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This letter is a formal cure and correct/cease and desist demand regarding violations of central provisions of the Ralph M. Brown Act (California Government Code Sections 54950, et seq.) and the California Public Records Act (GC 6250, et. seq.).

INTRODUCTION:

At the City of Los Angeles Special Rules Committee meeting on December 11, 2018, the committee took comments on Item 1 — Council File # 12-1269-S5. After taking public comment, the Council President made an alternate motion to the one being considered, and substantially changed the item. It was the very last thing he did in the meeting and he did not provide an opportunity for comment on the substantial changes.

At a full City Council meeting the following morning, December 12, 2018, the Los Angeles City Council took action and approved Item 9 — Council File # 12-1269-S5 without taking public comment.

CONTROLLING LAW:

Gov't Code section 54954.2. (a) (1) and (3) state in pertinent part: "At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session.... **No action or discussion shall be undertaken on any item not appearing on the posted agenda**, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by **persons exercising their public testimony rights under Section 54954.3.**" (Emphasis added.)

Gov't Code section 54954.3. (a) states in pertinent part: "Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, **unless the item has been substantially changed** since the

committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item. (Emphasis added.)

CURE AND CORRECT DEMAND:

The Council should not have voted on the item 12-1269-S5 and so took action improperly on the amendment, that had not been properly posted or circulated on an agenda and was slipped into the file after the meeting notification requirement. Consequently, the public right to testimony under Section 54954.3 was denied – especially when, after the Council made a substantial change to the agenda item, the council did not re-open for public comment on the new agenda item.

As a result of the foregoing, pursuant to Gov't Code section 54960.1, I demand that the agency cure and correct these violations or face a lawsuit to void the unlawful actions. The ordinance approval must be invalidated, and the actions taken must be rescinded within 15 days. If City Council does not Cure and Correct this violation by holding a meeting duly noticed for the public in compliance with the Brown Act, and rescind within 15 days, the actions taken, we will pursue all available remedies under the Brown Act, including the filing of a petition for writ of mandate, in which case I would also ask the court to order you to pay my court costs and reasonable attorney fees in this matter, pursuant to Section 54960.5.

CEASE AND DESIST:

Because of the probability that the Brown Act violations described in this letter will happen again in the future, in addition to my cease and desist demand I also demand, pursuant to Gov't Code section 54960.2, that the City cease and desist, which requires a written unconditional commitment to ceasing and desisting in the unlawful acts described in the. If the City does not provide the aforementioned assurance within the deadlines specified in Section 54960.2, then I will seek a judicial remedy that will include a claim for fees and costs.

VIOLATIONS OF OTHER LAW, REGULATIONS OR ORDINANCES:

Policy Section 22.819 :

In addition to the foregoing, the Council violated Council Policy Section 22.819 of the Los Angeles Administrative Code, which reads in pertinent part:

The Presiding Officer of the City Council, or the Chair of a Council Committee, shall provide an opportunity for duly authorized members of a Certified Neighborhood Council board in the City of Los Angeles, to address the City Council or Council Committee on matters for which a Community Impact Statement has been submitted and posted to the Council File currently under consideration.


At the December 12th meeting, the City Council's Presiding Officer violated Policy Section 22.819. I demand that the City unconditionally commit to complying with the requirements of Section 22.819 to the Los Angeles Administrative Code. If not, I will seek a judicial remedy that will include a claim for fees and costs.

Council Rule 93

This rule requires that City Council meetings be televised, gavel-to-gavel, unedited and with cameras operated "so that they are focused only on the officially recognized speaker." On December 12, 2018, the City Council violated this rule.

Ignored the prior Cease and Desist notices on this matter, and continues to break the council rule with impunity. I demand, again, that the City unconditionally commit to complying with the requirements of Section 22.819 to the Los Angeles Administrative Code. If not, I will seek a judicial remedy that will include a claim for fees and costs.

Respectfully yours,



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