civic obligations and responsibilities.

Broadly speaking, these responsibilities entail participating in the democratic process to ensure its functioning. At a minimum, citizens should educate themselves about the critical issues confronting their society--if only to vote intelligently for candidates running for high office.

The essence of democratic action is the active, freely chosen participation of its citizens in the public life of their community and nation. Without this broad, sustaining participation, democracy will begin to wither and become the preserve of a small, select number of groups and organizations. But with the active engagement of individuals across the spectrum of society, democracies can weather the inevitable economic and political storms that sweep over every society, without sacrificing the freedoms and rights that they are sworn to uphold.

Active involvement in public life is often narrowly defined as the struggle for political office. **But citizen participation in a democratic society is much broader than just taking part in election contests.** At the neighborhood or municipal level, citizens may serve on school committees or form community groups, as well as run for local office. At the state, provincial, or national level, citizens can add their voices and pens to the continuing debate over public issues, or they can join political parties, labor unions, or other voluntary organizations. **Whatever the level of their contribution, a healthy democracy depends upon the continuing, informed participation of the broad range of its citizens.** [ED Emphasis added]

Democracy, Diane Ravitch writes, "is a process, a way of living and working together. It is evolutionary, not static. It requires cooperation, compromise, and tolerance among all citizens. Making it work is hard, not easy. Freedom means responsibility, not freedom from responsibility."

[From a treatise on Democracy](#)

ACCOUNTABILITY is the issue!

The Glendale Municipal Code, 2.83.070 on the improper use of city position or prospective position.

"No official of the city...shall use his/her position, or the power or authority of his/her office or position, in any manner intended to induce or coerce any person to provide, directly or indirectly, anything of value which shall accrue to the private advantage, benefit or economic gain of the official, or of any other person. (Ord. 5219 (part), 1999)"

**When WE are complacent THEY win!
When WE are vigilant THEY are accountable!**

Story Behind Headlines

Fire Department Ambulance – Council and Management listened to the evidence presented by [Vanguard](#) and have budgeted for a 5th RA (Rescue Ambulance) due to the high volume of medical emergency calls. However they only plan to fund 6 paramedics when they should have planned to hire 9 to prevent more outrageous overtime. Or better yet, the administration could take one paramedic/firefighter from each suppression apparatus giving 12 people per platoon to staff the new RAs and provide full overtime coverage reducing that cost by \$5,000,000.

3 Quotes, Comments, Reports, Calls and Letters:

**Integrity starts with the individual
Send Vanguard to your own list.
TAKE ACTION – GET INVOLVED – BE INFORMED**

I was so disappointed that residents of Chevy Chase Canyon were upset with the deer that visit the homes eating the weeds and keeping the brush under control. Maybe even to chew on some valuable roses. Aahhh to live near our City owned open space acreage that supports the fauna of which they complain. At our home we invite Bambi and Rudolph along with their friends to join us. We even have a salt lick and water trough for them. As soon as Xmas is over people don't want the deer until next year when Santa and all his reindeer come to visit. Tsk Tsk, ashunda. **AS**

4 Announcements -- Calendar -- Links

City Calendar

Monday, January 1

City Offices Closed – Federal Holiday

Thursday, January 4

Design Review Board #1 – 1:00 pm, City Council Chambers, City Hall, 548-2140

Candidates pick up election materials

LINKS

[Downtown Specific Plan](#) -- [FPPC Agenda](#) — [Will Rogers Content](#) -- [Everything you want to know about municipal finance](#) -- [Read about Statement of Economic Interest](#) -- [Free Adobe Acrobat Reader](#) -- [Free PowerPoint Reader](#) -- [Brown Act](#)— [Email Cong Schiff](#). [2006 California Piglet Book about government waste](#). [Political Reform Act](#). -- [Donations Deductible? Find out here](#) -- [LAFCO MSR Report](#) -- [calaware](#) --- [California First Amendment Coalition Tax Tips on Pensions and Charitable deductions](#) [New Requirements for Charitable Contributions](#) -- [Social Security - Retiring Early](#) -- [Pension Reform](#) -- [Medical Travel](#)

5 Your Benefits from Vanguard

No other news media in Glendale does investigative reporting and tells the whole story!!

Barry Allen, spokesperson for Vanguard, is available to speak to your group or organization about the issues of accountability in Glendale and to listen to your issues and insights. No holds barred, no pulled punches, the truth supported by the facts obtained through the California Public Records Act, legislation that is so important that it is included in the California Constitution.

April City Election: Vanguard is an active participant in the coming City election. A questionnaire is being sent to all candidates and their responses will be included in the Vanguard Weekly News. As soon as the candidate financial disclosures are available they will be posted. Vanguard is hosting a FREE community candidate forum on Wednesday February 7 at 6 PM at the Central Library Auditorium. Parking will be validated.

Vanguard encourages your input and support!

Thanks to those who have sent their checks.
Send your tax-deductible contribution today!

Vanguard

[Emailto:ba@fieldworks.net](mailto:ba@fieldworks.net)

Please make checks payable to **Vanguard**
 Mail to Post Office Box 11202 Glendale CA 91226

Annual mail subscription: \$75.

Mail to: Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____

**If contributing by Credit Card, call 818 243 1502 or Fax to 818 243 2601
 Contributions are tax deductible – Rev. Proc. 92-85, 1992-42 I.R.B. 32**

CREDIT CARD INFORMATION -- PLEASE PRINT CLEARLY

Name on Card: _____
 Address on Bill: _____
 Card Number: _____ 3 or 4 Digit Code: _____
 Expiration Date: _____
 Amount: \$ _____ Frequency _____
 Signature: _____
 Master Card _____ VISA _____ American Express _____ Discover _____

Note: Fifty-Fifty Leadership will show on your credit card statement
 You will receive a receipt for income tax purposes



Fire Department Staffing is up according to City Records. In fiscal year 2006 there were only 6 fires with structural damage of \$250,000 or more. The GFD has been unable to cite any logical reason for 24-hour shifts other than 'tradition'. The public is paying more than \$5,000,000 in overtime for 'tradition'. Building codes require the use of fire proof and retardant materials in new construction and remodels, sprinklers and smoke detectors that have changed the paradigm. Firefighters have time to conduct 300 annual public relations visits to foster the image of rescuing a child from a burning building. In fact in their publication the picture used to show their prowess was from Pasadena! The City wants to rebuild two fire stations at the cost of \$25,000,000 (not including overruns) and yet won't let Vanguard visit them. In the case of Station 26 they will be demolishing a branch library and expanding from 8,000 square feet to almost 19,000 without any justification for the need. (Consultants Report). If the sleeping arrangements are eliminated because the public no longer is willing to pay them to sleep, the public can use that space for local senior centers; the GFD can PROPERLY staff for the medical demand. Out of the approximate 12,000 calls for service each year, 11,000 are for medical for which there are only four ambulances and 8 paramedics available while there are 12 fire apparatus and 48 firefighters available for the 1000 calls less 93% false alarms. The GFD tells us that the majority of calls for service are from 9 to 5 in the daytime hours. That is when the most staffing should be. Unfortunately that is when the GFD is training, trying on clothes, shopping and union meetings resulting in closing stations. Other cities post their information on the website. Glendale chooses to require a formal records act request. And then complain about the need to pull records together. The GFD news speaks to the annual fire department fishing trip that requires vacation overtime coverage. Simple questions relating to the charges for medical service, the use of outdated drugs and how the paramedic engine is equipped have gone unanswered. Questions relating to the apparatus being too large for the parked streets to get to a medical emergency scene are unanswered. The failure to innovate by the use of smaller patrol vehicles making fire inspections, being closer to the need for the jaws of life and being awake and alert like the Police Department.

The last meeting of the Downtown Specific Plan Advisory Committee had the fire station 26 thrown at the group because city management wanted it green-lighted. Yet the public has yet to hear the fire department weighing in on the 'mobility plan'. How will they get a truck or an engine down Brand when traffic is stopped? Or a Rescue Ambulance when there is a multiple traffic injury? The time has come for the public to take charge of the resources and ask the hard questions regarding the control of the budget by the unions in their relentless march to fill campaign coffers with their dollars.

Fiscal Year	Employees	Fire Stations	November Rescue Ambulance Calls	Ambulance Staff Vehicles/Paramedic	November Fire Calls	Staff Vehicles/Personnel
2006	240	9	1073	4/8	147	12/48
2005	218	9	1138	4/8	122	12/48
2004	182	9	1028	4/8	131	12/48
2003	192	9	1075	4/8	167	12/48

2002	193	9	1115	4/8	154	12/48
2001	173	9	No data	No data	No data	No data

There has been no change in response time nor in Class 1 status. Why are we paying more with only more overtime in sight! 93% of Fire Runs are false alarms

7 Public Records Requests

City is uncomfortable with Records Act Requests as they are afraid of an open transparent government. Below is the Vanguard response paragraph per paragraph. Italicized is City's letter and following in regular font is the Vanguard response.

Over the past year, you have made more than 270 public records requests to a number of City departments, including the Fire Department, the Police Department, Public Works and this office. Your requests make up over 80% of the overall requests the City has received from the general public, not limited to only those living in the City of Glendale. To date, in the month of December 2006 alone, you have made 32 requests, as compared to the 5 requests that the City has received from the general public. Beginning with documents relating to Form 700's for specific Council Members and Commissioners, your requests have subsequently expanded in scope, complexity and frequency to include, more recently, documents related to all permits wherein police staffing was requested. Many of your requests include numerous subparts that, together with related questions, easily push your total number of discrete requests to far greater numbers.

The characterization that the quantity of Constitutionally guaranteed public record requests is limited is an indictment of a system that is ripe for fraud and corruption. It was because of the failure to provide public records that Proposition 59 was passed in 2005. Unfortunately the City Attorney has failed in its obligation to notify the public that the public is entitled to review public documents. The failure of the City of Glendale to timely post these documents on the city web site is also a travesty that forces those that represent the public to rely on the California Public Records Act. The City has a policy that all records requests go through the City Clerk's Office with a copy to the City Attorney. Simple requests. That prior to the institution of this new policy, were channeled to Department heads or Public Information Officers (Ritch Wells) now go to the City Attorney. The City Attorney complains even though we follow his direction. In fact in one case the Transportation Department refused a record request on the basis that the reason for the request was not stated, something that is not required by the Statute. In another case the City was successfully sued for their failure to provide the documents on a timely basis, something that Vanguard, to this point has chosen not to do. As records are reviewed we often find that, like any investigation or litigation, more avenues are opened.

By now you are well aware that your requests have placed enormous burdens on the resources of this office as well as other City departments. We have responded to your requests diligently and courteously, and have devoted as many resources as could be made available to the tasks your requests have required: analysis of increasingly complex requests; consultation with persons who could assist in providing responses; searching for potentially responsive records; reviewing records when located; preparing written responses to your requests; and disseminating responsive records. In some instances, the City has been able to provide a complete response within the statutory 10-day period. In other instances, we have found it necessary to invoke a 14-day extension permitted under certain circumstances.

The burdens placed on the City Attorney's Office are self-imposed. More time is spent in redacting information than in providing it. Vanguard in its requests has always offered the City Attorney an opportunity to discuss the issue and subject matter. However the City Attorney has not returned calls from Vanguard to offer that assistance.

We must assume you are also aware that careful scrutiny and attention are required when locating and releasing public records, particularly where they involve legal matters and personal information of citizens, namely medical information generated from the Fire Department. No less serious than our legal obligation to release public information when requested is our legal obligation to avoid disclosing attorney-client privileged communications or personal (in many cases constitutionally-protected) information conveyed by private individuals communicating with the City.

The City has chosen to take the path of selectively protecting privacy and rejecting the Constitutional guarantees of open and transparent government. Medical information has never been requested. However addresses of fire department runs has been refused even though that information is broadcast over the public radio frequencies under the jurisdiction of the Federal Communications Commission. Your refusal to release that information leads one to believe that the GFD run statistics are not valid.

The right to privacy is explicit in the California Constitution, and we take our duty to protect the privacy rights of individuals as seriously as our duties under the California Public Records Act. To respond to your requests, it is sometimes necessary to review each page of otherwise responsive records. A single example is your September 7, 2006 request for over three years of documents relating to requests for event policing services. The responsive materials included review of hundreds of files. Accordingly, it was necessary to carefully examine and painstakingly redact a number of printed pages by hand in order to prevent public disclosure of such private information as home addresses and telephone numbers.

The information was relevant to the use and charges for police services by elected officials which information has resulted in complaints files with state agencies. Additionally those requests have resulted in the City establishing a policy relative to providing free services to elected officials. None of the results would have occurred without the Vanguard requests, review and reporting. Home addresses are public information from the Registrar of Voters and the telephone directories.

*To date, we estimate that the City has reviewed thousands of records and provided documents in response to your requests numbering in the hundreds of pages. We additionally expect that your pending requests will add still more hundreds to that total. Moreover, we conservatively estimate that the time devoted to fulfilling your requests by city staff is more than 500 hours, **at a cost to taxpayers of over \$35,000.** You are*

well aware, of course, that the California Government Code contains no provision to allow us to recover any of these expenses beyond a 10-cent per page charge if paper copies are made.

The fact that you have kept records of the costs for complying with the law and keep no records of the cost of applying for awards and commendations shows your disdain for the California Constitution and the Bill of Rights. The 10-cent per page is not designed to recompense the use of tax dollars. In fact the cost of a sheet of paper is 1 cent. In one instance you provided records with a line of typing per page for over 400 pages when the request was to review the document. In another instance you **charged almost \$400 for a document that you refused to put on official stationery or letterhead.** Your office prior to this letter **indicated under a public record request that you had no documents relating to the quantity or the cost of document requests.** Shall the public consider the number quoted to be arbitrary? Or a falsehood?

We take our obligations under the California Public Records Act very seriously. But we also owe a duty to the more than 207,000 other residents of this City to carry out all of the governmental functions of our respective departments. We do not believe that the legislators and voters who adopted the California Public Records Act and subsequent Constitutional Amendment intended to enable one person or group to unreasonably commandeer such a significant share of City resources, for such an extended period, with no end in sight.

Because of the fear of government by many of those 207,000 people, Vanguard acts as a clearinghouse for public record requests. Emphasis should be placed on open and transparent government – not one that has the public fearful of retaliation. As one developer said he was fearful that if he complained about the GFD his project could wait another 3 or 4 months before fire department approval. The City Attorney also weighed in on an Amicus to prevent the public from learning about how many of the over 2700 employees receive more than \$100,000 a year in salary. Thirty five thousand dollars, according to staff in the management letter of 2004, is not much in the grand scheme of things,

Mindful of our obligations to all the residents of Glendale and the considerable time and resources we have already devoted to responding to your requests, this letter serves to notify you that the City Attorney's Office has advised other departments that they may limit the time they spend responding to your public records requests to a reasonable amount of time that permits them to perform their other duties. This office similarly intends to limit the time we spend responding to your public records requests as necessary to allow us to perform our other work.

The time frame is set by law. Each request must be filled within 10 days unless there is a justification for an additional 14 days. We will be more closely monitoring the time limits

Additionally before we devote significant resources to responding to your new requests we will first complete our responses to your outstanding requests. Given the volume, scope and frequency of your requests, which show no signs of abating, this reasonable allocation of resources will inevitably result in missed deadlines. If you wish us to focus on a new request, then you should inform us that you wish us to suspend work on a prior request in order to address the new one.

The law that was passed by the Legislature and placed in the Constitution by the voters of the State of California covers each request made. You have already chosen to pigeon hole documents that could result in litigation against the City.

We finally wish to express that we take these steps reluctantly and only after two to three years of unrelenting and burdensome requests. This City is committed to transparency and openness of government as evidenced from the information now available online expanded from previous years and the series of long range planning sessions geared toward community involvement.

The online data is old and often inaccurate as reported to the City Manager. Additionally the Vanguard address changed in August and you refuse to properly address correspondence, which adds time to our request fulfillment. Your letter alone indicated an unwillingness to provide documents openly and forthrightedly. The signing on to an Amicus in support of hiding the payroll of employees from the public scrutiny is another display of your disdain of open government. Further the liberal use of permissive closed legislative sessions displays further contempt for the people and the process of open government.

We are profoundly saddened that what appears to be a vexatious abuse of the California Public Records Act has forced the assertion of a limiting principle; in this case, the doctrine of implied rule of reason, well established in California case law, which sets reasonable limits for responding to public records requests.

The requests, covered by statute, are not vexatious and are not subject to the doctrine of implied rule of reason. They are covered by the Constitution voted upon by the electorate. Your statement indicates a further animus toward the public's need to access records that are rightfully theirs.

We invite reasonableness in your future public records requests to enable us to complete our responses to those already outstanding. Further, we hope you will consider withdrawing or narrowing some of your prior public records requests to facilitate the City's ability to respond to your core requests, and we welcome your guidance in identifying priorities among your multiple requests already queued for response.

A review to our record request letter further indicates our reasonableness as opposed to your vindictiveness against the public. We shall expect all requests to follow the time limits prescribed by the law. I encourage you to review our request form reprinted below.

Dear Mr. Kassakhian:

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.) and the California Constitution, as amended by passage of Prop 59 on November 3, 2004, I am writing to request inspection of the following records, which I understand to be in the possession of your agency:

(Describe the record(s) as precisely as possible, including the designation of any forms or reports with titles, the date or dates if relevant, the author and addressee if the item is a letter or memo, etc. If the record is referred to in another document or published report and it will help to attach a copy of that reference, do so.)

I ask for a determination on this request within 10 days of your receipt of it, and an even earlier reply if you can make that determination without having to review the record(s) in question.

If you determine that any or all of the information is exempt from disclosure, I ask that you reconsider that determination in view of Prop 59, which has amended the state Constitution to require that all exemptions be "narrowly construed." Prop 59 may modify or overturn authorities on which you have relied in the past.

If you nonetheless determine that the requested records are subject to a still-valid exemption, I would further request that: (1) you exercise your discretion to disclose some or all of the records notwithstanding the exemption; and (2) that, with respect to records containing both exempt and non-exempt content, you redact the exempt content and disclose the rest.

You must provide assistance by helping to identify records and information relevant to the request and suggesting ways to overcome any practical basis for denying access.

Finally, should you deny part or this entire request, you are required to provide a written response describing the legal authority or authorities on which you rely. Please also address the question whether Prop 59 requires disclosure even though authorities predating Prop 59 may appear to support your exemption claim.

Records concerning litigation are exempt only until the claim is resolved or settled. Upon disposition all records including court records and those pre-dating the suit are public.

If I can provide any clarification that will help expedite your attention to this request, please contact me at the number above. I ask that you notify me of any duplication costs so that I may decide which records I want copied.

I am sending a copy of this letter to your legal advisor to help encourage a speedy determination, and I would likewise be happy to discuss my request with him or his designee at any time.

Thank you for your time and attention to this matter.

8. **By The Numbers**

FYear	Employees	Per cap Income\$	School Enroll	GPD Sworn	GFD Employees	Population	Sales Tax Revenue\$	Schd 4 Loss between Revenue and Expense\$
2006	2706 (1953FT)	38,854	42,000	289	240	206,308	23,984,472	-45,092,166
2005	1881	37,706	43,000	245	218	207,007	22,350,550	-30,214,509
2004	1829	37,710	44,000	237	182	205,341	28,327,671	-30,337,997
2003	1812	41,721	46,000	240	192	202,747	30,916,912	-30,000,584
2002	1750	41,721	47,000	231	193	200,200	27,546,950	-6,438,445
2001	1692			219	173			

In fiscal year 2006 there were 2.6 miles of streets resurfaced and .4 miles reconstructed less than 1% of the streets in Glendale. By the Numbers information is from city documents.

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