

**DENNIS A. WINSTON, A PROFESSIONAL LAW CORPORATION**

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February 9, 2011

*BY FACSIMILE AND U.S. MAIL*  
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Kenneth H. Fearn,  
Chair of Board of Commissioners  
Community Redevelopment Agency  
of the City of Los Angeles  
1200 W. Seventh St.  
Suite 500  
Los Angeles, California 90017

Attn: Christine Essel,  
Chief Executive Officer

Re: *Brown Act Demand For Cure and Correction*  
*(Gov't Code § 54950, et seq.)*

Dear Board:

My law firm represents Messrs. Aaron Epstein and Robert Blue in making this demand that the Community Redevelopment Agency of Los Angeles, California ("CRA/LA") cure and correct violations of the Ralph M. Brown Open Meeting Act (*Government Code § 54950, et seq.*) which, we are informed and believe, took place at the Special Meeting of the CRA/LA Board on January 14, 2011 ("January 14 Special Meeting").

It is our understanding that, at the January 14 Special Meeting, the Board took up the agenda item ("Item II") listed as:

**AUTHORITY TO EXECUTE A COOPERATION AGREEMENT WITH CITY OF LOS ANGELES FOR PAYMENT OF APPROXIMATELY \$885 MILLION FOR COSTS ASSOCIATED WITH CERTAIN REDEVELOPMENT AGENCY FUNDED CAPITAL IMPROVEMENT, PUBLIC IMPROVEMENT AND AFFORDABLE HOUSING PROJECTS LOCATED WITHIN THE CURRENTLY DESIGNATED 31 REDEVELOPMENT PROJECT AREAS.**

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As part of the consideration of Item II, a report listing of projects to be included in the aforementioned cooperation agreement was posted and available for public review. However, at the January 14 Special Meeting, the amount under consideration was substantially increased, without prior public notice, from \$885 million to \$930,000,000.00. In addition, the list of projects to be considered was increased pursuant to a supplemental report that was distributed to a majority of the Board members at the January 14 Special Meeting but not made available for public inspection at the January 14 Special Meeting (despite requests for the supplemental report).

These Board actions violated the provisions of the Brown Act. *First*, pursuant to *Government Code § 54956*: "The call and notice [of a Special Meeting] shall specify the time and place of the special meeting and the business to be transacted or discussed. *No other business shall be considered at these meetings by the legislative body.*"<sup>1</sup> CRA/LA violated the Brown Act by considering and approving an increase in the amount for payment of costs by \$45,000,000.00 without prior notice of such an action on the agenda/notice for the January 14 Special Meeting.

*Second*, the Board violated the Brown Act by supplementing the listing of the projects to be considered for inclusion under Item II *during the January 14 Special Meeting* without prior notice to the public. *Compare Shapiro v. San Diego City Council* (2002) 96 Cal.App.4<sup>th</sup> 904, 924 ("The scope of the permissible discussion in the closed sessions should be defined by the notice given in the agenda and the public announcements, together with the rule against discussing items not identified in the agenda.")

*Third*, the Board violated the Brown Act by not making the supplemental list of projects subject to the cooperation agreement, which was distributed to the majority of the Board members at the January 14 Special Meeting, available to the public upon request (which request was made at the January 14 Special Meeting). *Government Code § 54957.5(c)* ("Writings that are public records under subdivision (a) and that are distributed during a public meeting shall be made available for public inspection *at the meeting* if prepared by the local agency or a member of its legislative body [.]")

Accordingly, my clients seek the following:

<sup>1</sup> *Gov't Code § 54956's* requirement that the notice "specify" is intended to refer back to *Gov't Code § 54954.2's* requirement that an agenda provide a "description." The CRA/LA could not "specify" an item of business without providing a "brief general description" of that item of business. *Moreno v. City of King* (2005) 127 Cal App 4th 17, 26 ("We do not understand section 54956 to allow a City to omit the "brief general description" required by section 54954.2.") (Unless otherwise indicated, all emphasis supplied all internal quotation marks omitted.)

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1. Cure and correct the Brown Act violations listed above by rescinding the actions taken at the January 14 Special Meeting, namely: the increase of the amount of money under consideration from \$885 million to \$930,000,000.00; and, the supplementation of the list of projects subject to the cooperation agreement pursuant to a report not made available to the public at the January 14 Special Meeting;
2. Acknowledge the above-listed violations of the Brown Act.

Respectfully submitted for your actions as required by law.

Very truly yours,



Dennis A. Winston

DAW:csb