

**Martha Alvarez**

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**From:** loop69919@mypacks.net  
**Sent:** Wednesday, November 4, 2020 12:18 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Gov Newsom's COVID MANDATES Found UNCONTITUTIONAL IN COURT

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STOP THE UNCONSTITUTIONAL MASK MANDATE AND FINES OR WE WILL SUE ALL OF YOU  
Richard Montgomery, Suzanne Hadley, Hildy Stern, Steve Napolitano, Nancy Herman

**U.S.C. Section 242 Title 18 Deprivation of Rights Under Color of Law is punishable by life imprisonment or the death penalty this includes law officers, mayors, council, judges, governors etc.**

Governor Newsom Loses Court Case for Unconstitutional Draconian Covid Orders/Mandates  
<https://www.naturalnews.com/2020-11-02-california-judge-slaps-down-gov-newsom-unconstitutional-covid-orders.html#>

In breaking, bombshell news, a California judge just smacked down Gov. Newsom's coronavirus directives, warning they were "unconstitutional" and interfered with state law. The judge is Sutter County Superior Court Judge Sarah Heckman, and her order was issued Monday around 3pm local time.

As [San Diego's KUSI.com reports](#):

*A Northern California county judge on Monday preliminarily ordered Gov. Gavin Newsom to stop issuing directives related to the coronavirus that might interfere with state law.*

*Sutter County Superior Court Judge Sarah Heckman tentatively ruled that one of the dozens of executive orders Newsom has issued overstepped his authority and impinged on the state Legislature.*

*She more broadly barred him "from exercising any power under the California Emergency Services Act which amends, alters, or changes existing statutory law or makes new statutory law or legislative policy."*

You can read the full order [at this link from Suttercourts.com](#) (PDF).

The Judge has ruled in our case against Gavin Newsom. We won. The Judge found good cause to issue a permanent injunction restraining the Governor from issuing further unconstitutional orders.

— Kevin Kiley (@KevinKileyCA) [November 2, 2020](#)

In the ruling, the judge explains:

*The Governor takes the position the California Emergency Services Act's grant of authority to exercise "all police power vested in the state," allowing him to "promulgate, issue, and enforce such orders and regulations as he deems necessary" authorizes him to legislate by unilaterally amending existing statutory law. Not only is this an active and ongoing controversy between the parties, but it is a critically important one for the Judicial Branch to resolve.*

As [CaliforniaGlobe.com reports](#):

*Gallagher and Kiley argued in court that there is a very clear distinction in the California Governor's emergency powers as it pertains to legislation: he cannot create legislation or new laws, but the emergency powers allow the governor to remove legislation that is a roadblock to making decisions during the emergency. He can suspend any regulatory statute if it is getting in the way of facilitating emergency procedures.*

*It appears Judge Heckman agreed with them:*

***The Court finds good cause to issue a permanent injunction consistent with the request set forth in paragraph 21 of plaintiffs' complaint (Def. Ex. 1), as follows: 8 Gavin Newsom, in his official capacity as Governor of the State of California is enjoined and prohibited from exercising any power under the California Emergency Services Act (Government Code § 8550 et seq.) which amends, alters, or changes existing statutory law or makes new statutory law or legislative policy.***

*"Nobody disputes that there are actions that should be taken to keep people safe during an emergency. But that doesn't mean that we put our Constitution and free society on hold by centralizing all power in the hands of one man," Gallagher and Kiley said in a press statement.*

In other words, there is finally some pushback against the unconstitutional orders of Gov. Newsom, who has abused his power and exploited the covid bioweapons attack to unlawfully crush the individual liberties of the citizens of California.

The existence of a communist China bioweapon does not magically grant corrupt governors like Newsom the power to rule over the people as a dictatorial tyrant, and at least one court in California is now confirming that fundamental truth.

Ultimately, tyrants like Newsom should face arrest and Nuremberg-like trials for their **crimes against humanity** and their abuse of power that destroyed countless lives in California. Gov. Cuomo of New York and Gov. Whitmer of Michigan must also face arrest and trials for crimes against humanity.

COVID IS NOT A LICENSE FOR TYRANNY.

Gov. Newsom is a covid *terrorist*. He used covid to inflict *terror* upon his constituents, most likely as a tactic to try to crush California's economy to blame Trump for the damage. Follow more news about the tyranny of the treasonous criminal Newsom at [NewsomWatch.com](#).

## Martha Alvarez

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**From:** Gary Osterhout <garyosterhout@verizon.net>  
**Sent:** Wednesday, November 4, 2020 9:21 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] POBs - Better Analysis Needed; Please Defer Decision

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Councilmembers:

Working from the recent Easy Reader article summary, it appears that you folks wanted public input on this issue. Obviously the best public input would be a general vote of approval, which when it comes to financing new debt of this size would seem to be the appropriate action.

Regardless, you are not going to get any cogent public input when you do not empower your public with clear information, possible alternatives, downside risks and threats, and the full details of funding and covenants. In isolation, the proposition seems a "no-brainer" to refinance. Thing is, this is complex and needs viewed in relation to a lot of other factors. Thus, citing to the opinion of someone in the finance sector that thinks this is a good thing does not factor in a lot of other considerations that person is unaware of.

The article says that you are going to make this your "#1 issue on 11/4"--yet you have a rather extensive agenda posted for 11/4 and the issue isn't even #1 in General Business.

The article quotes Napolitano as saying he would like to see all unanswered questions about pension obligation bonds be posted on the city website in hopes of more public engagement. Yet what we get are a bunch of ill-written responses in FAQ format developed not even by City Staff with input from, say, members of the Finance Subcommittee, but instead by the finance consultants, who are hardly objective (see last sentence of FAQ's "**KNN** has advised all **our** cities ....").

This FAQ statement is not posted on the "website," but is only available embedded in the agenda item itself--and it is clearly marked as a DRAFT. Clumsily, even the last sentence on the first page (at least from the copy I downloaded last night) seems a fragmented cut-off.

But let's look at the FAQ statement:

There is no clear identification of downside. The "investment risk" issue is addressed under the caption heading "What are Pension Obligation Bonds?" And this bit of information isn't revealed until halfway down the second page.

The FAQ leads with a bunch of technical information that will lose most readers immediately. This should have been supplementary material at the end of the document, with "plain english" summaries as the lead.

The FAQ says this isn't "new debt." But it is. The UAL is a liability, not a debt, and is so categorized on the city's CAFR. If the difference wasn't significant or potentially material, the CAFR would not require separate identification. This isn't "refinancing a mortgage" as we are lead to believe (where there is underlying equity). This is more, like Jon Coupal wrote in the Daily Breeze June 14, 2020 "paying your Visa bill with your Mastercard." In terms of flexibility, it is more like converting your HELOC to a mortgage. See discussion of "hard" vs. "soft" debt farther below.

The FAQ does not address Suzanne Hadley's point that the UAL to be covered might be insufficient.

The FAQ does not address 100% vs. 90% vs 70% coverage.

The FAQ does not address the funding source that will amortize the bonds.

The FAQ does not address the terms and covenants that will control the city upon issuance.

The interest savings are addressed under FAQ "Is there a good time to issue POB," and "Does the Economic Cycle factor In", which have nothing to do with interest savings.

The FAQs do not address the fact--and in fact ignores--about the GFOA caution about POBs at all, much less that the GFOA has a huge yellow banner and exclamation mark on their website cautioning against POBs. See <https://www.gfoa.org/materials/pension-obligation-bonds>.

The FAQs speak to "savings", but not to how those savings would be applied. If such savings were to go to more ALPRs or excessive city salaries and positions, I would be more opposed than if the "savings" would go to something I could see of benefit, such as a new pool or regular maintenance of the chip trail's jogging surface. The FAQs do not even address Nancy Hersman's suggestion that 100% of savings goes to pensions (which would need more detail for my support).

The FAQs speak to "savings" of \$31M, which really is only \$1.25M per year, which frankly is not that much for a city of our means.

Will the terms be fixed rate with interest payable throughout the life of the loan, instead of front-ended? Is it "plain vanilla" financing? The FAQs don't say (they say "if" a fixed-rate). Will the term be limited to the CalPERS amortization schedule? Will this be considered a "payment in advance" at the start of each fiscal year, like the Police/Fire COPs, where there is first call by the loan on all funds?

Some additional thoughts of mine:

A POB as compared to the current liability is considered "hard debt" with little or no flexibility in its debt service schedule. The UAL it replaces is of a "softer" nature in that it lacks the POBs specific debt service obligations, covenants and restrictions put in place to protect bondholders. The consequences of failure in the context of a POB can be more severe. This deserves disclosure to those you want to get "input" from, as well as merits discussion from the dais.

I have always understood that best practice would be that long-term debt is satisfied by a long-term revenue source. You are paying long term debt with current dollars. Seems to me it would be best practice to go out to the residents and ask for a new revenue source to pay for these bonds.

You haven't told me why it is more important to securitize the UAL liability but not, for instance, the liability the city has for facility replacement costs (currently at about \$33 million, but that's based on historical costs). If construction costs of new facilities are increasing by, say, 10% per year, it would seem under the same construct that we should issue debt for that obligation as well.

You folks should be clear that because of this UAL, every current expenditure we make that does not go to reduce the UAL carries an implied interest rate. Thus, for instance, a \$5,000 funding of overtime for a P.D. open house currently carries a 7% interest rate over 25 years.

There is no discussion of why we do not use current reserve funds in excess of any need (see, Reserve for Economic Uncertainty) to pay down this debt (not saying that we should, but that should be on the table as well as the rest of our excessive reserves). Might also discuss why we need to maintain a AAA rating (we don't).

Are any other city obligations tied to the plan's funding ratio (e.g., COLAs or post-retirement health care benefits)? I would hate to see this create automatic increases in other programs or obligations.

The Jon Coupal article in the June 2020 Daily Breeze also refers to the Simi Valley City Council passing a resolution for a POB, then to rescind the resolution upon challenge by the Jarvis Taxpayers Association to dismiss a lawsuit. Where is this addressed?

A good article found through a simple Google search reflected the following alternatives to address UAL, which could have been put in the FAQs (is this so difficult?):

- 
- Continue amortizing the UAL over a specified period at an effective interest rate equal to CalPERS' assumed interest rate
- Pay the liability in part or full using surplus funds if they are available.
- Pay the liability in part or in full using proceeds from the issuance of a POB.

> >Of course, the City could also increase the payroll contribution rate to assist with this UAL--which is important.

Securitization of 100% or a substantial amount of of these liabilities takes pressure of management to control future pension and salary costs, as well as to propose that employees increase their contributions for pensions. This is a factor that should explicitly disclosed. Given you folks have not shown the fortitude to do either, I think this is a real important factor. As well, when the only information is coming from staff and the bond counsel, both that benefit from POB issuance, I'd like to see more pushback and objective appraisal of facts and alternatives.

Consider the staff advising for this is also the staff (and probably one councilperson) that decided not to continue the higher computation formula two decades ago, which seems not to have been the prudent decision.

3.1% under the current environment seems to be a high rate for a what economists deem to be close to a zero-risk.

In conclusion, I think you folks have a long way to go in educating the public before you make a decision. Frankly, the Finance Subcommittee should have shouldered a lot this work and had already reviewed the process to make sure all was understandable and transparent. Staff should have been asked to do more heavy lifting on fully presenting all issues, and the bond counsel should have been pressed for clearer presentation (and someone should have caught the DRAFT issue). I also believe that if you want to address this liability, it would be best through a new parcel-based funding source other than current revenues (and I don't mean the approved TOT increase or a sales tax increase).

Thank you for your consideration,

Gary Osterhout

## Martha Alvarez

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**From:** CityOfManhattanBeach@citymb.info on behalf of City of Manhattan Beach  
<CityOfManhattanBeach@citymb.info>  
**Sent:** Monday, November 2, 2020 2:44 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] helenrandolph@gmail.com

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Message submitted from the <City of Manhattan Beach> website.

**Site Visitor Name:** Helen Randolph  
**Site Visitor Email:** helenrandolph@gmail.com

I oppose the 4 story hotel planned for 600 S. Sepulveda  
I am a resident at 1180 Shelley St. and will be directly affected by the  
noise and traffic that would be emanating from the outsized construction so close to my home as well as those  
of my neighbors on Keats and Tennyson

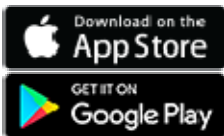


### CITY OF MANHATTAN BEACH

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(310) 802-5000  
CityofManhattanBeach@citymb.info

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## Martha Alvarez

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**From:** Gary Osterhout <garyosterhout@verizon.net>  
**Sent:** Thursday, October 29, 2020 4:07 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Chip Trail Leveling

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Councilmembers:

For another year, let me repeat from last year's message below, which repeated everything I have been saying since 2016 (and should have said earlier), that the Veterans Parkway chip trail base needs immediate attention that cannot be addressed by annual chip replacement.

The current condition is substandard for any community, much less one with our resources. There has been zero effort over the last ten or so years--probably longer--to give this trail the attention it needs. No one square foot has been attended to that I can tell, yet you could select any 20 yard section at random and I could show you a section in need of remedy. You can't even mask over the problems with the chip spreading any more. In fact, it makes it worse because there's no attempt to spread out the chips so they just compound on the highest points prior to a dip. Going down into a dip when running has the effect on knees similar to stepping off a curb when you aren't aware. So the humps get higher, and thus the troughs get deeper. Even without the natural effects of soil subsidence or erosion, the chip replacement itself exacerbates the situation (and one slides down the chips on the slope-side--even worse when wet).

There has been zero repair alone of the damage done by years of pony rides during the Hometown Fair. Public Works runs heavy vehicles over this path without repair.

Just like the slurry seal on our roadways, you can't slurry seal forever, but need to periodically strip and grind to good form. Yet in past years back when we still operated as a resident-centered city, merely running a roller down the trail would help immeasurably. You frequently resurface tennis courts to pristine levels, yet allow this path--which the Chamber and local hotels advertise as a City attraction and amenity--to fall into disrepair. Curious that a city like Ojai can maintain a bike path to the ocean, and we can't even maintain a 1.2 mile running path. We have no fire hazard concerns like other cities, nor any snow removal requirement. Our crime rate is much lower than other cities. How is it possible those cities get the basics done and we can't seem to?

This isn't a costly matter. Were you to even do the whole length at one time would be a mere hiccup in the budget. Were you to attend to 1/10th of the distance per year would not be noticed at all. I've even suggested you forego chip replacement costs for a year to then repair the worst parts of the pathway. Or, you could do what you're doing with the Polliwog play equipment, and say that the project only will cost \$10K, then just elevate it to \$200K without holding anyone accountable. I am very curious, rhetorically, how much the Public Works Director has received in annual performance bonuses (which I understand has to be carved out of the available Public Works budget) while not providing any attention to this problem, which both the director and councilmembers (see below from Nancy) admits exists.

And of course there is no objective upkeep standard provided by this council by which one could point to for accountability. One should not have to form a protest group to get the council to pay attention. But that seems to be the standard mode these days.

Thank you for your attention.

Gary Osterhout

-----Original Message-----

From: Nancy Hersman <nhersman@citymb.info>  
To: Gary Osterhout <garyosterhout@verizon.net>  
Sent: Fri, Nov 15, 2019 4:01 pm  
Subject: Re: Chip Trail Leveling

Thank you for your email Gary. I know this has been a recurring problem. I'll follow up with Stephanie to see what we can do.

Have a good weekend.

Nancy

Sent from my iPhone

**Nancy Hersman**  
**Mayor**

M: (424) 350-8090

E: [nhersman@citymb.info](mailto:nhersman@citymb.info)



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On Nov 15, 2019, at 1:47 PM, Gary Osterhout <[garyosterhout@verizon.net](mailto:garyosterhout@verizon.net)> wrote:

Councilmembers:

Since October 2016 (actually, before that) I have been trying to get the City to pay some attention to leveling the surface of the Veterans Parkway jogging trail below the chips to return the surface to a more accessible running surface once chips are applied.

Despite a lot of effort on my part, nothing has happened. Take it from this 25-year jogger, it used to be that at least every other year there would be some attention to such maintenance, even just using a roller.

Frankly, I am sick and tire of having to tolerate running on this trail the way it has been maintained.

The Public Works Director said at the May 16, 2017 Council meeting: "[O]n an annual basis when we refresh the chips, there is an opportunity to level it. It is done as part of the leveling. It's also done on an annual basis. This happens when the chips come in."

The chips have just come in. Since this is now fresh in mind, I don't see anywhere on the trail that any leveling of the surface below the chips has been done this year. The same applies for every year prior to including 2016. If I'm wrong, by all means let me know.

I walked the trail with the Public Works Director on June 19, 2017 to show exactly what I was talking about (after she had told Council all she noticed was "shuffled chips and dog diggings." It took only seconds for her to see what conditions needed corrected, and she said sshould would look in her budget to see if she could remedy.



I followed up with an e-mail to that meeting stating: "I was under the impression that after our survey of the chip trail (i) you understood that additional attention was required beyond mere chip replenishment to address the concerns I brought to your attention relative to the chip trail running surface; and (ii) that you believed that something additional to the current contract with Merchants Landscape was necessary in order to effect such changes."

Yet there has been nothing in any budget request or CIP hearing then or since that addresses this problem--although one would think with all the additional special project engineers you have approved over the last couple years that there should be some new room in the budget regardless of a special request.

At the October 15, 2019 meeting, you were presented a CIP review list. This project wasn't on the list even though a portion was labeled as "projects suggested by City Staff, various community groups, the public." Given the Director's prior understanding of this need but lack of funding, it would seem to me that this project should at least be on that portion of the CIP list. I can assure you that the condition hasn't self-corrected since June 2017.

I have also suggested that there are ways to mitigate any funding gaps if the cost to do what is right is burdensome, such as:

- Deferring chip placement for a year except for spot treatment where needed and banking those costs.
- Incrementally addressing sections of the trail each year, on a triage basis

In actuality, much of the trail does not need annual chips. And given the current state of the trail, chips only serve to keep down the dust. Otherwise, the chips act as a slippery surface on inclines and declines of the humps (even worse when wet). On the other hand, the height of a hump, yet don't help when a depression sinks lower because of subsidence and erosion in that area. If any leveling of the pathway via chips seems to have occurred, that is only a temporary condition.

Public Works has also tried to remedy the even more egregious depressed sections of path by just filling in with chips. Point of fact, the Hometown Fair pony ride circles, which probably are 10 inches deep when made, and took a full month before they were even filled in with chips. You can still see depressions from the circles from the prior two years.

Folks, I continually see people running on the verges of the path because those areas are more level. Over 3,000 people ran the recent 10K.

To make sure everyone understands: The complaint is not about the chip--the complaint is the surface area below the chips that the chips are applied to.

I really feel that this isn't something I should have to continually bring up--a city of our worth should be taking care of this in the normal course of events---like we used to do.

Thank you for your consideration.

Regards,  
Gary Osterhout