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January 14, 2025

Michael J. Garcia
City Attorney
Glendale, California

Re: Actions by FPPC to exclude my participation in Verdugo Wash discussion

Dear Mr. Garcia:

Although we have spoken and have exchanged emails about the Verdugo Wash issue, I want to send this letter to officially memorialize my position. I have received the opinion letter by the FPPC and disagree with their conclusions as it relates to my participation as a council member.

I contend that the FPPC made errors in both fact and law in reaching their opinion. I believe that certain critical GIS calculations and data provided by the city are erroneous and incorrect. These data calculations are critical to the determination and analysis made by the FPPC. I was not permitted to present "clear and convincing evidence that the decision will not have any measurable impact" on Palmira's property. No one from the city or the FPPC ever came to look at the property in question. Therefore, all assumptions made by the FPPC are made without proper and legal foundation.

The FPPC goes on to assume that the wash may result in an **increase** in property values to adjacent properties. This alone is a preposterous assumption which negates the credibility, validity and accuracy of their opinion. I do not accept the ruling and believe that they are wrong. I believe that my exclusion from the discussions is erroneous, and in the alternative, the decision to let Mr. Brotman participate is also erroneous and he should then be ordered to recuse himself from the vote.

The above issues are by no means an exhaustive list of the defects that I find with the FPPC opinion. I am confident that further inquiry with the assistance of counsel will uncover additional errors.

I insist as a duly elected municipal officer that this ruling be appealed in whatever process the law permits, either by a writ of mandate to the California Superior Court, or administratively through the California Attorney General's office.

Further, I believe that your office may be placed in a conflict-of-interest situation if your attorneys are tasked with appealing in this matter. Therefore, I will discuss the details of

my position with my attorneys. Please let me know the panel of attorneys that the city has so I may interview and select the firm to best represent me and the 200,000 + residents that I represent. I expect the city to be responsible for all attorney fees in this regard. If a conflict exists with the city's legal panel firms, let me know and I will select a firm on my own.

As I indicated to you this matter involves the largest public works project in the 119-year history of the city. Financial implications to the city may reach one quarter of a billion dollars. It is simply too large, expensive, impactful and controversial an issue to be considered by a fraction of the full City Council. Also, I am ready to divest ownership of any real property that may be the "offending" issue related to my recusal. I request that all action on the Verdugo Wash be postponed and stayed until these legal issues in my appeal are resolved conclusively.

Please share this letter with my colleagues before the January 14 meeting if the Brown Act permits such action.

Sincerely,

Ara Najarian

Vartan Gharpetian
Councilman
City of Glendale, CA

Michael J. Garcia
City Attorney
Glendale, California

January 18, 2025

Dear Mr. Garcia,

Please consider this letter as my opposition letter to FPPC's Action Letter excluding my participation in the Verdugo Wash Project discussions. I strongly believe that FPPC's conclusion is based on blanket ordinance/law which does not apply to this case.

Verdugo Wash Project is the largest infrastructure project in the history of the city. Based on the cost of a similar project such as the Bridge Project over the LA River, the VW Project could cost the residents and the City of Glendale several billions of dollars.

Since all the residents of the city (**i.e. significant segment of the public**) and (**all individuals within the official's jurisdiction. (Regulation 18703(b)(1)**), have to carry the burden of the cost of this project for decades to come, the FPPC's Public Generally Exception Rule applies and I shall not be disqualified from taking part in the decision;

VI. The Public Generally Exception

Under Section 87103, if a decision's financial effect on an official's financial interest is indistinguishable from the decision's effect on the public generally, the official is not disqualified from taking part in the decision. Regulation 18703 sets forth the "Public Generally Exception." The General Rule: A decision's financial effect on an official's financial interest is indistinguishable from its effect on the public generally if the official establishes that a "significant segment" of the public is affected and the "effect on the official's interest is not unique" compared to the effect on the significant segment. (Regulation 18703(a).)

I strongly disagree with the FPPC's opinion which stated that this project will not affect more than 25% of the properties. Their opinion is clearly based on erroneous and incorrect GIS data provided by the City to FPPC.

I am also challenging the GIS calculation that cleared Mr. Brotman's conflict of interest with this project. He is only 0.15% over the threshold of 15%. I am asking the City to have a reputable Title Company to conduct the survey and provide a report.

I have read Councilman Najarian's appeal letter regarding this matter and agree with the following: "that this ruling be appealed in whatever process the law permits, either by a writ of mandate to the California Superior Court, or administratively through the California Attorney General's office. I expect the city to be responsible for all attorney fees in this regard."

Please make sure that this letter is part of our packet for our meeting on Tuesday, January 21st. Feel Free to share this letter with all of my colleagues, the City Manager and the public.

Regards,

Vartan Gharpetian