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Tuesday, May 9, 2012

Councilmember Ed Reyes	Via email only
Councilmember Jose Huizar	Via email only
Councilmember Mitch Englander	Via email only
Member of Cite of Los Angeles PLUM Cmte	
City Hall	
Los Angeles, California 90012	

RE: Hollywood Community Plan, Council File #: 12-0303
May 8, 2012 PLUM hearing
Brown Act Cure and Correct Demand

Dear Honorable Councilmembers:

This office represents Citizens Coalition - Los Angeles [CCLA], Hollywoodians Encouraging Logical Planning [HELP], Save Hollywood.Org, and other individuals in the Hollywood area with respect to the Hollywood Community Plan.

Brown Act Concerns:

There were Brown Act violations with respect to the PLUM hearings on April 17, 2012 and May 8, 2012. Public comment was cut short on April 17, 2012 so that many people were not permitted to speak. That PLUM hearing was continued to May 1, 2012 and then continued until May 8, 2012. People had acquiesced to the deprivation of their Brown Act right to public comment on April 17, 2012 based upon the express representation that the PLUM committee would reconvene. While some people spoke on April 17th, no speaker was called to speak and then waived his/her right to speak. Rather over the protest from the audience, the PLUM committee adjourned without allowing more public comment. We have the video and audio recording of that date.

Councilmember Ed Reyes
Councilmember Jose Huizar
Councilmember Mitch Englander
Wednesday, May 9, 2012

Via email only
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On May 8, 2012 after Mr. Kevin Keller from the City's Department of Planning spoke extensively on Item #5 council file number # 12-0303, Chairperson Reyes said that he had legal questions and wanted to go into closed session with the City Attorney, but Chairperson Reyes allowed no person who had submitted a speaker card to address the PLUM Committee prior to the committee's going into closed session.

That was an unfortunate decision in that there were attorneys present who could have provided information relevant to whatever advice the City Attorney might provide in closed session. Hearing those speakers after the closed session was of no benefit to the City Attorney. However, no one was allowed to comment after the closed session.

Upon the committee's return from closed session, the most egregious Brown Act violations occurred. Chairman Reyes announced that no action had been taken in closed session then **without allowing any public comment** on the item, Chairman Reyes made a motion to forward Item#5 to the full council. The motion passed. See Government Code, § 54954.3

1. Chairman Reyes action deprived the City of information which the City Attorney needed to provide a complete opinion.
2. Chairman Reyes violated the Brown Act rights of the speakers who had waited since April 17, 2012 to orally address the committee. When some tried to address the committee during general comment period, Chairman Reyes cut them off saying that comment time for Item #5 was over.

Furthermore, Chairman Reyes failed to inform anyone who had filled out one twenty-five (25) speaker cards, that no public comment would be allowed after closed session.

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On behalf of the speakers who could not orally address the PLUM Committee and those members of the public who wanted to hear what fellow members of the public had to say at a public meeting, **I hereby demand that The City cure and correct the Brown Act violations.**

The Impact of Litigation on the Community Plans:

I also wish to bring to your attention that litigation on the Hollywood Community Plan will delay all the other community plans for approximately three (3) years. My clients and others have made significant efforts to avoid litigation, but yesterday's Brown Act violations again give the impression that Respondent City will do what it desires without due regard to the law or to the impending litigation.

The entire city will fare much better when the City faithfully adheres to the law rather than forcing its citizens to once again sue the City.

Very truly yours,

Richard MacNaughton

Richard MacNaughton

RMN:ra

electronically signed

cc: Office of City Attorney