

## New Maintenance Assessment Requirements

For residents to vote "Yes" on a new Road Maintenance Assessment it should include safeguards to prevent the funds from being raided for other uses. There should also be provision for a resident oversight committee that meets in public and has teeth, and work contracts that include longer-term guarantees of materials and workmanship. Existing natural drainage needs to be protected as per City Codes and the General Plan to head off having to install expensive artificial drainage, which then needs to be maintained thereafter. The largest cumulative drainage threat is new homes that do not handle storm water runoff on site as required, but instead outlet it onto city streets and neighbors.

City streets are not designed to carry storm water. The City Council also has talked about a higher Fire Fee, instituting a Police Services Tax, and another general type tax such as utility tax.

## Muti-Million Dollar Bond Assessment Feared

At the October City Council meeting Councilmember Westerhoff suggested taking advantage of low interest rates and borrowing money for a major capital project to fix roads and drainage.

Many residents are still paying off a 20-year 1996 bond for the same purpose. At that time, home owners were given a choice of a \$2500 one time payment, or paying \$250 a year for 20 years.

That \$5.2 million Roads Capital Improvement project was represented to voters in the June 1995 City publication "Top of the Heights" stating, "...no major repair program will be necessary in the future"

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## Our View: Water Board Recommendation

Voters are faced with interesting choices in this election. The three incumbents are or appear to be running as a team. The majority of the Water Board was originally appointed, not elected. A self-selected group is typically not in the best interests of the community, as disagreements and thinking outside the box are less likely.

The proposed Rowland Water deal is an example. Rowland did some creative thinking to come up with an agreement, with plans to use the water flow from La Habra Height to generate electricity. Our Water Board has primarily been reactive and accommodating of Rowland's ideas. The Water District's budgets have been in deficit for two years in a row. When cutting Board pay and perks, including meeting at the country club, were mentioned at a recent meeting, one Board member said those were just "noise" in the budget and inconsequential to cut.

The matter also highlighted another issue, the lack of openness and transparency of the Board; no web site, no recording or televising of meetings, and meetings in the afternoon, inconvenient for most. A public forum, held at 6 p.m. on October 24th filled the Multi-Purpose Room, showing the interest of the residents in Water Board activities, reportedly the first such event in decades.

The challenger, Judy Hathaway-Francis, was a council member for 13 years, and worked in Water Agencies. She has been a frequent proponent of open government, speaking out when it is threatened.

Although her challengers have made an issue of her \$19,000 a year PERS retirement plan, the retired schoolteacher does not collect social security. Public records requests to the City and PERS attempting to verify information have not yielded any information as to how much if any cost is attributed to the City.

Weighing the positives and negatives of all, we recommend a vote for Judy Hathaway-Francis, to open up the Board, and add a different viewpoint. Vote for her alone to ensure a change.

## Reports Indicate Insufficient Water to Supply Water Trafficking Deal



Full House at October 24th Water District Forum

A public relations crisis for the La Habra Heights County Water District, that some are calling "Watergate", took a turn for the worse after the release of a report from the Central Basin Watermaster.

The 2011 report suggests that it will not be possible for La Habra Heights County Water District (LHHCWD) to supply Rowland Water District (RWD) with the 2000 acre feet of water as is proposed in the Water Wheeling agreement between the two agencies.

Detailed analysis of the Central Basin Watermaster report reveals that Orchard Dale Water District (ODWD), a contractual partner of LHHCWD, purchased an additional 147 acre feet of water rights in the Central Basin in 2010, and leased 1300 acre feet of water rights in 2011. Orchard Dale uses LHHCWD three remaining wells and facilities to get its water. Every acre-foot of additional water that Orchard Dale pumps is one less available to Rowland Water, except likely during the 3 slow winter months. While more water is being pumped out of the wells, the capability of the wells to pump water is declining. The 2005 LHHCWD Master Plan Update stated that the 4 wells had lost 30% of their original design capacity and were capable of pumping 5,540 gallons per minute. The 2010 Civiltec Study, another report just released, addresses the potential for LHHCWD to provide water to RWD. The study shows that the wells could only pump 4,984 gallons per minute, a continued decline of

about 11% in 5 years. Just after the 2010 Civiltec report was issued, another well went out of production cutting pumping capacity by another 5%, leaving the district with only three active wells.

The 2010 Civiltec report indicates a marginal capability to supply Rowland with their desired 2000 acre feet of water under the most optimistic modeling. Yet the report shows that, considering system redundancy, the demand cannot be met without costly system improvements.

The 2011 Watermaster report shows Orchard Dale pumped 1000 acre feet more than the 1100 acre feet the 2010 Civiltec report considered. Much of that would reduce the capability to supply Rowland Water District. Under the Civiltec modeling, using the actual 2011 pumping numbers, LHHCWD would be unable to supply RWD 2000 acre feet under even the most optimistic modeling.

The LHHCWD General Manager stated there is a 3% system loss, much lower than a reported industry average closer to 10 percent. This adds another 150 acre feet to the deficit.

The Civiltec report recommends drilling a new well and adding several new high horsepower pumps, as well as installing a new water pipe on Fullerton Rd, between East Rd and Kanola. This would provide system redundancy and correct some of the pressure deficiencies that would occur with the maximum water flow desired by Rowland Water District.

Water Board President Brad Cooke stated on multiple occasions, "No changes to the existing water system would be needed" to serve Rowland Water District. However the 2010 report recommended the above system improvements, and the 2011 Watermaster Report makes those improvements even more necessary.

Under the draft Agreement, Rowland Water District will pay for installing a new pipeline to transport water to their facility, and a proportion of maintenance (Cont. Page 2)

**Water Board Election  
November 8, 2011  
Your Vote Counts !**

(Continued from Page 1) and repair costs. Nothing in the draft Agreement suggests that Rowland will pay to upgrade the system or provide needed redundancy.

The LHHCWD Board projected revenues from the draft agreement for the current year budget. Without this revenue the District would be operating at a deficit for a second year in a row.

Candidate for Water Board Judy Hathaway Francis, who brought to light California Water Code 1814, which states that no more than 70% of unused capacity is considered available for "wheeling". The proposed agreement uses more than 70% of the unused capacities in some areas. At a 4 P.M. Rowland Water District Special Meeting on October 25, 2011 among several agenda items one included: "Discuss Mergers and Acquisitions Strategy". Some have theorized that Rowland's ultimate goal is a merger with, or takeover of, LHHCWD and/or Orchard Dale Water District for a closer link to the wells and more control over the water flows. An agreement between the water districts would make RWD a significant stakeholder in La Habra Heights County Water District. A previously undisclosed aspect of the proposed project shows a "Future Energy Recovery Facility" at RWD, suggesting some type of electric generator powered by the water flowing to them. The vertical height of the water column is about 520 feet, very similar to that of Hoover Dam power plant, which is 510 feet. The incoming water pressure of 220 psi and RWD's desire for a constant flow of water would provide a steady output of generated electricity.

### A Change In Tone: Respect & Civility Return



Tensions and hopes were high as Brian Bergman took over as Mayor of La Habra Heights in April.

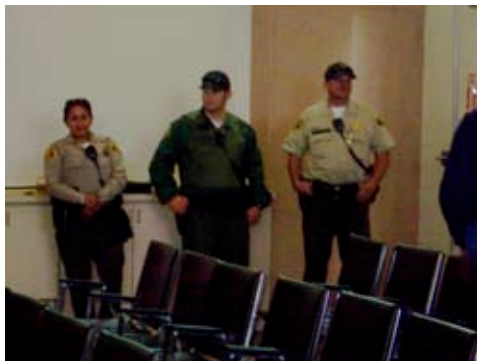
In short order, he restored civility to meetings and respect toward residents. After six months of calm, we look back. The two years prior had seen an escalation of what had been referred to as a "War on Residents" reaching a frenzy just before Mr. Bergman's first Council meeting in April 2011.

### Councilman Vipperman and "Henchmen"



At an April 2011 Parks & Recreation Commission meeting, Councilmember Howard Vipperman showed up with a carload of what were called "henchmen". Like a scene out of a Grade "B" movie, Mr. Vipperman summoned his "henchmen" and positioned them to block a camera videotaping the proceedings.

### Armed Deputies at Park & Rec Meeting



Three armed deputies were also present at a Parks and Recreation meeting in April. It was unclear what the purpose of their being there was. Two Sheriff's cars parked in the back parking lot suggested their presence may have been pre-planned. At a recent water board meeting, a Los Angeles County Sheriff deputy was caught on tape after reports he was called to keep ratepayers in line.

At the March City Council meeting, an agenda item would have made violating the Rules of Decorum a misdemeanor. The item was tabled. A "Kill Switch" at the Mayor's desk debuted in March, providing the capability to shut residents off at will. Mayor Bergman removed it.



Previous Mayor's  
Free Speech Killer

Also in March, the Parks and Recreation Commission announced that public comments would be moved to the end of the meeting and no longer recorded or broadcast on cable TV. The Commission then disbanded to a Committee and now meets in private.

### Raid! We have a Search Warrant!



On March 17, there was a raid on a Heights animal keeping family. The purpose was to execute a search warrant for, among other things,

to count goats and sheep. The raid involved at least 13 individuals and 7 vehicles including 4-armed deputies in 3 Sheriff cars.

Residents hope harsh rules enacted, but suspended under Mayor Bergman, will be permanently repealed.

### The Road to New Taxes

The City Council is increasing talks of a new Road Assessment, or maybe two Assessments. One misnomer used to justify an increase is that the current assessment does not cover the cost of the annual road maintenance, and additional city funds are needed to do the work. The Maintenance Assessment was never intended to cover all the costs of maintenance. In the October 1995 City Publication "Top of the Heights", an article explained how road maintenance would be paid for after a \$5 million project to restore the roads was completed. It stated, "If the proposed roads project is completed, the gas tax revenue will cover about 1/3 of the total maintenance costs thereafter." Under the Benefit Assessment District Law, the City is required to provide additional funds to cover the benefit of the work that goes to commuters and others who use

our roads. That is paid from the General Fund. Legally, the maintenance assessment cannot cover the entire cost. It is unclear if those officials who say otherwise are not familiar with the law or are using others' unfamiliarity with it to justify the increase. In recent years, the City has repeatedly attempted to raid the funds dedicated to road maintenance for other uses. Several recent road and drainage projects have failed in a way that suggests design or workmanship flaws.



Before: January 17, 2010 After: January 24, 2010

The project pictured above was paid for by Federal Stimulus funds and failed in the first rainstorm just days after completion. At the October 2011 Council meeting, City Manager Shauna Clark explained that it was a result of work designed to fit the money available.

The City Council disbanded the resident Public Works Commission, which held monthly public meetings and provided oversight and advice to the Council on Public Works matters. In 2009, the Committee would not accept new City created by-laws, which removed oversight ability, and were contrary to the 2001 City resolution which created the Commission.

### Secret Committees

Apparently, there are new Roads, Public Safety, and Park & Recreation secret committees made up of unknown persons possibly chosen by City Manger Shauna Clark. The meeting locations, dates and missions of the secret committees are unknown. What is known is that this isn't in keeping with government transparency pledges from the City Council. (Continued on Back Page)

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