

Citizen Complaint Against the City of Torrance: Stealth Tax Program Sold to Citizens as false “Optimized Street Sweeping”

Purpose: The purpose of this document is to expose a revenue generation scheme pushed onto the people of Torrance under the false label of “optimized street sweeping.” As the City prepares to expand this program across 50% of the City, citizens should be aware that the program was fabricated by the City in order to generate revenue, with no mandate or need from any outside agency and almost zero positive effect on the environment. This report is the short version of a 28-page complaint prepared as part of a two-year effort by a group of concerned residents. In 2014, we discovered the City’s plan to implement street sweeping ticketing as a perpetual revenue stream. Based on the City’s aggressive efforts to hide information, we only recently gathered the final proof of this deceit. Our City’s willingness to deface itself with 20,000 signs for the self-enrichment of a very few is objectionable in every possible way.

Our Charges: Our evidence is not based on opinion – but consists of emails and documents from the City itself and confirmation from City insiders. Our charges include that Torrance Officials:

- planned to use street sweeping ticketing as a perpetual revenue scheme
- falsified data to gain state funding to begin the program
- lied to residents concerning the need, repercussions, and effectiveness of this false program
- hid information from concerned citizens attempting to expose officials’ misdeeds
- and have shown no willingness to represent the rights of its own citizens

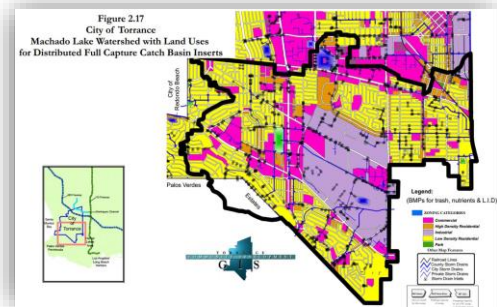
A Fake Plan from the Start: Included in these documents is proof that the City made up the data (an impossible 50% improvement) required for the grant application to kick-start this program. We have irrefutable evidence that Torrance implemented the most far reaching plan in City history, with no research or confirmation of any efficacy that the program would have any positive effect on the environment – a condition that exists today. **Every citizen in Torrance should be outraged by these findings, which prove a comprehensive effort by City officials to mislead the people they are supposed to serve.**

The Origins: When the City first proposed this plan and began public outreach, many of us in Seaside Ranchos attended an HOA meeting at Sea Aire Golf Course as part of the City’s sham “discussion” period. During that

| 2013-2014 | Unfunded Liability (\$m) |
|-----------------|--------------------------|
| Puerto Rico | 9987 |
| New York | 8726 |
| Chicago | 7149 |
| Boston | 4465 |
| Philadelphia | 3308 |
| San Francisco | 2866 |
| Torrance | 2658 |
| Jacksonville | 2586 |
| Los Angeles | 1895 |
| Seattle | 1837 |

Source: Per Capita Unfunded Liability -- Morningstar Municipal Credit Research

session, City Attorney John Fellows steadfastly supported the City position from a seat in the audience, repeating over and over a line we would hear consistently over the next two years – “We don’t like this any better than you do. But we have no choice.”



Yellow represents the City's low density zones.

Twenty minutes into the session, one of our group finally was recognized and began to lay out that this was a sham program with no need and no mandatory requirement by any outside organization. Thirty seconds into that revelation, City Attorney **John Fellows folded his notes and ran out the back door of the Sea Aire rec center. He did not walk, he ran!**

ii. Each Permittee shall perform street sweeping of curbed streets according to the following schedule:

Priority A: Streets and/or street segments that are designated as Priority A shall be swept at least two times per month.

Priority B: Streets and/or street segments that are designated as Priority B shall be swept at least once per month.

Priority C: Streets and/or street segments that are designated as Priority C shall be swept as necessary but in no case less than once per year.

Torrance has always far exceeded the requirements for all classes of low-density streets, making ticketing and signage completely unnecessary.

Keys to the Story: Why would the City mislead us? The answer lies in Torrance’s frightening financial condition. They need money badly to maintain a bloated salary and pension structure. At the time this plan was hatched, Torrance had one of the highest per capita unfunded pension liabilities of any city in the United States. In March of 2014, the City’s unfunded liability was reported to be \$392.1 million. According to *Transparent California*, Torrance also has one of the most bloated salary structures in California. “For all 60 L.A. County cities (surveyed), Torrance employees make up nine of the top 10 people with highest total compensation as percentage of salary.”

From: Cook, Tom
Sent: Thursday, February 27, 2014 8:47 AM
To: Newman, John
Subject: RE: Street Sweeping

We have 1700 signs currently.
We have 329 miles of streets, alleys included. I don't have number for how much we miss due to parked cars.
We average 10 tons going to the dump a day. The number varies thru the year due to leaf seasons. The extra debris picked up after the signs go in?? Your guess as good as mine?

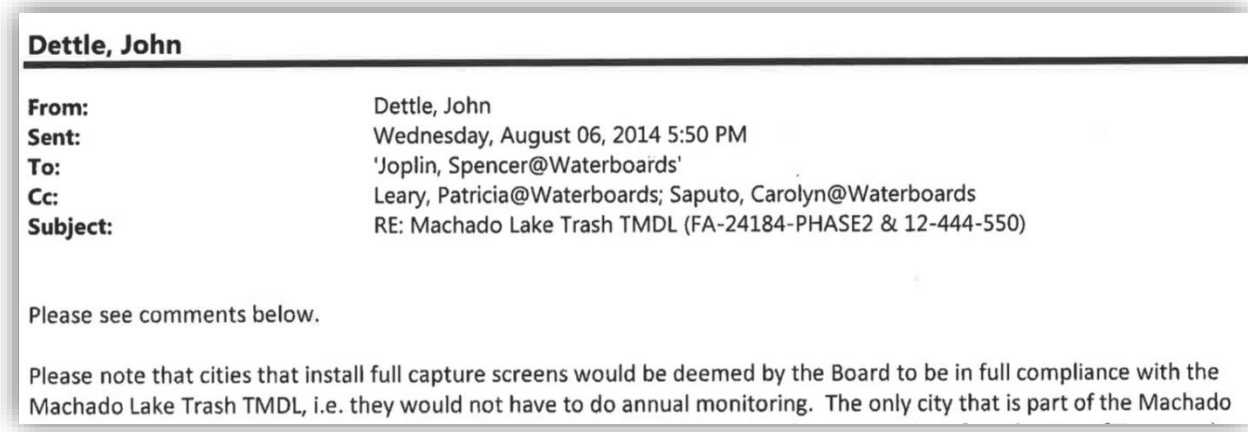
“Your guess is as good as mine”: We have 100% confidence that the City lied, because they confirmed all of our allegations during our records searches, in the end admitting that they were **unable to provide a single document that they ever studied the effects of ticketing/signage at any point before or after implementation.** After the stunning back door exit by the City Attorney, our group was approached by a City insider with intimate familiarity with the plan. That person laid out in perfect detail what the city intended, how they would conduct a sham outreach, and that the plan had been in works for years, even predating the Machado Lake initiative. We found years’ worth of newspaper clippings circulated among officials showing ticketing schemes in other cities. Multiple documents also proved that Torrance officials had already started the implementation process before they engaged in a single discussion with residents.

I am realizing the issue being presented at a "public" forum was just an afterthought! The bloody signs were printed even before the meeting, and staff moved on in good "US Army" fashion - "Brute force and ignorance" (I use that expression fondly - re: the Army, me being a vet!)

Sample commentary from our research, which public works documents confirmed.

Every accusation that we made in those early weeks was later proven in city emails or records. The following are the most egregious lies:

“This is mandated. We don’t have any choice.” Ticketing is absolutely necessary in high density apartment areas, but Torrance’s existing programs in low-density zones already exceed best practices. Despite what officials have said publicly, **all of the ticketing requirements originated from within City Hall, with none mandated by any other agency.** The City is fond of citing many different state and government requirements, but the decision to implement this ticketing and signage program was Torrance



born. The City officials knew they were lying when they said they were forced to implement ticketing. For example, the City knew that it was in full compliance with the Machado Lake TMDL (see above) by putting in full capture screens. Any citizen who takes the time to read the supposed “outside mandates” will not find ticketing mentioned anywhere.

Torrance already exceeded all best practices in its low-density areas prior to implementing its fake “optimized” ticketing plan and continues to exceed best practices today.

“We can really be fined if we don’t do this.” This is a complete fabrication by the City and was confirmed just weeks ago at the August 24th 2016 council meeting. In that same session, Attorney John Fellows was forced to embarrassingly admit that **Torrance’s dire warnings of fines had nothing to do with city streets or street sweeping, but were based on a spill in the Torrance city yard.** It is egregious to think that our own city works used a fine from negligence in their own “yard,” in order to plant this blight of signs squarely in our front yards. **Our group sifted through every fine for water borne pollution in the State of California over the last two years and found zero fines related to city street sweeping practices.** The City roundly lied and misrepresented this risk.

Did the City Hide Information? The City has been completely uncooperative in providing us with information, an absolute violation of state law. Initially, our requests were met with misinformation, then evolved into a data-dump of epic proportions. Many of these documents were provided in physical form, requiring us to search through boxes in a multi-day session in the City Clerk’s office. We eventually sifted through more than 5,000 documents relating to this false optimized plan and **never received a single page showing the City had ever discussed the plan prior to filing its grant.** **No reasonable person would believe that city officials**

| Search | # of documents |
|--------------------------------------|----------------|
| Pre-Grant Full Capture Screens | 100+ |
| Low-density Street Sweeping Study | 0 |
| Pre-Grant Street Sweeping Documents | 0 |
| Pre-Grant Ticketing Plan | 0 |
| Pre-Grant Sign Discussion | 0 |
| Post Grant Marketing Program Meeting | File Empty |
| Post Implementation Effectiveness | 0 |
| Discussion of our Concerns | 0 |
| Detailed Analysis of Optimized Plan | 0 |

never had a single recorded discussion on ticketing. This clear effort by the City to hide information should be disturbing to every fair-minded citizen who believes in representative government.

Who was involved? When we caught the City in this lie, they had a choice, address our concerns, or circle the wagons and wait us out. **A good question to ask your elected officials: *If this was mandated, why did they pay Murakawa Communications \$45,600 to “sell” it to the public?*** During our investigation, **we discovered that City officials were intercepting and acting on our emails to City Council members before our representatives had read them.** Most of our requests could have been filled with a simple visit to a staff member’s office. With “Big Brother” watching, we never received any of the primary items we requested, an absolute violation of the California Public Records Act and a clear sign of a cover-up. Simple math tells a great deal – 5,000 documents and none from Mayor Scotto, and less than a dozen from other top officials.

An Active Effort to Hide Information: When confronted with empty, but important folders, we were told “they sometimes make folders for meetings that are never held.” Interestingly enough, the only empty folders we discovered were directly connected to ticketing. We have verbal confirmation from multiple City employees that Torrance officials made up this scheme in order to create revenue. Any official who said the term “we have no choice” would know the city was lying. We believe that multiple elected and unelected officials have been involved in this cover-up. The following email is direct confirmation that the City had no research to back any of its claims and that this was a multi-department effort to hide the truth, starting at the highest level with the City Manager’s office.

From: Jackson, LeRoy
Sent: Tuesday, April 08, 2014 2:08 PM
To: Bilezerian, Craig
Subject: E mails

Can you instruct Dettle no more e mails without coming through here -- I do not like the language he is sending out -- it was not approved and I would like to constrain the approach he is taking -- tell me how many streets do we sweep per week -- while they are not posted is there any indication of how much litter we pick up -- have any tests been made of various areas of the city to define where if any problems specifically lie -- have we checked signed area with non signed areas to id the difference in pollutants -- if we don't want to study all these points I really want to constrain the form of letter response we are currently involved in -- I would like Ellie to join you and Dettle in any meeting with citizens too --
ljj

But isn't ticketing and signage good for the environment? Ticketing/signage are important tools for high density areas, but have almost no impact on low-density neighborhoods in semi-arid climates like ours. In fact, the only frequency study ever conducted on this subject was done over a three- week period on a half-mile stretch of South Torrance’s streets. That study proved that the natural movement of cars led to almost zero un-swept street surface over a one-month cycle. All cities routinely exaggerate the effectiveness and need for frequent street sweeping. While Torrance makes grandiose claims, it simultaneously admits that it has no data or studies to support the efficacy of its program. The most recent evidence came from staff notes prepared for the August 24th, 2016 council meeting, where staff admitted

4. How much of the additional tonnage being collected is a result of the screens being placed on storm drains vs having cars moved from curb?

The additional tonnage for trash and debris collected as a result of the screens versus collected by street sweeper access to the gutter cannot be determined. Both the catch basin screens and the sweeping changes were simultaneously implemented and the sweepers collect trash from both the screens and the gutter. It's not possible to separate the tonnage collected from either source when emptying the sweeper. However, the overall tonnage of trash collected is recorded. In 2015, 2,570

the City cannot attribute even a single pound of trash to the ticketing program, because the grates are 100% effective in blocking trash and City has no baseline measure. Our research group included engineers, financial professionals, and most importantly, an expert on street sweeping technology. We can back every one of our claims with hard scientific evidence.

What have our elected officials done during this controversy? With the exception of Councilman Mike Griffiths, who rooted out the City’s revenue numbers from ticketing, which could easily exceed \$1.0 million annually, no other city official, elected or unelected has provided us with anything beyond a form letter. The council’s lack of outreach should alarm any citizen who still believes that Torrance operates as a form of democracy.

Torrance street sweeping program generates windfall from traffic tickets



The AQMD took us seriously enough to run this through their modelling program (they found the plan to be a net air polluter), the DA’s office has an open investigation; the *Daily Breeze* wrote an article on ticket revenue; but our own elected officials won’t even respond. To call that suspicious would be an understatement. In fact, we read every complaint (and there were a great many) directed to elected officials from other citizens and did not find any credible effort to investigate on the part of our elected officials. Two years, three seated City Councils, and not a single word to any of us. That is not representation – that is rule by decree.



PURPOSE. The State shall provide a grant to and for the benefit of Grantee for the purpose of installing between ~~one thousand, nine hundred thirty (1,930) and two thousand, thirty-two (2,032)~~ **one thousand, five hundred (1500) and one thousand, six hundred and sixty-five** catch basin screens to prevent trash from being carried into Machado Lake by urban runoff and storm drain flows from six (6) cities. Additionally, a minimum of ~~five thousand, eight hundred fifty (5,850)~~ **four thousand, three hundred (4300)** no parking signs will be installed in the City of Torrance to improve the effectiveness of street sweeping by reducing trash and sediment in storm drains.

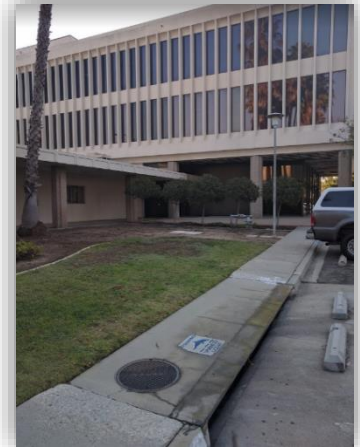
Tell The Citizens Anything: In our massive data search, we discovered that the city routinely told citizens almost anything in order to promote their plan. For example, we lost count of the number of changes in the sign totals and distance between signs that the City cited to placate the public. They grossly understated both the number and visual impact of the signage, resorting to outright misinformation. To quiet angry residents, the City Council at one point said they would use 300-500 ft.

spacing, an absurd distance. **No public ticketing program has ever posted signs at those great distances (the distance of a football field or longer), because the signs would not be readable without binoculars.** As for numbers, that changed with citizen outrage, ranging from 500 to over 10,000 publicly. In reality, the actual number of signs could top 23,000 based on 150 ft. spacing and 658 weekly curb miles, a massive form of visual blight. In addition, the City routinely uses DDT, PCBs, bacterial waste, and other absurd pollutants to claim a need for ticketing. Citing a pesticide that was banned in 1972 and comparing our pristine South Torrance streets to some kind of industrial site in the City of Industry is both absurd and insulting.

Conclusion: We have asked repeatedly for our City Council to investigate officials' actions regarding overwhelming evidence that this program is a revenue generation scheme; and that officials engaged in an unethical misinformation campaign. In addition, we have proven that the City attempted to hide public documents, violating both the Brown Act and the California Public Records Act. We encourage everyone to read our group's 28-page, detailed expose on the City's duplicitous actions. More importantly, **we urgently ask all of you to oppose this implementation across the 50% of the city that still remains pristine**, and to call for a complete, independent investigation of City officials' dishonest actions. This program is an unnecessary blight on our community. This is not just a battle for the beauty of our neighborhoods, it is a battle for our rights.

As a final comment, we will leave you with visible evidence of the City's absolute hypocrisy. At the late August Council meeting, one of our members roundly chastised the Council, Mayor, City Attorney, and Public Works for the garbage filled storm drains on their property (complete with *No Dumping Ocean* signs), one just 30 feet from the front of City Hall. Every employee walks past this garbage every day. A check a week later showed that they had not even bothered to clean this mess, despite being shamed in a public session. Apparently, turning our quiet neighborhoods into a weekly ATM machine is more important than protecting the environment on their own doorstep.

Torrance Citizens Against Government Waste
September 2016



The view inside the closest storm drain to Torrance's City Hall.