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Thursday, June 23, 2016

Los Angeles City Councilmembers
Los Angeles City Hall
via email to: Sharon Dickinson and Etta Armstrong

RE: Friday, June 24, 2016 City Council Meeting
Item (4) Target and SNAP
Lack of Notice

Dear Councilmembers:

This letter follows up on my complaint of yesterday, Wednesday, June 22, 2016, concerning the lack of notice from the City about the above-referenced matter on the Friday, June 24, 2016 agenda. As the attorney for one of the named appellants, Citizen Coalition Los Angeles, I was entitled to notice on June 13, 2016.

I have also learned that none of the members of CCLA received any notice by BTC. My client and its members have been unduly prejudiced as we are in the dark why this matter, where lawsuits have already been filed, is back on calendar.

The Brown Act requires a brief description and in this situation where the mater has been unanimously approved by the city council and the mayor and is already in litigation, The Brown Act notice has to provide the public some idea why this same matter is before the City Council. Otherwise, it is not possible for members of the public to make meaningful comment.

Los Angeles City Council
Thursday, June 23, 2016

I also represent Hollywoodians Encouraging Logical Planning [HELP] who submitted comments on the Target matter along with CCLA. HELP and none of its members received the June 13, 2016 notice.

I do not waive the Brown Act defects as to notice or as to inadequate content description in the notice in the council agenda item (4).

Very truly yours,

A handwritten signature in blue ink that reads "Richard MacNaughton". The signature is stylized and includes a large, sweeping flourish that extends upwards and to the right, crossing over the word "MacNaughton".

Richard MacNaughton

RSM:ra
T-1013

Richard Lee Abrams
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RickLeeAbrams@Gmail.com

Thursday, June 23, 2016

City of Los Angeles
City Council
c/o Sharon Dickinson
Etta Armstrong
200 North Spring Street
Los Angeles, California 90012

via email: Sharon.Dickinson@lacity.org
via email: Etta.Armstrong@lacity.org

Councilmember Marqueece Harris-Dawson
Councilmember Gilbert A. Cedillo
Councilmember Mitchell Englander
Councilmember Felipe Fuentes

RE: City Council Agenda Friday June 24, 2016
Item # (4), Council Number: 16-0033
Case No. CPC-2015-74-GPA-SP-CUB-SPP-SPR
CEQA #: ENV-2008-1421-EIR and Addendum
Not Notice of June 24, 2016 Hearing

Dear Honorable City Councilmembers:

On Tuesday, May 3, 2016, I wrote to the PLUM committee objecting to this Project, which was subsequently approved by the City Council and the Mayor. Thereafter, lawsuits were filed. I now learn that somehow this same matter has been re-set for the City Council for Friday, June 24, 2016, but I was provided no notice.

Today, I see from the City Council file that on June 13, 2016, BTC mailed copies of the Friday city council item to fourteen (14) pages of addressees, and I was not one of the addressees. Thus, by the City's own document, I was provided no notice.

I am also a member of Citizens Coalition Los Angeles [CCLA] who is listed as one of the appellants, and CCLA received no notice. Another complaint will be made via Richard MacNaughton. Esq., one of CCLA's attorneys.

LA City Council via Dickinson and Armstrong
Thursday, June 23, 2016

I do not waive the lack of notice as an individual or as a member of CCLA. There is no way for me to know how many people may not have received notice who should have received notice. That is one reason I am not waiving the City's failure to provide timely notice as there may be others who did not inadvertently learn.

I am still in the dark how or why a matter which was completely approved by both the city council and mayor ends up back on the City Council agenda. Without a reasonable time to look into this matter, I am unduly prejudiced by lack of notice.

I am also attaching my May 3, 2016 comments to the cover email.

Very truly yours,

Rick Abrams

Rick Abrams
RLS-1066-1
electronically signed
RLA:rsm



RickLee Abrams <rickleeabrams@gmail.com>

PLUM 5-3-2016 item #3, The Target Store

1 message

RickLee Abrams <rickleeabrams@gmail.com>

Tue, May 3, 2016 at 8:06 AM

To: sharon.dickinson@lacity.org, etta.armstrong@lacity.org, RickLee Abrams <rickleeabrams@gmail.com>

Bcc: Richard Abrams <abramsRL@gmail.com>, Ziggy Kruse <ziggykruse2005@yahoo.com>, Bob Blue <camarobob@hotmail.com>

Dear Ms. Dickinson and Ms. Armstrong:

Would you please add my attached comments to the public record so that they are before the PLUM committee members and they are part of the public record for other any committee, commission and/or the city council consideration of this matter?

Sincerely,
Rick Abrams

 **May 3, 2016 Abrams Letter to PLUM re Target.pdf**
286K

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Richard Lee Abrams
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RickLeeAbrams@Gmail.com

Tuesday, May 3, 2016

City of Los Angeles
PLUM Committee

c/o Sharon Dickinson
Etta Armstrong

200 North Spring Street
Los Angeles, California 90012

via email: Sharon.Dickinson@lacity.org

via email: Etta.Armstrong@lacity.org

Councilmember Marqueece Harris-Dawson
Councilmember Gilbert A. Cedillo
Councilmember Mitchell Englander
Councilmember Felipe Fuentes

RE: PLUM Hearing, May 3, 2016 2:30 p.m.
Item # 3, Council Number: 16-0033
Case No. CPC-2015-74-GPA-SP-CUB-SPP-SPR
CEQA #: ENV-2008-1421-EIR and Addendum
Conflict of Interest Between Target and City

Dear Honorable Committee Members:

The way this new attempt to legitimize the Target Project has proceeded, some unique issues have arisen.

The City has a new ordinance which requires the developer to pay the City's attorney fees when the City is sued for passing a Project. The Target has objected to the application of this new ordinance and I also find it problematic.

The Target objects to the Child Care component as well as to the attorney fee ordinance. That places Target in opposition to the City's eventual determination. There are legal and perhaps constitutional issues whether the City can require a developer to pay for an outside law firms as then the Target will be paying for attorneys to oppose the Target's position. Whatever outside law firm is retain, it has a conflict of interest between Target's interests and the City's interests.

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The public has a right to object to the City's being represented by an outside law firm whose integrity is compromised by its being thrust into the position of having dual loyalties.

The public also has an objection to the ordinance which requires the Target to pay for the outside legal representation while the City Attorney's Office is still litigating the case. For one thing, when the City Attorney's Office joins together with the outside attorneys, who have some degree of loyalty to Target, the City Attorney's Office becomes compromised.¹ In addition, the public may object that the City is wasting money to have the City Attorney continue to expend its resources when allegedly the outside law firm is defending the City. Since the City asserts that it has vetted all the approved law firms, there is a presumption that they are well qualified, and it would be a waste of city assets to have the City Attorney's Office also litigate the case.

Furthermore, the legal underpinning of this case is the City's attempt to change SNAP. It is highly questionable whether the Target can be compelled to pay for the defense of actions which the City undertakes to change its own ordinance. To claim that Target should pay the City's attorney fees is pregnant with the idea that the City Council is not an independent governmental body but rather that it is a subsidiary of the Target Corporation. On what other basis can the City expect a private party to pay the City's attorney fees when the City is sued for improperly amending its own laws?

There have been factual allegations made during this administrative process as well as during the administrative process of the prior Target case (which is pending before the appellate court), that council office 13 used undue pressure on Target to construct a store which the Target did not want to construct. In fact, part of Judge Fruin's decision was based upon Target's admission that it could construct a SNAP compliant store.

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The City Attorney's Office has a reputation for high ethical standards and this argument does not question the ethics of what is one of the finer law firms in the City. The legal issues, however, need to be brought to everyone's attention so that there can be a robust discussion of these complications arising from the new attorney fee ordinance. Both the City Attorney's Office and the outside law firm **might be subject to recusal**. I emphasize "might" as these issues seem to be ones of the first impression and one cannot predict the outcome of a proper analysis.

City of Los Angeles PLUM Committee
Tuesday, May 3, 2016

The testimony, documents, and allegations have not been investigated, but there are reasonable grounds to believe that the council office's went over the line and intruded into extortion by compelling the Target to construct a store which intentionally transgressed SNAP.

Target still has the option to construct a SNAP compliant store. A complete investigation may show that the Target has not settled the existing lawsuit and it is not presently constructing a SNAP compliant store due to City Hall's placing inappropriate and illicit pressure upon the Target. Again, the possible specter of a conflict of interest arises between the City Attorney and an outside law firm, whose role must be limited to civil aspects of this project. When the scope of the City's conduct may involve inappropriate behavior by the CD 13 councilmembers, it would be inappropriate for the City Attorney to be in a confidential relationship with an outside law firm. The City's sharing of information with the outside law firm about illicit behavior of councilmembers would be improper while withholding any information which could benefit Target would be prejudicial to Target.

Prior to sending this code change and the Target Project to City Council, there are serious legal issues which must be resolved. Ignoring them, however, is not the same as resolving them.

Very truly yours,

Rick Abrams

Rick Abrams
electronically signed
RLA:rsm

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