

Beverly Hills Weekly

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SERVING BEVERLY HILLS • BEVERLYWOOD • LOS ANGELES

Issue 595 • February 24 - March 2, 2011



BHUSD refuses to release e-mails between Christiansen and district officials to the Weekly

**Legal expert says the district is defying
Public Records Act and residents deserve to
know how schools & funds were being
managed**



letters & email

“Westside Subway Extension”

When the subway was built through Hollywood wasn't there a sinkhole created on the boulevard near Barnsdall Park? Was that sinkhole due to the subway construction at that time? If so, what is to prevent such an experience if the subway is constructed under the High School and or nearby homes?

*Sol Fingold
Beverly Hills*

“Measure 2P”

As a new resident of Beverly Hills, I am surprised that the city is thinking about eliminating 2 hour free parking. If this city wants to remain competitive with nearby shopping malls, we must offer free parking to all people who come and visit. The 3 hour free parking for residents only seems elitist and not friendly to people who do not living in our city. Do we want to put a wall and moat around the city? Because that what it seems like.

*L. Seltzer
Beverly Hills*

How many businesses must leave Beverly Hills before John Mirisch wakes up and realizes that his policies are hurting our City? Businesses are leaving Beverly Hills because the City Council is driving them out. The City Council is solely responsible for allowing Beverly Hills BMW and its \$150 Million dollars in revenue to move into the willing arms of Los Angeles. Now, Mirisch's opposition to Measure 2P and support of Measure 3P shows just how out of touch he is. His letter in last week's Beverly Hills Weekly illustrates this point.

Measure 2P has been, and always will be, about the small businesses that call Beverly Hills home and generate 80% of the revenues for the City. Without these businesses and their sales and business taxes, there would be dramatic cuts in City services, including to police, fire and schools. Measure 2P is not about medical parking or G&L's medical tenants – it's about the hundreds of retailers, restaurants and merchants that rely on the City's free parking to bring in visitors to shop and eat in our local stores. G&L owns over 700 parking spaces in Beverly Hills - more than enough parking for our medical tenants and, in fact, we rent out some of our parking to surrounding businesses. Furthermore, G&L makes more money when the City provides less hours of free parking and raises their rates, as more patrons would park in our lots.

The rationale for Measure 2P is simple. For decades, the City maintained a strong policy of 2 hours of free parking at all City-owned parking garages. It's one of the reasons

Beverly Hills became a world-renowned shopping mecca. However, in the past few years, in the middle of the biggest economic downturn since the Great Depression, the City Council has kept tinkering with this time-tested success. First, they reduced free parking from two hours to one, then returned it to two hours but only in some City-owned garages. Then it doubled the rates at the City's parking meters. Finally, the Parking & Traffic Commission unanimously voted to end all free parking at one City garage and strongly hinted that this policy would be extended to others.

Instead of standing up for our small businesses and supporting 2 hours of free parking for everyone who lives in or visits Beverly Hills, Mirisch instead has become head cheerleader for Measure 3P.

3P will cost the City millions of dollars to implement, it will require the removal of existing parking systems and will tell visitors that their money isn't wanted in Beverly Hills. Also, Mirisch really can't tell you how Measure 3P will be implemented. Mirisch asked anyone who questioned how 3P would be implemented to call him at City Hall and he would explain "his" idea for implementation. Of course, he has no experience in anything having to do with parking. What exactly does he add to the discussion – other than hot air?

We have no shame in giving back to this City and its restaurants and retailers and helping them speak up when the City threatens their livelihood by inconsistent

letters cont. on page 8

WHAT'S ON YOUR MIND?

You can write us at:
140 South Beverly Drive #201
Beverly Hills, CA 90212

You can fax us at:
310.887.0789

email us at:
editor@bhweekly.com



SNAPSHOT



THAT'S ENTERTAINMENT
N. WHITTIER DRIVE

Popular emcee Jeff Craven and band Scythian put on a show for El Rodeo's kindergarten through fifth-grade students last Friday in the school's auditorium.

Pictured: Teacher Jean Nelson's third-grade class with Jeff Craven and Scythian band members



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Publisher & CEO
Josh E. Gross

Reporter
Jacquelyn Ryan

Sports Editor
Steven Herbert

Contributing Editor
Rudy Cole

Advertising Representatives
Patricia Massachi
Negin Elazari
Leora Kashani

Legal Advertising
Mike Saghian
Grant Blaisdell
Eiman Matian

140 South Beverly Drive #201
Beverly Hills, CA 90212
310.887.0788 phone
310.887.0789 fax
CNPA Member

editor@bhweekly.com
All staff can be reached at:
first name @bhweekly.com
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OUR DATA SPEAKS VOLUMES



No on 2P website raises questions about anonymous speech

An anonymous website advocating against a Beverly Hills ballot measure for two-hour free parking has sparked questions about the limits of anonymous political speech.

The website known as bhparkingscam.com purports to be run by 'Beverly Hills residents against the G&L scam,' which is not filed as a political organization with the City Clerk's office.

The "Residents united for free three hour parking" have, however, filed an application to be a campaign committee with the Clerk and emails obtained by the Weekly show that members of that group are behind the anonymous website that had been quietly opposing the parking initiative sponsored by G&L Realty.

Only organizations that spend more than \$1,000 are required to register with Beverly Hills.

The Residents united for free three hour parking organization is overdue to file its pre-election campaign statement, form 460, according to the City Clerk's office. It there-

fore cannot be determined that the website is funded by donations to the group.

"Joe citizen who puts up a website simply to take position on city government and wants to remain anonymous can do that," said John Nockleby, First Amendment expert at Loyola Law School. "Is somebody using the cloak of anonymity to violate some other law? That's really the question."

But Nockleby said it's not clear if the website or the group behind it is in defiance of any codes or laws.

The revelation of the person behind the site came to light last week when G&L sent a copyright infringement letter to the site's domain host, 1 & 1 Internet, Inc. They forwarded the letter to the site's owner, resident Marilyn Gallup, according to a copy of that e-mail obtained by the Weekly.

Gallup is a co-chair of the Residents united for three-hour parking along with Planning Commissioner Brian Rosenstein.

A copy of the letter from G&L explained that the five photographs are the exclusive property of the realty company and demanded that they be removed from the site or risk a copyright infringement lawsuit against the owners of the website as well as 1&1 domain hosting. The internet company forwarded the letter promptly and the images were removed and replaced with photos Gallup took of the buildings.

In responding to the copyright infringement letter, Gallup relayed that she has changed the images but that she doesn't believe it was necessary under the law.

"Please note that the has not been any copyright infringement, that the use of images al-

leged to have been in breach of copyright law is covered by the fair use doctrine. Neither [G&L's attorney] Mr. Reyes nor his firm are copyright lawyers and his claim of copyright infringement is an attempt to stifle political
briefs cont. on page 4



NOTICE OF POLLING PLACES

NOTICE IS HEREBY GIVEN that at the General Municipal Election to be held in the City of Beverly Hills on Tuesday, March 8, 2011, there shall be ten voting precincts consisting of consolidations of the regular election precincts in the City established for the holding of state and county elections, and that the polling places for the respective precincts shall be the places designated below and the language other than English in which assistance will be provided.

Voting Precinct 1, comprising regular election precincts 1 and 6
Polling Place: Beverly Hills Hotel, Rodeo East Room, 9641 Sunset Boulevard
Accessible to Handicapped: Yes
Assistance will be provided in: Farsi

Voting Precinct 3, comprising regular election precincts 3 and 4
Polling Place: Coldwater Canyon Park, 1100 N. Beverly Drive
Accessible to Handicapped: Yes
Assistance will be provided in: Farsi

Voting Precinct 5, comprising regular election precincts 5, 8 and 9
Polling Place: Hawthorne Elementary School, Auditorium, 624 N. Rexford Drive
Accessible to Handicapped: Yes
Assistance will be provided in: Farsi, Spanish

Voting Precinct 10, comprising regular election precinct 10
Polling Place: El Rodeo Elementary School, Clubhouse, 605 N. Whittier Drive
Accessible to Handicapped: Yes
Assistance will be provided in: Farsi

Voting Precinct 12, comprising regular election precincts 2, 12, 13, and 16
Polling Place: City of Beverly Hills – City Hall, Room 101, 455 N. Rexford Drive
Accessible to Handicapped: Yes
Assistance will be provided in: Farsi

Voting Precinct 18, comprising regular election precincts 18, 20 and 46
Polling Place: Beverly Hills BMW, Main Showroom, 8833 Wilshire Boulevard
Accessible to Handicapped: Yes
Assistance will be provided in: Farsi

Voting Precinct 21, comprising regular election precincts 11, 21 and 23
Polling Place: School District Office, Board Room, 255 S. Lasky Drive
Accessible to Handicapped: Yes
Assistance will be provided in: Farsi

Voting Precinct 25, comprising regular election precincts 25, 26 and 36
Polling Place: Beverly Vista Elementary School, Multi-Purpose Room, 200 South Elm Drive
Accessible to Handicapped: Yes
Assistance will be provided in: Spanish

Voting Precinct 30, comprising regular election precincts 30, 41 and 47
Polling Place: Horace Mann Elementary School, Auditorium, 8701 Charleville Boulevard
Accessible to Handicapped: Yes
Assistance will be provided in: Farsi

Voting Precinct 33, comprising regular election precincts 33, 37 and 39
Polling Place: Roxbury Park, Clubhouse, 401 S. Roxbury Drive
Accessible to Handicapped: Yes
Assistance will be provided in: Farsi

The polls will be open between the hours of 7:00am and 8:00pm.

BYRON POPE, CMC
City Clerk



NOTICE

NOTICE OF NOMINEES FOR PUBLIC OFFICE

NOTICE IS HEREBY GIVEN that the following persons have been nominated for the offices designated to be filled at the General Municipal Election to be held in the City of Beverly Hills on Tuesday, March 8, 2011.

For Member of the City Council

Nancy H. Krasne
Lili Bosse
Julian A. Gold

Vote for no more than two

Measures to be Voted On:

Measure "2P":

"Shall an ordinance be adopted to require the City Council to provide free parking for two hours at particular City-owned parking facilities and limit the amount of monthly parking at those facilities?"	YES
	NO

Measure "3P":

"Shall an ordinance be adopted to provide Beverly Hills residents with free parking for three hours daily and a discount of 50% from evening flat rates at particular City-owned parking facilities?"	YES
	NO

Measure "O":

"Shall an ordinance that increases the oil extraction tax imposed on oil companies and establishes a natural gas extraction tax on oil and gas companies for deposit into the General Fund to support general fund services including police, fire, paramedics, library, administrative support services, and street and park maintenance, and that makes a change to the definition of gross receipts set forth in the Beverly Hills Municipal Code, be adopted?"	YES
	NO

City Clerk

briefs cont. from page 3

free speech, as the website in question opposes a local ballot measure funded by his clients. As such, Mr. Reyes's claim would be subject to anti-SLAPP (strategic lawsuits against public participation) legislation," reads Gallup's response.

Gallup declined to comment for this story.

Recent law dealing with free speech on the internet specifically provides allowances for a private citizen to exercise anonymous speech regardless of his or her position in a committee.

"That's exactly what the [Fair Political Practices Commission] didn't want to regulate," said Justin Levitt, election law expert at Loyola Law School.

"I think it's an act of cowardice by the people behind this website not to come out and say 'We're behind this' and file with the City Clerk," said Adam Englander, who represents G&L, in an interview.

But others say that are not surprised by a resident's desire to remain unknown in this campaign.

"I was savagely attacked by [Dan] Gottlieb and [Steve] Lebowitz in a response to an L.A. Business Journal op-ed opposing 2P," said Councilmember John Mirisch. "The counter to my piece was nothing more than a smear so I can understand why people wouldn't want to go through that."

Englander accused Mirisch of contributing to the "defamatory anonymous" website.

The heated reactions by both side are par for the course on Measure 2P. The measure has been a point of contention in the city, since more than 2,600 people signed a petition to get the measure on the March 8 ballot last September.

The measure would force the city to provide two-hour free parking at all non-metered city lots. It would in essence only affect five lots that now offer one-hour free parking.

Thereafter, the City Council and staff immediately drafted a new measure that would up the offer to three-hours of free parking, to counteract 2P in hopes that it would attract the votes to a measure that would provide the city more control over parking administration



Pictured (l-r): Co-chair Julia Hakim, Mayor Jimmy Delshad, Tommy Finkelstein, Anna Finkelstein and Mark Dorner

Philharmonic Orchestra to perform

The American Friends of the Israel Philharmonic Orchestra held a fundraising mixer last week in advance of a pending performance by the international group next month.

The Israel Philharmonic Orchestra will perform on March 1st at Downtown's Disney Concert Hall on March 1 as part of the U.S. tour celebrating the IPO's 75th anniversary and conductor Zubin Mehta's 50th anniversary.

The orchestra will perform Hayden's Symphony No. 96 in D major, "The Miracle," and Mahler's Symphony No. 5 in C-sharp minor.

The AFIPO is a not-for-profit group that aims to be ambassadors of goodwill and peace on behalf of Israelis. Event co-chair Julia Hakim said she is hopeful that this event assists the orchestra and helps to paint a positive picture of Israelis.



NOTICE OF PUBLIC HEARING

The Council of the City of Beverly Hills, at its regular meeting to be held on **Tuesday, March 1, 2011, at 7:00 p.m.**, in the Council Chambers of the City Hall, 455 N. Rexford Drive, Beverly Hills, CA 90210, will consider:

AN INTERIM ORDINANCE OF THE CITY OF BEVERLY HILLS TO PROHIBIT DRILLING AND EXTRACTION OF OIL, GAS AND OTHER HYDROCARBON SUBSTANCES FROM SURFACE LOCATIONS IN THE CITY, AMENDING THE BEVERLY HILLS MUNICIPAL CODE, AND DECLARING THE URGENCY THEREOF

On January 25, 2011, the City Council adopted an interim urgency ordinance to prohibit drilling and extraction from surface locations in the City. Pursuant to State Law, the interim ordinance is effective for an initial period of 45 days. The proposed interim ordinance would extend the effectiveness of these regulations for a period of 10 months and 15 days. This time will allow the City's Planning Commission to consider a permanent ordinance, which will then be presented to the City Council at a future noticed public hearing.

The proposed ordinance has been environmentally reviewed pursuant to the California Environmental Quality Act ("CEQA"), (Public Resource Sections 21000, et seq.), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City's Local CEQA guidelines and has been determined to be exempt pursuant to the Guidelines Section 15061 (b) (3) in that it can be seen with certainty that prohibiting drilling and extraction within the City will not result in an potentially significant environmental impacts.

All interested persons are invited to attend and speak on this matter. Written comments may also be submitted and should be addressed to the City Council, c/o City Clerk, 455 N. Rexford Drive, Room 290, Beverly Hills, CA 90210. The comments should be received prior to the hearing date. Appeal hearings before the City Council are de novo, and the Council may consider any and all issues associated with the matter being appealed.

Please remember, if you challenge the Council's action in court, you may be limited to raising only those issues you or someone else raised at the hearing before the City Council or in written correspondence delivered to the City, either at or prior to the hearing.

If there are any questions regarding this notice, please contact Jonathan Lait, AICP, City Planner, Community Development Department, Planning Division, at 310-285-1118 or jlait@beverlyhills.org. Copies of the application, plans, and other records regarding this matter are available for review in the Community Department/Planning Division, 455 N. Rexford Drive, Suite 100, Beverly Hills, California.

BYRON POPE, CMC
City Clerk

and finances.

Board votes on new budget

The BHUSD Board of Education voted to approve slashing \$1.2 million from the district's budget through the potential elimination of 11 positions, utilization of bond funds for technology expenses and the restructuring of other costs at Tuesday's meeting.

The Board is faced with the possibility of a \$1.7 million shortfall for the next school and prepared this preliminary budget to prepare for economic hardship ahead if California does not extend the current tax rates that provide schools with additional monies.

In a 4-1 vote with Board member Myra Lurie dissenting, the Board approved cutting two elementary school teaching positions, two elementary school counselors, two special education positions, a locker room attendant, restroom attendant, three custodial positions as well as utilizing \$100,000 in Measure E funds for technology and reducing the maintenance and operation budget.

The initial cuts proposed by Assistant Superintendent of Business Services Dawnalyn Murakawa-Leopard and staff to high school English teachers and high school guidance counselors were not approved by the Board.

"We kept most of the cuts as far away from the classroom as possible," said Board vice president Brian Goldberg, who phoned in to the meeting from Washington, D.C. "With any compromise nobody got everything they wanted but I am pleased that the priorities I articulated are reflected in the choices we made as a board."

The two special education positions cuts were the most difficult and contentious decisions for the Board to make. They reluctantly agreed to cut them at the suggestion of a state specialist, but noted that they would be the first positions to be reinstated should funds become available.

The BHUSD Board of Education began its budgeting process at a special meeting last week. But Tuesday night's meeting devoted nearly four hours to battling out the budget, complicated and extended at least in part by Board member Jake Manaster's short temper and uncompromising stance on many issues.

After union representatives and teachers addressed the Board to request they consider alternatives to eliminating staff, Manaster shamed them for a having a selfish attitude.

"Everyone is protecting their turf," Manaster said. "It's always strange to me when individuals say 'Me, Me, Me.'"



NOTICE

NOTICE THAT ALL BALLOTS FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 8, 2011 WILL BE COUNTED AT A CENTRAL COUNTING PLACE

NOTICE IS HEREBY GIVEN that the City Clerk of the City of Beverly Hills has authorized that City Hall Council Chambers is designated as the central place to count the ballots for the General Municipal Election to be held on Tuesday, March 8, 2011.

BYRON POPE, CMC
City Clerk



Three cast members from Broadway musical "Rock of Ages" gave the students of the Recreation and Parks' "Taste of Broadway" class a lesson in what it takes to make it in the big-time.

The Tony Award-nominated show is now playing at the Pantages Theatre.

He interrupted counselor LeAnn Dominitz after the Board asked her to answer questions.

"Do you have gum in your mouth?" he asked her in a scoff, then added that they were trying to set an example for the children. Dominitz apologized, acknowledged that she had forgotten it since she was surprised to be asked to speak.

Manaster later continued to partake in a side conversation despite Board member Myra Lurie's request that he pay attention to the Board issues at hand.

After Lurie asked him to stop holding side conversation while she was addressing him, Manaster responded, "No, I'm going to continue to talk."

Despite this, the Board was able to come to an initial decision about how to save the district the money they need to avoid deficit spending.

Metro considers moving Westside Subway stop

The Metropolitan Transportation Authority is considering moving the Westside Subway Extension's proposed stop at Santa Monica Boulevard and Avenue of the Stars 900 feet to the east to avoid a fault line.

The move, which has been misunderstood as a third option for a subway stop in Century City, came after some research showed that moving the stop to Santa Monica Boulevard and Century Park East may have benefits.

"We're evaluating whether that would take the station off the Santa Monica fault," said MTA's spokesman David Sotero.

Like the stop it's potentially replacing, this move would still prevent the subway from tunneling under Beverly High.

The second subway stop option would go under Beverly Hills homes and Beverly High to a station at Santa Monica and Constellation, which set off loud protests from elected officials and residents.

In letters and community meetings, Beverly Hills has made it clear that they are not in favor of a subway tunneling under Beverly High, a plan they call dangerous.

Critics of the potential stop at Century Park East say that the location of the stop, at Santa Monica and Century Park East is illogically adjacent to a golf course and far from the hustle and bustle of the center of Century City.

Ultimately, at the heart of the issue is the question of where the Santa Monica fault lies. The research is slated to be completed in the next six months. It will then be up for public review and comment before going before the MTA Board.

"Until the MTA Board votes on the route we will need to keep the pressure on but it is promising that now we have two alternatives to tunneling under our high school," said Board of Education vice president Brian Goldberg.

MTA held a station committee meeting Wednesday night at Westwood United Methodist Church - Fellowship Hall.

More than 1,000 mail-in ballots returned

Beverly Hills' City Clerk's Office has received 1,273 vote-by-mail ballots back for

the March 8 election. They sent out 5,864 ballots.

To correct an error in last week's story, the City sent out a total of 6,013 vote-by-mail ballots in the 2009 municipal election. The total ballots cast in the 2009 election were 6,633.

Neman Hall's noise problems may soon end

Iranian American Jewish Federation's Neman Hall in West Hollywood will be given another chance to receive a variance to allow it to build a parking structure on its premises that would cut down the noise from its late night events and delivery trucks that neighbors say is disturbing.

The West Hollywood Planning Commission will hear arguments about the parking structure at the March 3 meeting. The IJAF had requested a postponement from the originally scheduled meeting last Thursday in order to continue to pursue agreements with neighbors.

The Weekly last covered this in Issue #568.

Beverly High grad in New Zealand will assist earthquake victims

Beverly High Class of 1987 graduate Rabbi Dean Shapiro is preparing to provide spiritual assistance to the victims of the 6.3-magnitude earthquake in Christchurch, New Zealand.

Shapiro, who lives in Auckland, New Zealand, nearly 1,000 kilometers away from the epicenter, said that is reaching out to see how he can assist.

At least 75 people were killed as the city crumbled.

briefs cont. on page 8

Nancy for Beverly Hills City Council
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- ✓ Passed the **toughest ethics ordinance** in our City's history
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Nancy reviews blueprints for a City contract

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from the hills of beverly



Politics and art

Is either creating interest?

By Rudy Cole

As millions demonstrate in the Mid-east for the simple and basic right to vote and select their own rulers, in one of the most politically sophisticated cities in the world, ours, only about 30 percent of the eligible voters will select their city council on March 8.

True, our electors have a good record of voting in national and state elections, but when it comes time to decide who will make the laws and set priorities for our own community, most residents run from not to the ballot box.

Why? The most acceptable reason is that the city is fairly well managed, people feel safe here and only really become involved when some highly emotionally charged issue excites them: New hotel proposals, being one example.

However, this next council will be making some choices that will indeed impact our quality of life. Even though the economy is making a slow but steady recovery, city tax revenues are down and state support for city projects, and for schools, will also be drastically reduced.

When you remove 18 million from the operating budget, it means reductions in many city services we assume will always be safe, including police and fire, not to mention reduction in hours of operation of our public library.

Last year we had our first ever "furlough" of city employees program that was hurtful to the maintenance of our expected high standards of services, and, more important, impacted our traditional excellent relationship with city workers.

Those are only some of the reasons your city needs your involvement and your vote

on March 8. Equally important, voting will send a message to the decision makers that you are watching and really care.

There is a problem in writing about past elections: First, although we have been electing councilmembers since the 1920s, statistics on the city's web site only go back to 1950 when **Floyd Fisher** won with 855 and **F. Britton Mc Connell** with 836 votes.

Two years later, elections heated up, as did voter interest. A new pro-business coalition defeated an anti-growth council with a slate of candidates.

Winning that year were **David Tanenbaum**, 3,345, Maj. General **Harold George**, 3,295 and **George W. Davis**, 3,262 with 16, 327 registered voters.

Two years ago, with almost five thousand more registered voters, the winners were **Barry Bucker**, 2,963, Dr. **Willie Brien**, 2,846 and **John Mirisch**, 2,272

If you want to know who lost, don't try our city's web page. Losers in all our elections are not only quickly forgotten, but dropped from our public records.

Whoever wrote the history of Beverly Hills for our official guide had some interesting background on early native American settlers, but goofed on some facts. Will Rogers was not our first mayor, in fact he never held public office. He was dubbed "Honorary Mayor." (Rogers put "Beverly Hills on the map" by convincing the federal government to build our post office. Thus the honor. (One other error: The stats for the 2007 election were should have been over 21,000 registered voters, not the 11,609 printed on the city's web.)

As for this election, with only three candidates, the likely turn out is not encouraging.

As of Wednesday only 1,273 absentee ballots had been returned. Since the rules were changed on obtaining absentee voting rights – until a few decades ago mail in votes could only be cast by people who were out of the city or had a health problem in going to the polls, the percentage of people voting has not changed. Now, it is an option to all voters and has become the method of voting for half of the eligible voters, but a big majority still do not vote.

Who votes in our elections? The best turn out comes from two geographic areas, the "flats" and the southwest, although Trousdale and the north hillside precincts are doing better.

The younger voters, including the "soccer moms" with school age children, have a disturbingly low record of voting as do renters in newer buildings, including those who live in the multi-family southeast area. Young parents often fail to vote even in school board races.

Senior renters do vote, and the Persian community votes almost duplicate the voting patterns of the rest of the city, neither more or less.

It has only been in recent years that candidates actually began walking the city in pursuit of votes. Before, mailings, coffee hours, newspaper advertising, civic involvement and endorsements helped decide elections.

In fact, most often members of the Planning Commission had the best chance of winning election to the city council.

One more stat, if you haven't been bored enough, the figures of total votes of candidates can not be reduced to percentage of votes received unless you consider ballots cast. In alternate years we cast either two or three votes for our favorites.

Remember, many elections in our city have been decided by 20 votes or less, and one school board race by only one vote! Your vote does matter.

Will we reach 6,000 out of 21,000? That would be an improvement but it still means that less than half the voters were involved and only about 30 percent actually decided the winners. Very tough choices to make if you want to assure three minute responses from police, fire and paramedics, keeping the library open at traditional hours, provid-

ing continuation of tough enforcement of our building codes and making the right decisions on implementing the master plan.

If there is a deterioration of our historic firsts in city services, try to remember if you actually picked the leaders who are responsible.

So, to a far less controversial subject, public art. Whoops, wrong again.

My emails and phone calls, after I wrote last week that I would be writing something about the sculpture at the northwest corner of Beverly Drive and Wilshire Boulevard, have been very one sided: This work is not beloved.

This is, admittedly, an oversimplification of the process, but most of the public art is next to privately owned office buildings, was placed there in lieu of some code requirement, usually parking spaces, and becomes city property. The work has to be approved by the Fine Arts Commission.

The sculpture in question, a mild word considering the reaction, is by an internationally recognized artist, **Franz West**, and it titled "The Unconscious." The cost, paid by the building owners, was \$825,000.00 or 1.5 percent of the total cost of the building. According to the rules, the work, among other criteria, must be "compatible with and enhance the aesthetic quality of the building site" and "have intrinsic quality and enduring value."

Does it come close to meeting those tests?

This work was not unanimously approved by the city's commission. One member, **Fiona Chalom**, did vote against approval.

Considering the negative reaction, we decided to speak to a highly regarded art authority who lives in our city. This person, whose opinion I did trust, only spoke on condition of being anonymous, but his view was rather clear:

Wrong scope, color and design for Beverly Hills and absolutely inappropriate for that corner." I think he didn't like it.

Defending the work and the commission decision was Commissioner **Brenda Potter**. She argued that the Fire Arts Commission had no choice since the sculpture met the four selection criteria. "Also, the artist (West) is internationally recognized and respected," she added.



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When I asked Commissioner Potter if, criteria aside, she actually liked the sculpture, she said "I think it is an outstanding work and I had no idea it had created any opposition." (Potter obviously missed the council meeting when Councilmember Nancy Krasne took public aim at the commission for installing the work in such a visible intersection. A highly regarded art collector herself, Krasne voiced strong objections to the Franz West sculpture.)

Now, art is supposed to provoke and even to create controversy. (Think the anti-war sculpture at the Music Center.) But simply because the art raises emotions is no reason to determine its worth. By that standard, we would only admire art if it was universally damned. Yes, some historically significant and magnificent art was, at first, totally despised.

Many years ago when I ventured a defense of a sculpture installed in Beverly Gardens, euphemistically called "The Rusty Balls," I received more hate mail than when I defended my right to smoke my pipe at Caffè Roma.

Among my critics was the lovely actress Eva Marie Saint who wrote that she had to drive by this (expletive words omitted) every day as it offended her eyes. When I made light of her exposure as a passer through and not a resident, I received a really tough hate piece from a long-time resident who asked how I could possibly argue with the tastes of such a recognized authority as Eva. (The son of that letter writer later became this paper's sports editor. Very small city/world.)

That was then and now I'm afraid I am on

the other side. It is, of course, very subjective, but I truly can't see any beauty in this work, none. It is, in my limited view, not sufficiently interesting to be provocative, and it is simply very unattractive.

But let me hear from you. Next week, some reader reactions and more from a member of the Commission.

Also, I need my reader's help. Trying to put together a "Best of Beverly Hills" list on everything from eateries to shoe repairs. If you have a favorite in any kind of category, email me your nomination and it will be considered. (See below for email address.)

LOCAL HERO: In the historic tradition of volunteer involvement in good causes, my two selections for Local Hero(s) of the Week are **Michelle Kaye** and **Claudia Resnikoff** (formerly the Berman sisters.)

No good event could work without the efforts of helping hands at home, so our nod to the sisters for helping Temple Emanuel bring us their Purim Ball, a great success, and for which they were honored recently. (Thanks also to Rabbi **Laura Geller** for her leadership of our largest Temple and her contributions to civic life.)

Final note: Mail in those absentee ballots – more election comments next week.

Rudy Cole served for eight years as a member and chair of the city's Recreation & Parks Commission. He was also President of the Greystone Foundation and served on three other city committees. Rudy can be reached at: Rudy@bhweekly.com.



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LOCAL ENERGY TAXES: A 500% INCREASE?

The Beverly Hills City Council wants to raise taxes again.

This time it's a new local tax on natural gas and a 500% increase in existing local oil taxes. Measure O isn't a tax on the big oil companies. None of them produce energy in Beverly Hills. This enormous tax increase would hit Beverly Hills residents, schools, synagogues and churches, and lower property values.

Higher energy taxes mean higher gas prices, higher natural gas bills and fewer revenues for our schools.



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Find out more at www.NoMeasureO.com

STOP HIGHER ENERGY TAXES

NO^{on} O

B E V E R L Y H I L L S

Official Title: A Resolution of the Council of the City of Beverly Hills Submitting to the Voters of the City of Beverly Hills a Measure to Increase the Tax on Oil Extracted from the City, to Establish a Tax on Natural Gas Extracted from the City and to Amend the Definition of Gross Receipts in the Business Tax Regulations of the Beverly Hills Municipal Code Paid for by Stop Higher Beverly Hills Energy Taxes, No on Measure O, sponsored by the California Independent Petroleum Assn., with major funding by Plains Exploration & Production Company, Breitburn Energy Company, LP, Venoco Inc., and Hillcrest Beverly Oil. Donors in descending order of amount. See www.beverlyhills.org for current funding information.

briefs cont. from page 5

"We may well be witnessing New Zealand's darkest day," said Prime Minister John Key from Christchurch in the *Wall Street Journal*. "What was a vibrant city a few hours ago has been brought to its knees."

Israel Birthright trips still open for registration

It's not too late to sign up for a Birthright Trip to Israel.

The free 10-day trip to Israel will be offered between May and August this year to people between ages 18 and 26.

Anyone who is interested can either call 818-324-7643 or email dmsighi@yahoo.com.

For more information, visit freeisraeladventures.com.

Local website connects book publishers with needy school libraries

Beverly Hills-based book donation portal School Library Exchange is expanding to bring publishers and retailers into the mix.

Since its launch two months ago, the online gateway, which connects book donors to school libraries, has signed up hundreds of

school libraries from Alaska to Florida.

"Now we've established the platform with School Libraries, our plan is to expand donation gateways to corporate donors," said the site's co-founder Simon Gornick, parent of a Beverly Vista student.

The new initiative, called Book Offers, allows publishers to contact the School Library Exchange with the titles, and the number of copies they wish to donate, which the SLE team then posts on site. Once the sign-ups are complete the company sends the sign-up details to the publishers who send out the books to the schools.

The new feature is part of the School Library Exchange's multi-levered "targeted philanthropy" approach. The site's wider plan is to use the community-connecting power of the Internet to support a key part of the American education system that's not getting the public funding it deserves.

"Reading is everything," says Gornick. "You read to learn, to research, to explore and to have fun. It's a huge part of what being a kid is all about. And guess what, publishers and retailers know that too."

BHHS Girls' Soccer Team Records Milestone Victory

The Beverly High girls' soccer team won its first first-round playoff game since 2005

last Thursday, defeating Pasadena Maranatha, 4-0, in a Southern Section Division 4 game at Nickoll Field.

"We came out with the right intensity and really stuck to our game plan, played a nice game, very composed and finished our opportunities," Norman coach Ryan Franks said after his team improved its record to 17-6-2. "Our defense was great."

Ashley Aviram scored her 15th goal of the season off Nicole Star's assist. Star scored her 12th goal of the season on a 35-yard free kick late in the first half.

Tylor Fields scored her team-leading 22nd goal of the season midway through the second half, off Aviram's assist. Sydney Segal scored her seventh goal of the season with about 10 minutes to play off a cross by Star, which gave her 23 assists for the season, extending her school record.

Beverly Hills goalkeeper Ida Trevino made four saves for her eighth shutout of the season, including what Franks called "a really big save" midway through the first half.

"She's playing her best soccer of the year," Franks said

Franks said he "really liked the way Ashley Aviram played from start to finish," displaying "really good energy... good intensity and good leadership skills."

letters cont. from page 2

parking policies. That is why we support Measure 2P - it's necessary for the future of Beverly Hills and its small businesses.

*Dan Gottlieb and Steven Lebowitz
Beverly Hills*

"March 8 Election"

Bell Calif., population 36,664, a suburb of Los Angeles,... That sounds a little like Beverly Hills. "On Nov. 29, 2006, in a special election fewer than 400 voters turned out for that special election. More than

half of those votes were dubiously obtained absentee votes."

Thanks goodness that could never be Beverly Hills.

Fourteen current and former city employees of Bell are 'accused' of wide-spreading corruption.

The score: Bell- 14, Beverly Hills- 0
I'm willing to bet that voter turnout in Beverly Hills remains at 70 - 80 percent.

*Herb Wallerstein
Beverly Hills*

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coverstory

BHUSD REFUSES TO RELEASE E-MAILS BETWEEN CHRISTIANSEN AND DISTRICT OFFICIALS TO THE WEEKLY

Legal expert says the district is defying Public Records Act and residents deserve to know how schools & funds were being managed

By Jacquelyn Ryan



The Beverly Hills Unified School District denied the *Weekly's* public records request on Monday to release the e-mails between Karen Christiansen and former school officials on the grounds that the correspondence is protected and related to pending litigation. The same tactic was unsuccessfully tried by the Newport-Mesa Unified School District last week in a similar public records request by local newspapers there.

Under the California Public Records Act, the *Weekly* requested e-mails on Friday between former superintendent Kari McVeigh, former assistant superintendent Cheryl Plotkin, three former Board of Education members and the former facilities director Karen Christiansen, who is now facing trial for four felony charges related to conflicts of interest and misappropriating more than \$1.3 million from the school district after receiving alleged illegal stipends and car allowances from former superintendent Jeffery Hubbard. Hubbard is facing two felony counts of misappropriating public funds during his time at BHUSD and was put on paid leave from the NMUSD.

Assistant Superintendent of Business Services Alex Cherniss responded to the *Weekly* three days later.

Your request primarily seeks communications between Ms. Christiansen and Members of the Board of Education. The District therefore objects to your request under the CPRA because it seeks documents protected by the deliberative process privilege...and seeks documents related to a pending litigation," reads the response

from Cherniss. He cites two cases as evidence, *Times Mirror Co. v Superior Court* and *Wilson v Superior Court*.

The BHUSD's cited reasons for denying the request that will not hold up to legal scrutiny, experts say.

"For them to assert [pending litigation] and deliberative process privilege together seems to suggest that they are stonewalling you," said California Newspaper Publishers Association legal counsel Jim Ewert. "They are attempting to prevent you from obtaining information that you otherwise would have a right to obtain and it demonstrates bad faith."

The 'deliberative process privilege,' also known as the 'catch-all exemption,' is often criticized as being used as in last-ditch efforts to protect information. Deliberative process privilege was created to protect the communications between the president and external advisors, under the belief that protecting this speech would encourage those outside sources to be frank with information to decision makers and to protect the process of receiving information.

This tactic has been tried and recently failed for another school district.

Citing the deliberative process privilege, the Newport Mesa Unified School District last week unsuccessfully attempted to refuse a request by the *Daily Pilot* and *Orange County Register* to release copies of the e-mails that its superintendent Hubbard sent to its Board of Education president Walt Davenport after Hubbard was ordered to stand trial for two felony charges of misappropriating public funds during his time as schools chief at BHUSD.

The NMUSD released those e-mails only days later when their attorney suc-

cessfully argued that the public's right to know how the district is being operated far outweighs the Board's privacy.

"The records at issue in Newport Mesa are communications between a staff member [the Superintendent] and the Board President," said Ewert. "In my view, these communications do not constitute information that flows from the public to the decision maker [the School Board] and therefore fall outside the construct of the privilege as developed by the case law."

But there's another piece to this.

"I can't underscore this enough: The burden falls on the school district precisely why this information not generally but each e-mail falls under deliberative process privilege," said Ewert.

The Beverly Hills Unified School District must explain why the public's right to know how the school district was being run and how Christiansen interacted with other high-ranking school officials is outweighed by the district's desire to protect the e-mails.

"The fulcrum in the balancing test is whether the public interest in disclosure clearly outweighs the public interest in disclosure and they have fallen way short," said Ewert.

Numerous courts have found that documents regarding alleged malfeasance or an employee who falls below a standard of conduct are publicly disclose-able, particularly in regard to a high-ranking official, are in the public's best interest to be disclosed.

Earlier this year, the District did release correspondence between Christiansen and Hubbard. It revealed inappropriate language and suggested a possible relationship that went beyond the professional.

"The public policy that is served by that indicates to the public precisely wheth-

er the governing body responded in an appropriate manner and if the investigation was credible and the termination was credible," said Ewert.

Further more, the district cannot unilaterally deny providing any and all e-mails between the individuals.

"The school district has a duty to redact information that can be withheld and provide you with the remainder of that information that you sought," said Ewert, who laughed when asked whether it's possible that all e-mails are protected.

The court cases cited by the district are inapplicable in this case.

Times Mirror Co. v Superior Court only applies to the governor's office and holds no authority over local officials such as a school district.

Wilson v Superior Court addresses broad requests, however there are strong caveats prevent this from being a credible argument as well.

"They have a duty under the public records act to help you narrow your request so that is inappropriate," said Ewert. "In my mind, that demonstrates bad faith."

The BHUSD has not offered any assistance in narrowing down the *Weekly's* request and has not provided any detailed reason as to why the request falls under the deliberative process privilege.

Ewert adds that the deliberative process privilege may no longer even hold water in California.

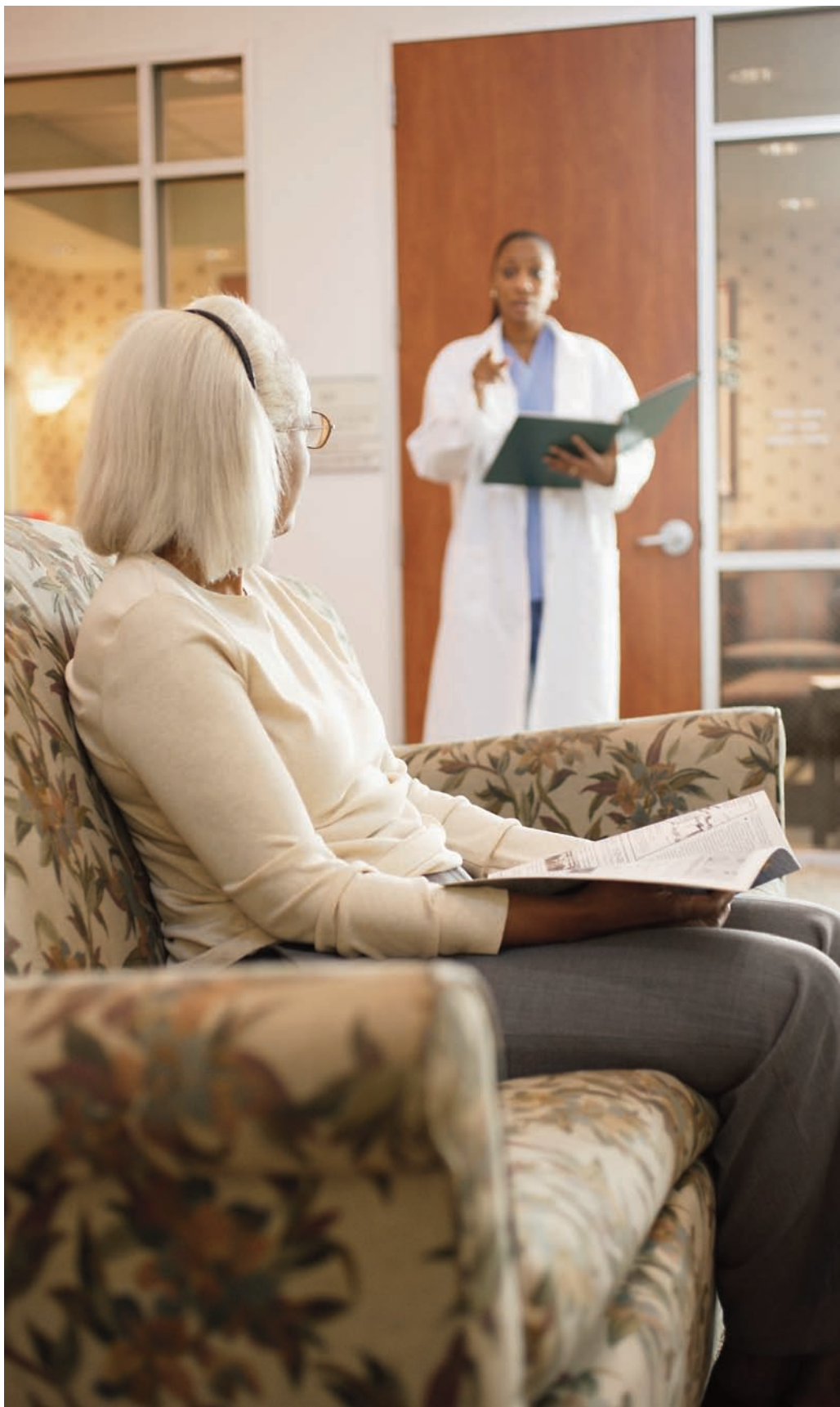
Proposition 59, which passed with about 80 percent of the vote in 2004, includes an article that was intended to eliminate that privilege entirely. The proposition, known as the Sunshine Act, was aimed at forcing California law-makers to be more transparent with their information, their schedules and their correspondence.

Lastly, the clause in the CPRA that allows a government body to withhold information related to pending litigation, only applies to documents that were specifically prepared for litigation. It does not apply to documents created separately from litigation or before the litigation commenced.

"We're disappointed the BHUSD isn't being more transparent," Beverly Hills *Weekly* publisher Josh Gross said. "We intend to pursue this matter because we believe the people have a right to know."

"For [BHUSD] to assert [pending litigation] and deliberative process privilege together seems to suggest that they are stonewalling you. They are attempting to prevent you from obtaining information that you otherwise would have a right to obtain and it demonstrates bad faith."

- California Newspaper Publishers Association legal counsel Jim Ewert



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They both agree



From Rudy Cole at the Beverly Hills Weekly

“ . . . 3P, a poorly conceived concept, designed not because it really made sense, but only because some members of the council hoped it would help defeat 2P.

We spend millions annually in promoting our hotels, restaurants and stores.

Do we really want to send a message to visitors that residents can park free for three hours, but they must pay? Hardly.

Equally important, the program invites abuse, no matter the costly technology the city hopes could control improper use. . . . But even our Chamber of Commerce has seen through the scam and urged a NO vote.”



“The Courier has yet to locate anyone who demands three hours of free parking. The city staff cannot even tell us how this measure would be implemented if it won . . . We definitely urge a “no” vote on Measure 3P.”

Beverly Hills Courier 2/18/11

Opposed by the Los Angeles County Democratic Party

The message is clear: 3P is bad for Beverly Hills.

March 8 – NO on Measure 3P

This message is paid for by Beverly Hills Businesses for Commerce, No on 3P, with Major Funding by G&L Realty. Updated information about contributions for this ballot measure is available at www.beverlyhills.org. 9601 Wilshire Blvd, Suite 1157, Beverly Hills, CA 90210.