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# OJAI VALLEY NEWS

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## MySpace information allowed in Medina trial

**Monica Lara**  
OVN correspondent

Superior Court Judge James Cloninger ruled this week that information appearing on Alex Medina's MySpace account would be allowed as evidence in the now-18-year-old's July 29 murder trial. Medina is accused of stabbing 16-year-old Seth Scarminach to death in April 2009 at a party in Meiners Oaks. Following Medina's arrest, investigators accessed his page twice in 2009 — once through Medina's account and another time by viewing his profile through one of his "friend's" accounts. The prosecution will be allowed to introduce into evidence a three-minute video capture of Medina's home page, photos and their comments. One of those photos was used to determine if a witness — who was allegedly at the party where the stabbing took place —

recognized Medina. The defense team of Scott Wippert and Robyn Bramson challenged the legality of the information gathering, claiming investigators did not have clear consent to gain access — allegedly violating Medina's Fourth Amendment rights. They sought to have the 2009 MySpace evidence suppressed. "There is no reason under the law to excuse a warrantless search," Wippert said during closing arguments of Monday's evidentiary hearing. In 2011, investigators undertook a search and seizure by freezing Medina's account and using a warrant. The information obtained differed between the two time periods his profile was accessed. Cloninger ultimately denied the defense's effort to suppress the 2009 MySpace evidence, ruling that the

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Photos by Rachael Etter/Brooks Institute

## Ojai Band returns to Libbey gazebo

Opal Marx, age 4, (above) plays with bubbles and balloons during the Ojai Band's first Libbey Park performance of 2013 Wednesday evening. At left, Ojai Band member Jacob Scesney plays the alto sax and Jimmy Calire (right) plays saxophone. Led by longtime Ojai resident Joe Boccali, the Ojai Band will perform in the Libbey gazebo every Wednesday from 7:30 to 9 p.m. through Aug. 14 in the concerts sponsored by the Rotary Club of Ojai-West. Popcorn, lemonade and balloons are available, as is a helium balloon parade for the children.

## City, planners talk housing

**Tiobe Barron**  
OVN correspondent

The Ojai City Council and the Ojai Planning Commission met Monday to discuss the upcoming 2014-2021 Housing Element. The state-mandated document details how Ojai will accommodate its "fair share" of California's population growth, and must be submitted by Feb. 12, 2014. For the recently-completed Housing Element — the 2008-2014 version — Ojai had to prove it has the capacity for 433 new housing units. For this latest cycle, Ojai's allotment from the state is 371 new units. As it was with the 2008-2014 cycle, no units need actually be built; however, the city must prove, via different housing programs, that it has the ability to build if the need arises. In order to meet the state's deadline, the City Council hired housing consultant John Douglas, AICP. "We have John Douglas here; John has a tremendous amount of experience with housing element consultant work for other communities, including communities in Southern California and Ventura County," said Rob Mullane, Community Development director. "I think he will serve the community very well in this capacity." "It's really a special pleasure for planners to work with communities who really care about their community," said Douglas. "I'm very much looking forward to this, and I'm very optimistic about the outcome." Douglas then requested

that the council and commission members elucidate their fundamental values in moving forward on this Housing Element. "As far as interests that I see that we need to have in our Housing Element, we need to preserve our small-town character. And that includes height limits," offered Mayor Paul Blatz. "We are also extremely concerned with preserving our natural resources, principally our water." As part of the recently-completed Housing Element, City Council had to designate properties for a special zoning overlay allowing the property owner to build affordable housing units. The state requires that projects under this designation not be restricted to two stories — something to which both council and community members have voiced objections in the past. "I'm a little frustrated that we're doing this again, when we just finished one," said Planning Commissioner Paul Crabtree. "Even during that, there was frustration that we were doing that, instead of the real planning that we wanted to do. I know we need to do this. I'm looking at all these meetings (scheduled to complete and review the Housing Element) and wondering if we could capture something we really want to do while we're doing these other meetings." "Ojai is the second-poorest city in Ventura County,"

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## Council lowers banner fees

**Tiobe Barron**  
OVN correspondent

Back in May, the Ojai City Council realized that many banners around town — such as those used by the Ojai Art Center and the Ojai Valley Museum — often violate the city's 30-day cap in the municipal code. So Tuesday night, they decided to change the code, voting unanimously to allow exemptions for groups "whose principal activity is the presenting or sponsoring of multiple or changing events, shows, programs and activities." City staff reported to the council that nonprofit organi-

zations and local festivals are the groups that most commonly use these types of signs in Ojai. After receiving feedback from community members, City Council reduced the signage fee to \$25 during its June budget and fee schedule review. Also at Tuesday's meeting, members were briefed by independent auditor Ronald Levy, CPA, on the city's 2012 audited financial statements. "Every year, the city has its financial records reviewed by an independent auditor to confirm that they are accurate, and to confirm that we have the proper controls in place," explained city

manager Rob Clark. "You have a very good staff, very helpful. We asked a lot of questions, and they were very helpful getting us answers," said Levy. "The only concern on this was the Redevelopment Agency went away in January, so it was a little hard to compare some of the numbers." Levy explained that while he did not examine every city transaction, he looked at sample transactions and confirmed amounts with the applicable banks to verify that "things are being done correctly." By and large he was

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## Local groups seek to make going solar easier

**Angelique LaCour**  
OVN correspondent

At a press conference Tuesday, the Ojai Valley Green Coalition (OVGC) and the Community Environmental Council (CEC) announced the launch of Solarize Ojai Valley, a group purchasing program designed to make converting to solar energy easier and more affordable for Ojai Valley homeowners. The program would also increase the amount of renewable energy in the valley and help homeowners save thousands of dollars on electric bills by switching to solar.

"By gathering together in this community-led effort, Ojai Valley residents will be able to enjoy a discounted price and a streamlined process for going solar," said Jefferson Litten, CEC's Solarize Program coordinator. "Over 120 homeowners have already switched to solar through CEC's similar Solarize programs on the Central Coast." After a rigorous application process, OVGC and CEC vetted and selected the Ojai-based installation firm, California Solar Electric (CSE), based on experience, quality of work and pricing.

"I've seen a lot of solar companies come and go over the years," said Cam Campbell, electrical contractor and CSE owner. "We've installed close to 500 residential systems in the tri-counties, and about 100 of those are here in the Ojai Valley." Campbell emphasized that CSE only installs solar panels manufactured by American companies like Solar World, which is headquartered in Camarillo. CSE's biggest job was the recent installation of a solar system at the Animo Charter High School in Inglewood. Ventura County Supervisor

Steve Bennett noted the difficulty in selecting the right contractor for any home improvement project, "Often-times the hardest part of the project is making sure you've chosen the right contractor. With this program, CEC and OVGC have done the vetting work for you. It's like a neighborhood referral program on a community scale." Ojai Mayor Paul Blatz plans to take advantage of the Solarize Ojai Valley program for his own home. "I believe as solar becomes more prevalent in homes throughout the valley that businesses are going to start looking at it, as

well as the city," Blatz said. "There's a couple of us on the (City) Council who are promoting the idea of the city converting to solar for our electrical usage." Troy and Jeri Becker hosted Tuesday's event, and showcased their solar array to local dignitaries and media in attendance. The Beckers converted to solar energy in late 2004. "Going solar is a great investment; our panels save us \$500 a month and have saved us nearly \$52,000 since we put them up," said Troy Becker.

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## Medina:

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process was lawful because Medina was on probation at the time of the crime. Therefore, the observations were within the scope of the juvenile search terms and the information gathering was not an actual search and seizure.

"I think it was an appropriate ruling," said Deputy District Attorney Thomas Dunlevy, who is prosecuting the case. "We respectfully disagree with the court's ruling," Bramson said. "We believe it was a search."

Medina has been in custody since his arrest in 2009. He was charged with first-degree murder and three enhancement felonies relating to gang activity, which could add to his sentence if convicted. Even though he was arrested at the age of 14, he will be tried as an adult. Medina has pleaded not guilty.

## Solar:

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Litten said many homeowners don't know that by switching to a solar lease they can start saving money on day one, or that an investment in purchasing solar panels can pay itself off in as little as five years. Once the panels are paid off, homeowners can typically expect at least 20 years of free electricity, Litten added.

Solarize Ojai Valley will also offer a free energy audit to any homeowner who signs up for the program. This nine-step audit will help homeowners reduce their energy consumption and utility bills through recommendations for energy efficiency and conservation.

The program was first offered in Ojai in the fall last year, but fell short of its goal with only five homes installing solar systems. CEC and OVGC hope to have more participation this year.

"We discovered that it was a poorly chosen time of year because of the holidays, and we only offered it for two months instead of three," said OVGC's Deborah Pendrey, who just installed a solar system at her home last month. "It's really exciting to see that meter spinning backwards during the day."

Pendrey said she strongly encourages Ojai Valley homeowners to attend one of the free introductory workshops where residents can learn about the Solarize Ojai Valley program benefits.

In order to participate, Solarize Ojai Valley participants must: live within the service territory (Ojai, Mira Monte, Meiners Oaks, Oak View, Upper Ojai and surrounding unincorporated areas); own a home that is suitable for solar installation; and sign a contract with CSE between July 9 and Oct. 9. Visit [www.SolarizeOjai.org](http://www.SolarizeOjai.org) for more information and a five-minute application process.



Photo by Marla Harvey

Planning Commissioner Troy Becker shows off the solar panels installed on his home Tuesday.

## Highway 33 meeting set for Monday

Tiobe Barron  
OVN correspondent

The Ojai Valley Municipal Advisory Council and the Highway 33 Improvement Committee are holding a joint public meeting Monday to discuss issues pertaining to Highway 33, and to receive updates from both Caltrans and the California Highway Patrol.

Steve Offerman, assistant to Ventura County Supervisor Steve Bennett, explained that public comments from the meetings often lead to positive results along the road. "Operational issues such as pavement condition, intersection issues, speeding, signs, lane striping, traffic signals, etc. are recurring themes," Offerman said. "Over the years, the committee has had quite a number of successes in getting Caltrans to improve this or that intersection, turn lane, traffic signal, drainage problem, overgrown trees, etc."

The CHP, Caltrans, MAC and the public are allotted their own time slots on the meeting's agenda to give a status report and to discuss and provide input. The meeting is set for 7 p.m. at the Oak View Community Center, 18 Valley Road, in Oak View. Call 654-2703 for more information.

## Meeting:

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pleased with the city's financial management, finding fault only with the lack of accurate recordkeeping of water bottle sales on Ojai Day, a task performed by volunteers perhaps undertrained in keeping receipts.

"Your staff has a really good feel for what's going on," said Levy. "We found accurate information from staff throughout the year."

In the audit, Levy concluded by granting Ojai a "clean opinion," the highest ranking available through a similar audit.

During time allotted for public comment at the meeting, Ojai resident Deborah Moe ad-

ressed City Council regarding the Skate Park.

"I have gotten a lot of calls lately. I have been made aware that there are a lot of bikes and a lot of scooters in the Skate Park. And it doesn't seem like this is being addressed. It's chipping (the park). We didn't raise the money for bikes and scooters, and there are rules posted outside the Skate Park saying 'No Bikes and Scooters,'" said Moe. "The kids know me, and they call. The bikes and scooters are more aggressive, and some of the little guys that are skating are being pushed out ... I don't know what the answer is. I do know the rules were

made, the rules were posted, but they aren't being enforced."

Later at the meeting, Mike Milkovich, Ventura County Fire Department chief, delivered a sobering presentation on fire prevention and the current fire season. Milkovich cited "fuels," or local greenery, weather and topography as the main factors contributing to dangerous fire conditions locally.

"We have done a very good job protecting the city and fighting fires. With that, there is a trade-off: we have larger fuels, older fuels. And now, with the drought conditions, we have fuels that are more receptive to fire," said Milkovich. "It's not a

matter of 'if' we are going to have another fire, but more 'when' and 'where.'"

Milkovich emphasized the importance of public education in reducing the severity of structure damage in the event of a fire. Residents should take preventative measures, such as creating a clearance of plants around the property line, to keep structures as safe as possible. Residents can also obtain fliers on fire preparedness at any local fire station, said Milkovich.

Visit [www.ci.ojai.ca.us](http://www.ci.ojai.ca.us) for information on upcoming Ojai City Council meetings and topics.

## Housing:

Continued from Page A1

contributed Councilwoman Betsy Clapp.

Clapp noted concern over the state's definition of "very low income" households eligible for affordable housing, calling their numbers "laughable." Additionally, she queried whether the state is adequately informed of the physical and economic constraints unique to this town.

"Regarding the three-story issue, (it) has the impact of not only damaging the feel of the community, but it also damages the local economy," said Clapp. "They (tourists) come here for relief from the urbanization of the rest of the state."

As the city of Ojai is not

legally able to restrict the number of stories on applicable projects, council members considered the idea of a height restriction of 25 feet for all new construction. While most gathered expressed a desire to protect the valley views, some felt the restriction appeared stifling.

"When I think about the city as a whole, I'd really like Ojai to remain a real dynamic, vibrant place that is able to evolve over time. A lot of the discussion I'm hearing tonight really disturbs me, because I see us sort of putting a lot of constraints on what can happen in the future," said Commissioner John Mirk. "I'd like to keep our options fairly flexible at

this point. So I'm pretty much opposed to changing our height limits."

For yet others, affordability and accurate demographic information remain the vital issues.

"Why even have the demographic data, when my understanding is that really we're not applying it to this cycle, but to the next cycle?" asked Councilman Severo Lara. "It seems like 'affordability' isn't really capturing the real definition of what it's supposed to. It seems like 'affordability' is more 'market value,' the way the state is putting it."

"As a Realtor, I have people coming into my office every day looking for low-income housing," said Ojai resident

Dale Hanson. "What they call 'low-income housing' on some of the Housing Element figures I've seen is really not low-income housing. And these are decent people, they're not rag-tag people."

Mayor Pro Tem Carlon Strobel expressed concern that the statistics — compiled by the Southern California Association of Governments (SCAG) and utilized by the California Department of Housing and Community Development to determine Ojai's requisite numbers — is out-of-date and inaccurate altogether, and per-

haps should be corrected prior to adjusting Ojai's zoning codes.

"When SCAG compiles their report specific for Ojai, is that just taking a percentage of 10 cities plus the county area and applying that to Ojai, or is it actually specific to Ojai?" asked Strobel. "SCAG is going to use that information to determine Regional Housing Needs Assessment numbers for Ojai. So what I'd like to know is, if, for Ojai, our four-and-a-half square miles, are we dealing with accurate information? And if not, what can we do about it?"

Douglas and Mullane

Comment on this report at

[www.ojaivalleynews.com](http://www.ojaivalleynews.com)

both emphasized the importance of city staff working with the group to ensure accurate information, while city manager Rob Clark cautioned that change through the group would come about incrementally.

The next step in the Housing Element process is a public discussion via the Planning Commission. Visit [www.ci.ojai.ca.us](http://www.ci.ojai.ca.us) for specific meeting dates and to view Housing Element documents.

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Applications are now being accepted for the volunteer position of Commissioner to the Area Housing Authority of the County of Ventura (AHA). Monthly meetings are held in Newbury Park. An understanding of financial, managerial, and planning/development reports. A small monthly stipend is provided for attendance at meetings. Information, applications and a general overview of duties are available at City Hall by calling Rhonda Basore, 805-646-5581x120 or email [basore@ci.ojai.ca.us](mailto:basore@ci.ojai.ca.us) or visit the city's website at [www.ci.ojai.ca.us](http://www.ci.ojai.ca.us) (Choose City Government, City Commissions).