

# LOCAL SUN DAY

## BIG BUCKS MADE AT NON-PUBLIC MEETINGS

Members of government boards, councils rake in stipends at no-agenda gatherings

BY JAMES DEHAVEN

If a government meeting convenes in San Diego and there's no agenda or minutes, did it really happen?

This is one of the questions California lawmakers hoped to avoid with passage of the Brown Act, the 1953 open meeting law that generally prohibits a majority of the members of a public board or council from meeting, discussing or deliberat-

ing government matters outside of a publicly noticed meeting.

Those rules do not apply to ad hoc or advisory committee gatherings, where less than a majority of a public board's members can legally meet behind closed doors — or via teleconference — without taking a vote or keeping a record of their activities.

In many cases around San Diego County, they also

get paid for it.

Take the San Diego County Water Authority, which paid more than \$53,000 last year for board member participation at dozens of apparently unnoticed "pre-board" meetings, roundtables and conference calls. Checks cut for those gatherings nearly equaled the amount directors were paid to attend meetings that were open to the public.

Then there's Sweetwater Authority, an eight-member South County water board that offered its members a \$150-per-meeting payment

### U-T WATCHDOG

for a dozen "Trails Committee" and "General Manager Selection Committee" meetings held since May 2014.

Those meetings were not recorded and were not open to the public. Board Secretary Janet Gonzalez said she knows they happened because they were organized by the authority's staff, although roll was not taken, and no records were kept.

The Regional Solid Waste Association, too, holds ad hoc committee

meetings. As does the Encina Wastewater Joint Powers Authority, a coalition of Vista, Encinitas, Carlsbad and three area water and wastewater districts.

Good government advocates fear the lack of public records detailing those gatherings could open the door for Brown Act violations. The lack of documentation also makes it hard to say precisely how much the get-togethers may have cost taxpayers.

In an attempt to do so, U-T Watchdog compared hundreds of meeting min-

utes and attendance records to state-mandated compensation disclosures filed on behalf of seven dozen board members appointed to special districts around the county.

What's clear from that review is that closed door meetings have helped some of San Diego County's local politicians parlay the humble meeting stipend — usually somewhere between \$100 and \$200 — into a five-figure annual payday.

Critics say that's more than enough cash to merit SEE WATCHDOG • B8



EDUARDO CONTRERAS U-T

John Malashock and Lara Segura rehearse at the Malashock Dance studio in the Liberty Station Arts District for an upcoming production called "Minor Fall/Major Lift." Malashock settled in Liberty Station because of the studio's openness and sunlight.

## SMART FOR THE ARTS

Liberty Station district, a space created for culture, is celebrating its 10th anniversary this year

BY ROXANA POPESCU

A few years ago, a dog food company wanted to move into Liberty Station's arts and culture district, so it tried to make its menu appear "artistic."

"We had a wonderful time saying we didn't care how artistic their dog food was," said Judy McDonald, a board member with the NTC Foundation, which manages the district's tenants.

Dog food, no. Comic books and quilts, yes.

As the arts district has evolved, controlling the tenant mix is one way its administrators have driven to preserve its mission of focusing on arts and culture. Moving into Liberty



HAYNE PALMOUR IV U-T

Doug Sender skateboards through a long walkway lined with arches at Liberty Station in San Diego.

Station's arts district in the first few years — when nobody in San Diego knew where (or what) was Liberty Station — was a risky proposition, say some longtime tenants.

Now, vacant spaces don't stay empty long.

Once a ghost town, now bustling on busy days and humming on quiet ones, Liberty Station's arts and culture district is marking its 10th anniversary this year. Events — from dance and music to watercolor exhibitions — are at the heart of the celebration.

"I think it's astounding that we've been able to create what we've created out of mud and dirt and broken-down buildings," McDonald said. SEE LIBERTY • B8

## TO BOOST PARKING EFFICIENCY, SAN DIEGO EMBRACES THE FUTURE

Paying meter by phone just a start

BY DAVID GARRICK

SAN DIEGO

San Diego is beginning to embrace a technology revolution that's making it easier to find parking spots in major cities across the nation.

The city recently installed sensors in 200 Hillcrest parking meters to see how often they are occupied, which could be the first step toward using data to vary meter rates and free up more spots like Los Angeles, Seattle and Boston have done.

San Diego has also begun allowing people to pay for parking with their cell phone at 2,100 of the city's 5,700 metered spots. The service, called Parkmobile, includes an option alerting drivers with a text message when their meter has only 15 minutes left.

The city, however, has no immediate plans to follow the lead of other cities that allow people to see a map of nearby available parking spaces on their phone and then reserve a spot by paying ahead of time.

Instead of real-time information, San Diego officials say they plan to post SEE PARKING • B5

## EX-ADMIRAL RIPS TRUMP OVER TRADE, POLICIES IN NEW BOOK

BY CARL PRINE

Nearly 45 years ago, a midshipman boarded the Navy cruiser Jouett for his "youngster cruise," a summer spent at sea before becoming a sophomore at the U.S. Naval Academy.

He didn't want to become a sailor. He wanted to go Marine, like his dad, a highly decorated career infantry officer.

From the fantail, he gazed as the warship slipped its lines from the San Diego Naval Base and slid like a barracuda under the San Diego-Coronado Bay Bridge toward Ballast Point and then arced westward into the calm shimmer of the Pacific Ocean. He smelled the salt in the air and felt the sun on his arms. Then the sea seemed to scream to him, "You are home."

That's how James "Jim" SEE STAVRIDIS • B7

## ESCONDIDO DEALING WITH RISE IN GANG VIOLENCE

BY TERI FIGUEROA

ESCONDIDO

From the fatal shooting of a passing motorist heading home from church last month to nearly 30 shots fired during a running gunfight on Quince Street last year, Escondido's street gang crimes are becoming more dangerous, according to police and prosecutors.

"We are seeing more violent gang crimes — shootings, stabbings, as-

saults with a deadly weapon," said Nick Rodelo, a detective with the Police Department's gang suppression unit.

Police are coming across more guns in the hands of gang members, and prosecutors are tackling more gang cases out of Escondido than any other North County city.

While Escondido has long been plagued by gang violence, the city erupted in fear and frustration last SEE GANGS • B7



Kevin Kennedy, husband of Cathy Kennedy, who was killed March 7 by a stray bullet, holds a candle during a March 14 vigil for his wife.

HAYNE PALMOUR IV U-T FILE

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# RELUCTANT VISTA COUNCIL TO CHANGE ELECTION SYSTEM

If approved, district voting would start to take effect in 2018

BY TERI FIGUEROA

## VISTA

The Vista City Council reluctantly but unanimously agreed last week to move toward changing the way future council members are elected.

Nothing has been set in stone, but the idea is essentially to divide the city into four districts that would each elect a council member. The mayor would still be chosen through a citywide vote.

The changes, if approved by the City Council, would start to take effect in 2018,

when two council seats and the mayor's seat are up for grabs. The process would be completed in the 2020 election, when the terms expire on the remaining two council seats.

Vista is making the change after an attorney representing a civil rights group from out of the area threatened to sue, alleging the city's at-large elections disenfranchise Latino voters.

Council members said fighting the demand would probably be fruitless. Not a single jurisdiction has ever won a challenge over the California Voting Rights Act, which would be the basis of the lawsuit.

Still, the council said Tuesday that it feared slicing the city into districts

would pit council members against each other. They said council members might feel pressured to bring projects back to their home neighborhoods, instead of looking at the city as a whole.

Councilman Joe Green said his "blood is boiling" over the issue and that he feels like the city is being bullied and forced to accept a voting system that's a bad fit.

"I feel like districting is going to divide our city more than it's going to bring us together," Green said. "As a guy who has lived in Vista for 30 years, I think this is horrible for our city."

Councilwoman Amanda Rigby chided state lawmakers and other outside entities for forcing district elections, which she called

"wrong for our city."

"I am adamantly opposed to this" she said, before voting yes with the rest of her colleague. "But it is a situation where we have no choice."

Not all who were at Tuesday's council meeting thought district elections would be a bad idea.

One Vista resident told the council that, while she thinks they are looking out for the city as a whole, minorities often "feel like we have no voice" — just as the council feels about switching to district elections, she said.

"I feel that the city would be stronger if the City Council reflects the population of Vista," Cindy Odo-Amen said.

That sentiment is at the heart of the lawsuit threat.

In February, Malibu-based attorney Kevin Shenkman sent the city a letter alleging its elections are "racially polarized" and violate the California Voting Rights Act. Shenkman threatened to sue on behalf of Southwest Voter Registration Project, a Latino voting rights organization.

In his letter, Shenkman pointed to the results of Vista's 2016 council election, when the only candidate with a Latino surname carried some of the city's most heavily Latino neighborhoods, but landed in fifth place in the citywide vote.

Vista's city attorney estimated it will cost up to \$60,000 to switch to district elections, including hiring a demographer to map out districts. The price tag to

fight the case in court would be perhaps \$500,000 — and the likely outcome would be a loss for Vista.

Proposed district maps probably won't be presented to the council until sometime in April, or possibly May. Once the maps are completed, the City Council must approve the district lines and enact an ordinance doing away with at-large elections in favor of districts.

The city has hired the National Demographic Corporation to draw up the maps, and the district borders will be open to public discussion. Company vice president Justin Levitt told the council that the lines will also keep neighborhoods together.

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## WATCHDOG • Mayor of National City paid \$20K for meetings

FROM B1  
public access.

"I don't expect my elected official to work for free, I surely don't," said Simon Mayeski, a San Diego small-business owner and longtime volunteer with California Common Cause, "but if they are getting paid, they are working — and therefore doing official things — and therefore we need to know about those gatherings and be allowed to attend them."

The California Fair Political Practices Commission requires public officials to file a report disclosing how much they expect to make when they vote to appoint themselves to a committee, board, or commission.

Those reports show National City Mayor Ron Morrison, who in January lost a contentious bid to give himself a 32 percent pay raise, guessed he'd rake in as much as \$19,000 this year via appointments to four area water, sewer and planning boards, including up to \$2,000 generated through closed door committee meetings. Actual financial records produced by those boards show Morrison was paid \$20,276 to attend their meetings in 2016.

Three members of Encinitas' City Council, which voted in January to grant itself a 45 percent raise, joined Morrison near the top of the list of San Diego's paid meeting attendees.

Disclosures filed by one of those members, Councilman Mark Muir, very nearly pinpointed the \$2,700 he would make through publicly noticed meetings of the county water authority's 36-member governing board, which he chairs.

They didn't account for another \$4,500 that water authority records show he was paid for two dozen "pre-board" committee meetings, conference calls and litigation strategy sessions.

"These meetings are critical to running efficient and effective board meetings," authority spokesman Mike Lee said via email. "These pre-board/committee meetings are organizational in function and not public because they don't involve a Board or committee quorum nor are there any decisions made. Board decisions are made in open forum, and the Water Authority welcomes public input at its monthly committee and Board meetings."

Muir said those meetings were not subject to the Brown Act and as such were not publicly noticed.

"I don't know that we've ever told people they couldn't come," he added.

After factoring in travel expenses and paid appearances at outside events — such as the California Restaurant Association's annual meeting — Muir made a little more than \$18,000 last year for his work with the authority.

The public water authority also issued meeting payments to Oceanside board appointee Brian Boyle, who netted more than \$6,700 despite being absent for 12 of the board's 15 publicly noticed meetings.

Board compensation requests released under the California Public Records Act did not account for nearly \$1,500 paid to Boyle, and almost \$38,000 paid to others. That's about 14 percent of the \$275,282 the authority paid to directors last year.

Lee, the agency spokesman, said the missing payments had to do with ex-

penses for meetings, seminars and other travel directors did not seek to recoup via a meeting stipend or reimbursement request.

David Snyder — executive director of the First Amendment Coalition, a nonprofit open government advocacy group — said it doesn't take much for a legally convened closed door gathering to stray into potential open meeting law violation.

If, for example, the members of a temporary committee get together too regularly — perhaps nine or 10 times a year — Snyder said those rendezvous could be subject to the Brown Act under a 1996 Attorney General's opinion limiting ad hoc committees to small groups "charged with accomplishing a specific task in a short period of time."

"What wouldn't be appropriate is if they're having meetings of standing committees without noticing those meetings," Snyder said of the water authority gatherings. "It raises quite a lot of red flags for me. ... What these payments highlight to me is meetings that, it seems, aren't in public."

Muir, chairman of the water authority, said committee chairs typically convene "pre-board" meetings a week before each board meeting, or up to 11 times a year.

The water authority isn't the only agency where officials were paid stipends for meetings that were not publicly noticed.

The San Diego Association of Governments, or SANDAG, last year paid out \$153,800 to attendees at its regular board and committee meetings — some \$26,400 more than the regional planning agency's bylaws suggest should have been spent, even if each appointee had attended every meeting, which they did not.

The reason? The agency spent \$30,500 on meeting payments for members who sat in on meetings of the Regional Transportation Commission, a body created under a 1985 law "so that local decisions can be implemented in a timely manner to provide improvements to the transportation system."

Meeting minutes show commission items were handled by SANDAG's regular board members, at the same time and place as regular board meetings, but were not gavelled into the record or formally announced to the public. Only an asterisk on the agenda — and an extra \$100 per voting member — separated the commission's concerns from the board's regular docket.

That commission's work frequently consisted of hearing detailed updates on the progress of Measure A, the failed half-cent sales tax ballot measure meant to fund infrastructure improvements. SANDAG has since solicited investigators to look into faulty revenue forecasts used during the initiative campaign, a discrepancy discovered by the Voice of San Diego news outlet.

A spokesman for the planning agency did not respond to requests for comment.

The agency's bylaws, which place specific limits on payments to members of SANDAG's board of directors and policy advisory committees, makes no mention of the transportation commission.

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The main library at the old Naval Training Center.

PHOTO FROM NTC FOUNDATION

## LIBERTY

FROM B1

The challenge going forward, McDonald said, is the same as always: staying true to the original vision that arts and nonprofits are essential, while "paying bills."

### Ideal for creating

Malashock Dance, a modern dance company and educational nonprofit founded in 1988, was the first tenant. Sitting on a wooden crate turned on its side in an upstairs studio, John Malashock, the founding artistic director, talked about what Liberty Station has offered. Primordially, a home, and the fulfillment of a dream. The organization was working out of various studios before then. Malashock did research and helped design the building, making it suitable for dancers.

"To have this kind of openness around you," he began, looking at his sun-drenched surroundings. "I think back to the old basement studios I used to have to dance in in New York. Friends from New York come out here, and it's like, 'Oh my God. I'd kill for this.'"

The early years were tough, since the military facility was etched into San Diegans' mental maps, he said, adding that Vons and Trader Joe's moving in (outside the district) has helped.

The Liberty Station Arts District — a cluster of arts organizations, nonprofits, restaurants and businesses that occupies a section of the 550-acre former base — has a city mandate to foster the arts.

Lauren LeVieux, an oil painter, described it as an "ideal environment for creating." She moved there in 2015 from her home studio.

"I have the light, the fresh air, and I have long stretches of time to work alone," she said. She has been soaking up the history and mingling with other artists. In the last six months, she said she has sold more art than in any other year, mostly to tourists.

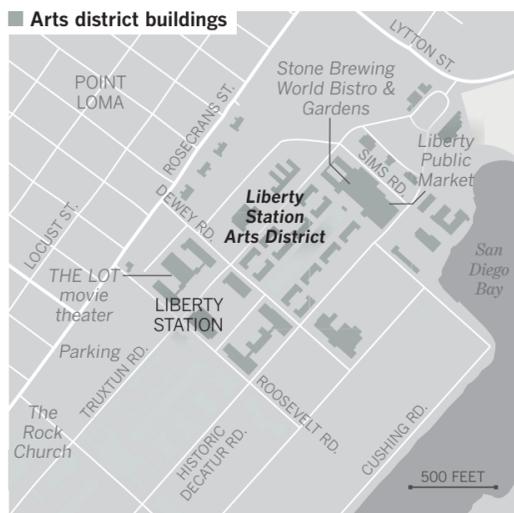
### Success stories

A few weeks ago, Alan Ziter walked past one of the district's 10 unrenovated buildings — untouched since the end of its Navy days, margarine yellow walls now flecked with grime — and said it's being eyed as a performance space. Another project is a boutique hotel. Short term: grant-



EDUARDO CONTRERAS U-T

The Lot, a luxury cinema and dining complex, opened last May at Liberty Station.



Source: Liberty Station

SHAFFER GRUBB U-T

funded, site-specific art installations.

Ziter, hired as the executive director of the NTC Foundation in 2003, visited the base in 1993, when the Navy was planning its exit. He grasped the space's potential as a destination for artists to create and sell — which San Diego sorely needed back then, he said. "It still needs it," he added.

Cris Scorza, education curator of the Museum of Contemporary Art San Diego, said the conversion of historic buildings into a mixed-use complex with a focus on arts has contributed to the region's cultural life. MCASD's building downtown was similarly repurposed, she added.

Construction on the \$110 million redevelopment started in 2005, Ziter said, with funding coming from private donors, city redevelopment money, tax credits and conventional financing. "Every phase has its own unique challenges," he said. The first phase coincided with the peak of the real es-

tate market; prices for materials were high. The recession hit during phase two, making it hard to find tenants.

Ziter, accompanied during an interview and tour by a public relations consultant, shared some of the district's success stories: A children's theater program needed more space. A museum increased its membership. The 16 renovated buildings are 98 percent occupied; two thirds of those spaces are leased to artists or art organizations. Among 82 tenants, 27 are startups, and 20 are businesses owned by women or minorities.

Nancy Tokos, another painter, has also been satisfied. Her studio near Liberty Public Market gets a lot of foot traffic. She is collaborating with the market's management to bring works by the district's artists to the market's bare walls.

Recreational Music Center, a music school, has expanded from 900 to 6,500 square feet. David Gereghy,

the school's founder, said tighter parking is "a great problem to have." Comparing the arts district to a university campus, he said: "It's so much bigger than any one of us."

### Big hopes

Join a community. Be more visible here than in a standalone studio. That's the pitch Ziter has made to prospective tenants.

Ziter, a seasoned arts nonprofit administrator who moved here from Chicago, brought up the pattern in which artists enliven a neighborhood and get priced out. The 55-year leases signed for each building with the city will help preserve the original vision, he said.

"This will be an arts district for many years to come," he said.

Several tenants said lower rents — now, not down the line — would attract more artists, and in turn help cement the space's success.

"It is tough for artists who are here to pay their rent," LeVieux said. In March, she downsized to a ground-floor studio, paying \$600 a month for around 130 square feet.

While Malashock Dance still rents a studio at Liberty Station, it moved its business offices downtown. The move was "a financial decision," Malashock said, adding that rent (including utilities and maintenance) for the studio and office grew approximately 50 percent since 2007, from around \$48,000 a year to around \$72,000 a year in 2016.

McDonald said lower rents are not possible.

"I don't see any way in the immediate future for that to happen," she said, given the need to pay bills. "Every one of us would like to rents to be less expensive, without any question."

Ziter said rents for artists are "very competitive," and amenities, from safety to maintenance, are high quality. Tenants who contribute capital to fix up their buildings can sign more affordable leases, he added.

As the district evolves, some hope for a parking structure or performance venue. Everyone involved in the district, whether tenant or administrator, said keeping the commitment to nonprofits and artists is essential. In LeVieux's words: "I want the community of artists to grow and become stronger."

Popescu is a freelance writer.