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CF 11-1705

ITEM 2 PLUM 4/19/16

S. Dickinson

**STATEMENT of J.H. McQUISTON on
PROPRIETY of HEARING on BILLBOARD ISSUE**

Honorable Chairman and Members of the Committee:

BEWARE! The Attorney General of California in 81 Op Atty Gen 156 (1998) said **No legislator not a Member of the Standing Committee holding a hearing may participate in that hearing.**

1. The City Attorney has said Neighborhood Councils per Charter Article IX are "City Legislators". None are Members of the PLUM Committee and thus their testimony must not be heard nor may this Committee regard it, if the City Attorney stands by its faulty description of Neighborhood Councils.

The only place NCs may submit testimony is to a session called by the City Council, not one of its Committees.

Of course I disagree with the City Attorney on its pronouncement about the definition of NC status, but **unless the City Attorney retracts its pronouncement this Committee must not hear, see or have in the Record any participatory messages from NCs.**

2. The record on this case is awash with official pronouncements by non-Member Councilpersons. As cited above, Government Code §§54950-62 ("Brown Act") forbids participation at PLUM by non-Member-Councilpersons.

The Attorney General said **participation by non-Members at the Committee level would disparage and render useless any Public participation, and therefore Brown would be violated.**

This Case File contains enough non-Member participation on the Record to be the equivalent of a Full Council Meeting. None of that material may be seen, used, or acted-upon without violating Brown.

3. There is no completely-suitable avenue of escape for this Committee now. If the Members affirm they have not looked at, evaluated, nor will act upon the File material, **that is tantamount to saying they ignore People's entries in the File as well. One cannot tell by the meager file caption that the material is forbidden.**

Perhaps the Council President may call a Special Meeting of the Council, thereby to make the File "genuine", but the ploy will not put the PLUM Chairman at its head and the ploy may not satisfy the City's process on Motions and Ordinance creation.

4. The moral is to stick to the letter of the law. Lawful process saves City funds for "useful" and "urgent" needs.

Respectfully submitted,

c: Interested parties

J. H. McQuiston