

Reformers dispute PVHA vote totals

Board of directors will look to fill vacant seat following count of ballots

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The Palos Verdes Homes Association's annual election was declared invalid last month, but the informational results announced last week are nevertheless coming under scrutiny.

Although the election for its board of directors was void because too few homeowners participated, many who support the powerful community group remained interested in the final results because they could be used as a basis to fill a vacant board seat.

The PVHA election, disputed because reformers were pushing candidates not on the original ballot, announced election results showing incumbents had garnered most votes.

Opposition leader John Harbison does not dispute that too few homeowners participated, but claims that the methodology used to count the votes was

flawed, specifically that revised ballots weren't counted as they should have been.

Harbison organized Residents for Open Board Elections, a coalition of citizens opposed to the homes association's recent stance on parkland issues that put forth four challengers in December to run against the incumbents.

A minimum quorum of 2,711 votes was needed out of 5,420 to qualify an election as valid. But just 1,772 valid ballots were counted out of a total of 2,101 ballots received — 939 votes short.

The low voter turnout for the rare contested election left in place the incumbents: Edward Fountain, Phil Frengs, Dale Hoffman and Carol Swets. Swets, a newly appointed member, was not targeted by the ROBE challengers because she didn't take part in the board's past decisions. She received the highest vote total of any candidate.

Multiple ballots create challenge

The PVHA said ROBE was late announcing its intention to participate in the election that began in December. Election ma-

terials already had been printed and mailed prior to ROBE's submission, so the challengers were not included on the official ballot mailed by the PVHA to homeowners.

ROBE then circulated a proxy and ballot that appeared to be originated by the homes association, which objected because the mailing could have been interpreted to have come from the PVHA. In response, ROBE distributed a revised proxy and ballot under its own logo to members.

"This scenario with three different proxy and ballots being used created a labor-intensive task for the counting, verification and ballot tabulation not previously experienced by PVHA," a homes association statement said.

So the PVHA hired retired Superior Court Judge Michael Latin as an election inspector to tally the votes.

Latin eliminated 329 invalid ballots, which included ballots without member verification, unsigned ballots or any that did not include the homeowner's address, and multiple ballots sub-

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mitted from the same residence.

Latin then counted the votes two separate ways: by eliminating the ballots declared invalid, and by counting every ballot. Both methods showed the incumbents finishing on top, al-

though counting all ballots made the race very close.

Last vote matters most?

Harbison said the last ballot from each household should have been counted because homeowners changed their minds after receiving notice that challengers were opposing the incumbents. According to

his calculations, about 250 to 260 homeowners submitted a second ballot favoring the challengers.

Had the PVHA counted the last vote from each member, ROBE candidates would have received about 850 to 930 votes and the incumbents would have received less than 700 each, Harbison said.

"That approach best captures the intent of

the voters," he said.

Latin said it's not necessarily correct that homeowners who submitted multiple ballots were all trying to change their vote. Multiple ballots were declared invalid "without regard to the will or intention of the person making the duplicate submission," Latin said.

"Many of the invalid ballots were indeed invalid because they were submitted after a valid ballot had already been submitted from that homeowner," Latin said. "Some of those contained the same votes as the original submission. Others did not. Other homeowners submitted more than two ballots."

Latin added, "Each homeowner may draw their own conclusions from the results that have been reported. That is precisely why, despite the lack of a quorum, the votes were all counted and openly published to the community. The homeowners and candidates are free to interpret the numbers and distill whatever information they deem appropriate from the published results."

Quorum last reached in 2009

PVHA Attorney Sidney Croft said in December that residents would be able to revoke their original ballot and cast a new one if they visited the association offices, but Croft later backtracked before PVHA board President Mark Paullin resigned on Dec. 31, saying ballots cannot be revoked.

When officials announced at the 91st annual meeting of the homes association on Jan. 12 that a quorum had not been achieved and the election was invalid, ROBE supporters encouraged PVHA board members to appoint one of the challengers — Dick Fay, Jennifer Laity, Mike Moody and Ried Schott — to fill Paullin's vacated seat, especially if the election results favored the ROBE candidates.

In its statement released Wednesday, the PVHA said, "The PVHA Board will consider its options to appoint a director to fill that seat. When a director appointment is made, it will be published."

Harbison, who successfully led a citizens group lawsuit against the city's

and homes association's 2012 decision to transfer parkland to a couple on Via Panorama, said that reaching a quorum to validate a PVHA election is too steep. The last quorum achieved was during the 2009 annual election, according to the PVHA.

"We're disappointed that the quorum of 50 percent of members voting was not reached, but that's a high bar, given that in last November's municipal election in PVE, turnout was only 16 percent and for this PVHA election it was more than twice that at 33 percent," Harbison said.

"To allow the public to have a true voice in elections, the PVHA quorum requirement should be lowered, and we hope that the current PVHA board agrees."

ELECTION RESULTS:

- Carol Swets 1,303 17.0%
- Phil Frengs 942 12.3%
- Dale Hoffman 938 12.3%
- Ed Fountain 920 12.0%
- Mark Paullin 908 11.9%
- Jennifer Laity 683 8.9%
- Reid Schott 681 8.9%
- Mike Moody 674 8.8%
- W. Richard Fay 603 7.9%

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