

Another State Law Broken

The following article was first posted on www.RonKayeLA.com and I ultimately found it posted from Citywatch L.A. while I was reading CurbedLA.com.

Judge Puts a Crack in City Hall's 'Circle of Deceit'—Demands Transparency in Agendas

The City

By Ron Kaye (Posted first on RonKayeLA.com)

In a far-reaching opinion Superior Court Judge David Yaffe ruled this week that the city's efforts to use agendas to obscure what they're doing like referring to an item with major environmental consequences as ENV-2007-2939-MND violates state law. How would anyone know what that means, which is the argument attorney Robert Silverstein made on behalf of the La Mirada Avenue neighborhood in Hollywood. The community claimed the city Planning Commission's agendas explained the issues before it except when it came to those that are often the most important -- issues covered by CEQA, the California Environmental Quality Act.

"The evidence before the court, which is uncontradicted, shows that the City Planning Commission of the City of Los Angeles repeatedly posted agendas of its meetings during the year 2007 that clearly disclosed each action that it intended to take or to discuss at a meeting except actions to be taken or considered under (CEQA)," Yaffe wrote in his opinion.

That wasn't the case when CEQA issues were on the agenda. All they got was the cryptic reference of a file number.

"Such cryptic references are meaningless to most members of the public and do not in any way describe the particular action to be taken...such descriptions not only violate the Ralph M. Brown Act (open meeting law), they also violate the fundamental purpose of CEQA."

Clear and complete information sufficient for the public to understand what is at stake is the goal of both laws, Yaffe ruled. And he is prepared to issue a broad order requiring the City to be transparent in this regard in the future -- a ruling that can be applied more widely to much of what City Hall tries to do in the dark, hidden from the public.

Interestingly, the City Council went into closed session two weeks to consider whether to settle this case. Did the City Attorney advise settling the case or fighting it? We don't know but we do know Council President Eric Garcetti came out and the council voted unanimously -- which suggests another violation of the Brown Act -- to reject settlement, to reject transparency, to disrespect the law and the public.

Judge Yaffe in equivocal terms told the Planning Commission its practice on CEQA

issues is "unlawful and is to be discontinued" and that it must provide the public with the same "clarity, particularity and detail" it provides on other issues before it.

This ruling is a milestone that should encourage communities across the city to demand full and open disclosure of everything the city does.

Secrecy and back room deals and rigged council votes and staged meetings -- they are as much responsible for what's broken in L.A.'s political cultural as the influence of special interests.

(More Ron Kaye and more info on his Saving LA Project at www.RonKayeLA.com)

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There will probably be no ramifications concerning ENV-2005-4516-EIR.

Whether the Harbor Area Planning Commission and the Los Angeles City Planning Commission meet soon concerning Ponte Vista, some important information to be looking for on their agendas deals with "ENV-2005-4516-EIR" or "ENV-2005-4516-XXX".