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May 23, 2018

VIA ELECTRONIC MAIL AND CERTIFIED MAIL

Holly Wolcott
City Clerk
200 N. Spring Street, Room 360
Los Angeles, CA 90012
CityClerk@lacity.org

**Re: Demand to Cure And/or Correct Action in Violation of Brown Act; Council File
No. 18-0392**

Dear Ms. Wolcott:

I am writing on behalf of my client to call the attention of the City Council to a past violation of the Ralph M. Brown Act by the Homelessness and Poverty Committee of the City Council concerning action taken on or about May 22, 2018.

The nature of the violation is as follows: On or about May 22, 2018 the Homelessness and Poverty Committee of the City Council considered a Motion related to a proposed temporary homeless shelter at 682 S. Vermont, Los Angeles, CA in Koreatown. The Motion was identified on the agenda as Item No. 3. The proposed homeless shelter has been extraordinarily controversial, drawing media attention, multiple protests and a petition with over 9,600 signatures. The issue of whether or not a public hearing should be afforded to allow "due process" has been a primary issue. Yet, the City limited the total time for those speaking in opposition to the Motion to 15 minutes despite the fact that over 100 people waited in line to speak on this matter (many waiting in the hallway). For many, this was their first time visiting City Hall or attending a hearing of this type. In order words, this was their introduction to local government and they expected that in our democratic system their voice would be heard by their elected leaders.

As you are aware the Brown Act creates clearly states that the public has a right to address the City Council (and its committees) at any meeting on any subject that is within the council's subject matter jurisdiction. Government Code § 54954.3(a). The right to express one's views in a public place is fundamental to a free society. 78 Ops Cal Atty Gen 224, 226 (1995). While a City Council may regulate the total amount of time on particular issues and for each individual speaker,

that power is limited by the requirements of due process in quasi-judicial hearings. Government Code § 54954.3(b); *Manufactured Home Communities, Inc. v. County of San Luis Obispo* (2008) 167 Cal.App.4th 705 (outlining due process requirements). Quasi-judicial or “administrative” actions are subject to the due process requirements of the Fourteenth Amendment to the United States Constitution which provides that a governmental regulation may not deprive a person of life, liberty, or property without due process of law. The procedure employed must be fair and accord those with an interest in the matter a meaningful opportunity to prepare and be heard. Examples of quasi-judicial actions include, but are not limited to, issuance of discretionary land use permits, business licenses, civil service grievance hearings, rent control hearings on applications for rent increases or decreases, and other similar actions in which a property interest is at stake.

There are clearly property interests at stake in the instant matter. Therefore, the City violated the Brown Act by limiting the ability of members of the public to speak on the item.

Pursuant to Government Code § 54960.1, and on behalf of my client as an interested person alleging a violation of the Act, my client demands that the City Council cure or correct the action.

As provided by Government Code § 54960.1(c)(2) the City Council may respond to this demand within 30 days of receiving the letter by curing and/or correcting the action and informing my office in writing of its actions to that end. My client contends that the City would be required to re-agendize this item, allow for each member of the public who wishes to speak on the item to be given the opportunity, and take a new vote in accordance with the Brown Act.

If the City Council does not cure and/or correct this action, my client intends to commence an action seeking a judicial determination regarding whether the challenged action violated the Brown Act. Such an action would include a request to the court for payment of costs and reasonable attorneys' fees pursuant to Government Code § 54960.5.

I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,



Jamie T. Hall

cc: Councilman Herb Wesson
Councilman David Ryu
City Attorney Mike Feuer
Deputy City Attorney Terry Kaufmann-Macias