

April 25, 2012

The Honorable Herb Wesson, Jr., President
The Honorable Ed Reyes, PLUM Chairman
Los Angeles City Council
200 North Main Street
Los Angeles CA 90012

RE: REQUEST TO CURE OR CORRECT; COUNCIL FILE No. 11-0262

Dear President Wesson and Chair Reyes:

The Community Care Facilities proposed ordinance, Council File No. 11-0262, (formerly No. 07-3427 Sober Living Homes), was noticed for hearing on April 24, 2012 by the Planning and Land Use Management Committee. On April 23 and April 24, 2012 numerous City Council Deputies and Planning Department staff circulated emails stating the matter would be continued in PLUM until May 8, 2012. PLUM Chairman Ed Reyes, due to an illness, was unavailable and his staff confirmed the issue would be continued.

Public comment on the final draft ordinance dated September 13, 2011 was heard in PLUM on March 20, 2012. Planning Staff and Committee members decided substantial changes were necessary. It was agreed Planning Staff would continue working on draft language and report to PLUM at the next hearing with proffered modifications.

Two hours prior to the scheduled 2:30 hearing, Planning Department staff emailed notice the item would in fact be heard in PLUM on April 24, 2012. Very few interested parties were able to attend the April 24th meeting on such short notice. The two PLUM members present were not in agreement. CM Huizar wanted a continuance requested by Chair Reyes; CM Englander wanted approval for full Council consideration. Pursuant to Council Rule 69 the ordinance now goes to the full Council without recommendation.

Whether the deceptive communications regarding a continuance set the stage for a Brown Act violation, cure provisions may not be applicable if it is found PLUM took no action. The failure to continue or act resulted in the matter "moving forward" to the full Council. In other words, the failure to act itself resulted in action; cure provisions are applicable.

Pursuant to Government Code Section 54960.1 a demand is made to cure or correct the above described violation of the provisions of the Ralph M. Brown Act. Additionally, consider this a formal complaint and request to cure or correct a violation of Council Rule 60 which mandates "*It shall be the duty of the Chair of a Committee, or in his or her absence, the Vice Chair, or in absence of both, then the Chair Pro Tempore to request the President of the Council to appoint a Councilmember temporarily to serve on the Committee in the absence of a regular member of the Committee. The President shall notify the City Clerk of his or her appointment.*" In this instance, CM Vice Chair Huizar, acting as PLUM Chair, did not request a temporary CM appointment in Reyes' absence.

Thank you very much for your prompt action to undo this anti-sunshine maneuver.

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