

Just 11 votes separate third, fourth place in South Whittier schools race

By Peter Fullam, Whittier Daily News
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Four file as candidates in Whittier City Council election

Number is steep drop from 25 who applied to replace councilman who retired

WHITTIER >> Four men have filed as candidates in the April 8 Whittier City Council election for two council seats — an election that hangs in limbo until March 18 when a court hearing is set on a legal challenge seeking to halt the election.

Two of the candidates are challengers: Brian W. Ahern, who listed his occupation an unemployed actor, and Nick Donovan, an insurance broker and a frequent speaker at City Council meetings and a member of Whittier Hills Oil Watch, a group that opposed the city's plan to drill for oil in the Whittier hills.

Two incumbents, Mayor Bob Henderson and Councilman Fernando Dutra, also qualified to be candidates in the election, according to the City Clerk's Office. Dutra was appointed to the council Aug. 21, 2012, to fill the remaining two years on Councilman Greg Nordbak's term after Nordbak resigned from the council July 10, 2012.

The period for filing to be a candidate ended at 5p.m. Jan.10.

"I've got huge concerns about the financial safety of the city," said Donovan, who ran unsuccessfully for City Council in April 2012 and applied to replace Nordbak in August 2012. Donovan said that run for council in 2012 and his involvement in opposing the oil project began a journey in local politics that he wants to continue.

"I was front and center most of the way with the Whittier hills oil project and the fight against that," he said. "And the people won," he added in reference to a court ruling that halted the project. "I want to make sure we see that through.

"We've got a business community that feels ostracized and not supported," he said. "We've got a fantastic Uptown area that could be the jewel of this part of Southern California, and that potential has never been realized."

In 2012, he said the City Council tried to defend its position with the Uptown Specific Plan.

"But unfortunately, two years later, nothing has been done," he said. "Everything they said back then was just words, and they haven't fulfilled many of their promises. So there's a lot of work to be done."

Ahern said he protested the city's plan to replace its water and sewer lines, which he said placed too great a burden on ratepayers.

"That's what got me started," he said. "Then I just noticed that I don't agree with some decisions the city makes."

He said the way to address that problem was to "become part of the City Council. That's about it," he said.

Henderson said he wants to help stabilize the City Council as the city goes through turbulent times with the voting rights lawsuit and also to continue work on the oil project, which he said will return in 2015 after the city's agreement with the country expires.

"I think the last two elections have shown that the voters in Whittier are solidly behind the council in favor of oil development with proper controls and safeguards," said Henderson. "The financial benefit to the city and the wilderness preserve are huge and can guarantee that both entities will be able to serve our people for the foreseeable future.

"The people of Whittier own a great asset, and they deserve to benefit from its development," he added.

Dutra, president of an engineering and construction company, Allwest Development Co., could not be reached immediately for comment.

The number of candidates filing was a steep drop from the 25 people who applied to fill Nordbak's unexpired term. One reason may be uncertainty about the election due to a lawsuit filed Aug.5, 2013, against the city by three Latino Whittier residents who claim the city's at-large system of elections prevents Latinos from being elected to the City Council. Only one Latino has been elected to the council in the history of the city.

Angie Medina, chairwoman of the Whittier Latino Coalition, a group backing the lawsuit, said Latinos may be discouraged from running due to the lack of success Latinos have had in Whittier. She said they also may be looking at an Aug.27, 2013, California Voting Rights Act ruling in Palmdale, where a judge rejected an at-large election and ordered a new election using a district-based system.

"Latino people are more aware of the difficulty of getting elected," she said. "And maybe what has happened in Palmdale has made people think twice."

The plaintiffs in the lawsuit filed a motion Dec.5, 2013, are asking the Los Angeles Superior Court to halt the April8 election claiming it would do irreparable harm to Whittier Latinos to allow "an unlawful election to proceed." They claim the election would be unlawful because Whittier's at-large voting system produces "racially polarized" results against Latinos.

A hearing on the motion is set for March 18. At a hearing Dec. 17, Judge Michael M. Johnson refused a request by the plaintiffs set an earlier hearing date, according to the plaintiffs' attorney, Rod Pacheco, a former Riverside County district attorney and former assemblyman. The plaintiffs wanted the hearing in January.

The judge said he want more time to study the question.

In response to the lawsuit, the Whittier City Council voted Aug. 27, 2013, to hold an election June 3 asking city residents if they favored changing the city charter, which requires at-large elections, to instead use district-based elections.

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