

Los Angelinos for Open Government  
Robert Blue  
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August 2, 2012

Honorable Herb J. Wesson, Jr.  
President  
Los Angeles City Council  
200 N. Spring Street, Rm 430  
Los Angeles, CA 90012  
Fax (213) 485-9829 (Wesson)  
Fax (City Clerk)  
Attn: June Lagmay,  
City Clerk  
*Sent Via Email*

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

Honorable Los Angeles City Council President Wesson:

I am writing in behalf of Los Angelinos for Open Government (LAOG) and myself as an individual in making this demand that the City Council of the City of Los Angeles, California ("City Council") 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 Regular Meeting of the City Council on July 3, 2012.

It is our understanding that, at the July 3 Regular Meeting, the City Council took up the agenda item 28 ("Item 28") listed as:

ITEM NO. (28)  
12-0600-S120

BUDGET AND FINANCE COMMITTEE REPORT relative to providing funding in the amount of \$825,000 for the Hollywood Central Park.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PROVIDE a total of \$825,000 for the Hollywood Central Park utilizing the following sources: \$250,000 from Council District Thirteen's portion of the AB 1290 Fund; \$100,000 from Council District Four's portion of the AB1290 Fund; \$275,000 from Recreation and Parks Department's Unreserved and Undesignated Fund Balance; and \$200,000 from the Park and Recreational Sites and Facilities Fund No. 209.

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President, Los Angeles City Council  
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2. AUTHORIZE the City Administrative Officer (CAO) to make any technical corrections or clarifications to the above instructions in order to effectuate the intent of the Motion.

Fiscal Impact Statement: Neither the CAO nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

These City Council actions violated the provisions of the Brown Act. Pursuant to *Government Code* § 54954, 54954.2, the agenda description was inadequate. The description contained on the agenda under item 28 noted above did little to provide any meaningful guidance on the matters to be considered. The location of the “Hollywood Central Park” is not given. In fact there is no record that the “Hollywood Central Park” even exists. In this regard, the descriptions fail to permit the public to remain informed.<sup>1</sup>

Also, the agenda description does not describe what is going to be done with the funds, how the funds will be applied, or where the funds will be transferred (an individual, a private, public, or governmental entity, etc). The scope is not adequately described in the agenda.

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<sup>1</sup>The purpose of the brief general description is to inform interested members of the public about the subject matter under consideration so that they can determine whether to monitor or participate in the meeting of the body. In *Carlson v. Paradise Unified School Dist.* (1971) 18 Cal.App.3d 196, the court interpreted the agenda requirements set forth in section 966 of the Education Code. That section required “. . . [a] list of items that will constitute the agenda for all regular meetings shall be posted. . . .” (*Carlson v. Paradise Unified School Dist.* (1971) 18 Cal.App.3d 196, 199.) In interpreting this section, the court stated:

“In the instant case, the school board’s agenda contained as one item the language ‘Continuation school site change.’ This was entirely inadequate notice to a citizenry which may have been concerned over a school closure.

“On this point alone, we think the trial court was correct because the agenda item, though not deceitful, was entirely misleading and inadequate to show the whole scope of the board’s intended plans. It would have taken relatively little effort to add to the agenda that this ‘school site change’ also included the discontinuance of elementary education at Canyon View and the transfer of those students to Ponderosa School.” (*Carlson v. Paradise Unified School Dist.* (1971) 18 Cal.App.3d 196, 200, original emphasis; see also 67 Ops.Cal.Atty.Gen. 84, 87 (1984).)

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President, Los Angeles City Council  
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Accordingly, LAOG seeks the following:

Cure and correct the Brown Act violations by rescinding the actions taken under Agenda Item 28 at the July 3, 2012 City Council Meeting, namely:

1. PROVIDE a total of \$825,000 for the Hollywood Central Park utilizing the following sources: \$250,000 from Council District Thirteen's portion of the AB 1290 Fund; \$100,000 from Council District Four's portion of the AB1290 Fund; \$275,000 from Recreation and Parks Department's Unreserved and Undesignated Fund Balance; and \$200,000 from the Park and Recreational Sites and Facilities Fund No. 209.
2. AUTHORIZE the City Administrative Officer (CAO) to make any technical corrections or clarifications to the above instructions in order to effectuate the intent of the Motion.

Respectfully submitted for your actions as required by law.

Very truly yours,

*Robert Blue*

Robert Blue  
On behalf of  
Los Angelinos for Open Government



Bob Blue <bob.b.blue@gmail.com>

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## Brown Act Demand for Cure and Correction, Los Angeles City Council

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Bob Blue <bob.b.blue@gmail.com>

Thu, Aug 2, 2012 at 3:30 PM

To: councilmember.wesson@lacity.org, june.lagmay@lacity.org

Cc: The Honorable Carmen Trutanich <CTrutanich@lacity.org>, Controller Wendy Greuel <controller.greuel@lacity.org>, MIGUEL.SANTANA@lacity.org, DDemerjian@da.lacounty.gov, "Zahniser, David" <david.zahniser@latimes.com>

Honorable Los Angeles City Council President Herb J. Wesson,  
Jr. and Los Angeles City Clerk June Lagmay:

Please see attached letter for Brown Act Demand For Cure and  
Correction related to action taken by the LA City Council on  
July 3, 2012 under Agenda Item 28.

Sincerely,

Robert Blue.



Cure&CorrectDemand, LA City Council, Agenda Item 28, CF No 12-0600-S120 (dated August 2, 2012).pdf

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