



CITY OF MONTCLAIR

**Montclair Civic Center
5111 Benito Street
Montclair, CA 91763**

June 7, 2012

TO: Honorable Mayor and City Council

FROM: Edward C. Starr, City Manager

SUBJECT: WEEKLY REPORT: June 1-7, 2012

➤ ***CITY MANAGER/ADMINISTRATIVE SERVICES DEPARTMENTS***

- The General Municipal Election to select two Council Members will be consolidated with the Presidential General Election to be held on Tuesday, November 6, 2012.

Candidates for municipal office must be registered voters and residents of Montclair. Nomination papers may be obtained from the City Clerk's Office at City Hall beginning July 16, 2012, and must be filed with the Deputy City Clerk by August 10, 2012. Nomination papers must be signed by at least 20 and no more than 30 registered voters. For additional information, please contact the Deputy City Clerk at (909) 625-9416.

If you are not a registered voter and are at least 18 years old, you must register by October 22, 2012, to be eligible to vote in the November 6 election. Registration forms are available at City Hall.

- Statewide, the June 5, 2012, Presidential Primary Election featured 87 measures seeking approval for taxes, bonds or fees, including 40 non-school local government revenue measures. Of these 40 measures, 2 were city general obligation bond measures; 19 were special taxes/parcel taxes requiring two-thirds voter approval; and 19 majority vote measures. Preliminary results indicate that of the 40 nonschool measures, 15 of the 19 majority vote measures passed; but only 9 of the 21 supermajority special tax measures received voter approval.

- ✓ Nine cities asked voters to approve sales tax add-ons (transactions and use taxes). All but 1 passed—a special tax earmarked for public safety.
- ✓ Four county measures sought to increase or expand Transient Occupancy (hotel) taxes—2 passed and 2 failed.
- ✓ Two city measures sought to add or increase a local utility users tax—1 passed and 1 failed. The 1 that failed was earmarked for public safety, thus requiring two-thirds voter approval.
- ✓ Four county and city measures sought adjustments to business license taxes—3 passed and 1 failed.
- ✓ Four cities and 10 special districts sought parcel tax adjustments—only 5 of the 14 measures passed. Of the 5 that passed, 2 were for parks and recreation, 1 was for streets and roads, and 2 were for public safety. Of the 9 that failed, 7 were for public safety, 1 was for streets and roads, and 1 was for library services.
- ✓ One county sought and received voter approval for a car registration tax related to abandoned vehicle abatement.
- ✓ One city received voter approval to increase its appropriation limits.
- ✓ Two cities lost their bids for voter approval to issue general obligation bonds and the accompanying ad valorem property tax rate increase to pay the bond debt service.

Voter approval of measures supporting local government-related fiscal relief demonstrates voters are willing to assist with resolving the fiscal woes of municipalities, even if it comes in the form of higher taxes. Concurrently, voters sent a troubling message to public employees and government leaders that they are willing to undertake pension reform at the ballot box.

In two closely watched public employee pension reform proposals, voters in San Diego and San Jose, two of California's largest cities, backed sweeping pension reform plans—each garnering at least two-thirds voter approval.

The San Diego plan moves new employees to plans similar to private-sector 401k type plans instead of guaranteed pension plans. San Jose voters agreed to force employees to choose between reduced pension plans or sharply higher employee contributions (up to 16 percent of wages) to

maintain current benefits. San Jose can also suspend cost-of-living pension increases for retirees in a fiscal emergency.

Union leaders have already indicated they will not accept Tuesday's decisions by voters. San Diego Municipal Employees are readying a court action; and San Jose police officers filed a lawsuit on Wednesday, arguing the measure violates vested rights.

- In a win for local governments and their efforts to close medical marijuana clinics, the Ninth Circuit Court of Appeals recently issued an opinion declaring the federal Americans with Disabilities Act (ADA) does not protect medical marijuana users claiming discrimination based on use of marijuana.

In *James v. City of Costa Mesa*, the Court held doctor-recommended marijuana use, authorized by state law, but prohibited by federal law, is an illegal use of drugs for purposes of the ADA. The ruling highlights the continued conflict between state and federal law over use of marijuana for medical purposes and recognizes marijuana has no legitimate use under federal law.

Plaintiffs in the case filed suit to prevent efforts by the cities of Costa Mesa and Lake Forest to close medical marijuana collectives. Plaintiffs' argued actions by both cities to close the collectives interfered with plaintiffs' access to medical marijuana and amounted to discrimination in the provision of public services, thus violating the ADA.

The ADA provides protection to "any qualified individual with a disability." However, the ADA also specifies this protection does not extend to include an individual engaging in the illegal use of drugs. Plaintiffs argued California law allows for a doctor to make a recommendation for marijuana use, therefore its use falls within ADA's protection.

The Ninth Circuit disagreed, holding the ADA did not protect medical marijuana use or illegal use of drugs, even under supervision of a doctor—thus the term "individual with a disability" does not include an individual engaging in illegal drug use; nor does the ADA provide an exception allowing use of medical marijuana. Furthermore, the Court relied on the federal Controlled Substances Act, which declares marijuana an unlawful controlled substance with "no currently accepted medical use in treatment in the United States."

Finally, the decision protects local governments from federal liability when engaging in efforts to close medical marijuana collectives.

➤ **COMMUNITY DEVELOPMENT DEPARTMENT**

- The City's Annual Family Fun Festival was held on Saturday, June 2. Mayor Eaton; Mayor Pro Tem Raft; and Council Members Paulitz, Dutrey, and Ruh; and I joined approximately 2,500 community members, vendors, employees, and their families for a day of fun in perfect early summer weather. BMX demonstrations, the crowd favorite Disc Dogs, carnival rides, games, pony rides, the Splash Pad, a skateboard competition, DJ music, and a variety of delicious food were the main attractions. There was special recognition and a ride on a fire engine for our Community Action Community-sponsored theme contest winner, Jonathan Tran, a 7th grade student at Our Lady of Lourdes Catholic School. Jonathan's winning theme, "Bringing Spirit to Montclair," was used on all FFF marketing pieces.

Special thanks go to everyone who volunteered their time and resources. We had over 40 volunteers, including many City employees. Our appreciation also goes out to the Montclair Chamber of Commerce for overseeing event sponsors and vendors, members of the committees that planned the FFF, those that worked the day of the event, and those involved behind the scenes before and after the event. As always, the FFF's success is attributed to collaboration between our Administrative Services, Community Development, Fire, Police, and Public Works Departments.

➤ **POLICE DEPARTMENT**

- Last Thursday, Chief Keith Jones, Captain Mike deMoet, and Lieutenants Robert Avels and Jason Read joined members of the Inland Empire law enforcement community to remember comrades who died in the line of duty. Coordinated by San Bernardino Police Department, the memorial service took place in front of their headquarters. San Bernardino County Sheriff Rod Hoops and other department heads read the names of the fallen, followed by the folding of the American flag. Chief Jones read the name of Montclair Police Officer Andrew W. Farthing who died in the line of duty on June 18, 1961. Officers John Minook and Chris Fisher represented the Montclair Police Department as Honor Guards.
- Sworn and non-sworn employees participated in the Law Enforcement Special Olympics Torch Run. This fundraising program and public awareness vehicle is held each June as a prelude to the Special Olympics Southern California Summer Games.

The Montclair Police Department has participated in this annual event for over a decade. Sergeant Brian Ventura organizes the event every year for the Police Department and this year marked his 11th year of participation.

The route was 4.6 miles, and Administrative Aide Marilyn Hall had the honor of passing the torch to Ontario officers.

The runners are featured in photos on Pages 9-11.

- Debbie Camou was sworn in as Police Sergeant on June 5 during a general assembly of her peers, family, and friends. A photo taken during the ceremony at the Police Department is featured on Page 12.

Congratulations, Debbie!

➤ ***FIRE DEPARTMENT***

- At Monday night's City Council meeting, Kevin Neuer, a Boy Scout and student at Montclair High School, was recognized for his patriotism and dedication to the community. Kevin collects cans and bottles which he recycles to purchase United States flags for local schools and public agencies. In fact, Kevin donated one of the flags to Montclair Fire Station No. 2, and Fire personnel are grateful to Kevin for their new flag and for the fine example he sets for his peers.

In acknowledgement of Kevin's altruism, Mayor Paul Eaton presented Kevin with a certificate of recognition and a keepsake flag that has flown over our nation's capital.

- On Tuesday, Fire Inspector Scott Sherwood received the Exceptional Volunteer Award at the American Red Cross Inland Empire Chapter's Annual Awards and Recognition Dinner, held at the San Bernardino Hilton. Scott was honored for his superior commitment and leadership to the goals and mission of the American Red Cross. Scott serves the American Red Cross as Disaster Operations Manager, Disaster Action Team Captain, Disaster Services Instructor, and Volunteer Mentor.

American Red Cross Inland Empire Chapter staff and volunteers, partner agency officials, and County dignitaries also attended.

Congratulations to Scott!

➤ **PUBLIC WORKS/SUCCESSOR REDEVELOPMENT AGENCY**

- On Sunday, June 3, the Monte Vista Water District (MVWD) performed a water shutdown and coverage test at the Civic Center. Because the City has recycled and potable water at most of its facilities and uses recycled water to irrigate most of its parks, MVWD is required to perform this test every two years, plus a more lengthy cross-connection test every four years. The tests are performed to ensure recycled water is not connected to the potable system in any way and irrigation water is not producing water runoff onto sidewalks and streets.

The test was successful—there were no cross connections and coverage was adequate. The water systems for most City parks are "good to go" for another two years.

ECS:spa

*"A brother may not be a friend, but a friend
will always be a brother."
~ Benjamin Franklin*

JUNE 2012



11	Planning Commission Meeting - Canceled	
12	City Manager's Staff Meeting City Manager's Conference Room	9:00 a.m.
12	Preliminary Budget Review Council Chambers	6:00 p.m.
13	Oversight Board Meeting Council Chambers	6:00 p.m.
14	Flag Day	
17	Father's Day	
18	Code Enforcement Committee Meeting City Manager's Conference Room	6:00 p.m.
18	City Council Meeting Council Chambers	7:00 p.m.
19	Community Action Committee Interviews City Manager's Conference Room	6:00 p.m.
20	First Day of Summer	
21	Safety Committee Meeting City Manager's Conference Room	9:00 a.m.
21	Public Works Committee Meeting City Manager's Conference Room	2:00 p.m.
25	Planning Commission Meeting Council Chambers	7:00 p.m.
26	City Manager's Staff Meeting City Manager's Conference Room	9:00 a.m.
27	Patton v. City of Montclair Appeal Hearing Council Chambers	6:00 p.m.



SPECIAL OLYMPICS TORCH RUN



TORCH RUNNERS – BEFORE THE RUN



From left: Ben Cypher, John Minook, Nicholas Medina, Brian Ventura, Matt Borra, Jacob Altig, Brian Blyther, Karina Gonzalez, Marilyn Hall, Felix Huaman, Tina LeBron, and Melisa Schneider

TORCH RUNNERS – AFTER THE RUN AND STILL SMILING!



SWEARING-IN CEREMONY



Sergeant Camou with her children and husband