

# Column Newport activist's spat with Councilwoman Dixon raises questions

By **Barbara Venezia**

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**L**ast week, Newport Beach community activist Mike Glenn filed a small-claims lawsuit in Orange County Superior Court against the city, naming Councilwoman Diane Dixon, City Clerk Leilani Brown and Assistant Clerk Jennifer Nelson as defendants.

Glenn, who unsuccessfully ran for council in 2016, is suing for slander and libel, stemming from a go-around he had with Dixon at the April 11 council meeting.

After he made his public comments regarding [the Balboa Peninsula trolley](#) — which he wasn't on board with — Dixon accused him of owing the taxpayers \$600 from the public documents he requested but never picked up. Dixon also said city staff has spent more than 500 hours fulfilling Glenn's requests, for a total estimated cost of about \$25,000.

If you [watch video](#) of the meeting, you'll notice how things heat up as Glenn denies asking for printed documents from his requests. He says he only asked for the records digitally, which would be free. Glenn also says it was the first he had heard of owing the city any money for his requests.

Glenn accuses Dixon of planning to embarrass him in public. After the meeting, he acquired [a voicemail](#) Dixon left for Brown prior to the April 11 meeting.

In it, Dixon asks Brown how to file a records request, then for all of Glenn's document requests, and to calculate how much he owes for them, as she anticipates he will be at the April 11 meeting and wants to be prepared.

So is it proper protocol for a council member to act as the city's bill collector from the dais?

If not for the sole purpose of embarrassing Glenn, then why not address this with him privately after the meeting or via email?

I asked Dixon about the lawsuit.

"The city's policy is to not comment on pending litigation," she wrote. "Mr. Glenn should apologize to the taxpayers of Newport Beach for wasting their taxpayer dollars on a frivolous lawsuit."

Glenn tells me after that council meeting he demanded an apology and a retraction from Dixon as well as from the city.

Via the city attorney, Aaron Harp, Glenn said he was told there wouldn't be one.

That prompted his lawsuit.

Glenn says he originally wanted to sue for \$1, but felt Dixon wouldn't show up for that amount. So he opted for the maximum of \$5,000 allowed in small claims.

Should he win, he says he'll donate the money to an organization that helps folks fight similar situations.

"This is about principle," Glenn says.

But what about the money Glenn supposedly owes the city?

On April 17, Nelson, the assistant city clerk, wrote to him: "This is not the first time the notices of determination (a.k.a. invoices) have been sent to you. Each notice is individually dated on the day it was sent to you. As you will see in the attached documents, you have received 17 individual notice of determination or 'invoices' since 2015, which show \$619.93 due to the city for records requested by you. To date, you have not picked up the documents you requested, nor have you paid the outstanding balance of \$619.93 owed to the city."

Nelson also wrote, "We are not interested in continuing to debate this with you, as it is a waste of staff time and city resources."

Glenn fired back, insisting this was the only time an "invoice" had been sent to him.

But are notices of determination actually invoices? Or is their purpose to just let folks know what the costs would be for hard copies?

Brown told me, "Our current records request policy is that nothing is produced until payment is received."

So if a person agrees to the fees, payment must be made in advance of the documents being produced and ready for pickup?

"That is correct, per our current policy," Brown told me.

So then how could Glenn rack up \$619.93 when the policy is not to prepare documents unless the person pre-pays?

Brown said the city changed its policy because of the situation with Glenn and now requires prepayment.

It's important to note that if people only want to view city documents and not take them with them, that's free, as are digital copies of records.

Glenn claims, "They always have given them to me digitally, and a few times they wanted to print them out."

Glenn says he insisted on digital copies.

Brown told me Glenn “changed his original requests for copies to be produced to ‘electronic or inspection’ after the fact.”

Last March, I asked Nelson what the city spends on filling record requests. She estimated costs at approximately \$54,000 annually, and whenever possible they do fill them electronically.

The city’s website [has a page](#) that shows everyone who has made a recent request, including Glenn.

It’s quite interesting.

A court date in this case should be set in the next 15 to 30 days, according to Glenn. It will be interesting to see how this all plays out.

**BARBARA VENEZIA lives in Newport Beach. She can be reached at [bvontv1@gmail.com](mailto:bvontv1@gmail.com).**

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