



March 31, 2025

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Cease and Desist Letter Via Facsimile Transmission & Email

Dear City Manager Lowenthal and City Clerk Maravilla:

My office's attention has been directed to omissions in Brown Act-required public postings relating to item 17.d on the city council's agenda of its regular meeting of March 25, 2025. Before 2:00 p.m., that day, I sent all five city council members an email specifically referencing this agenda item. I cc'd you or forwarded this email to you at that time.

As indicated by the screenshot shown below (taken from the city's website), three public records were made available concerning item 17.d: (1) the city attorney's informational report and (2) his supplemental PowerPoint, and (3) an email from resident Jim Holtz, referred to as supplemental email for item 17.d. My email was not made available. As came to light during the council's discussion of item 17.d, another email the councilmembers received from an online STR platform, too, was not posted or otherwise made available to the public in connection with item 17.d.

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(Administrative Services Director Brandon Walker)

Recommended Action:

Staff recommends City Council:

1. Approve the revisions to estimated revenue, appropriations, budget transfers, and fund balances as shown herein and in the attached Projected Change in Financial Position (**Attachment 1**) and the Midyear Budget Amendment (**Attachment 2**);
2. Transfer \$553,832 of unspent funds from the Midyear Budget Review 2024–25 from the unassigned fund balance category to the assigned fund balance category; and
3. Receive and file the City Council Travel Summary (**Attachment 3**).

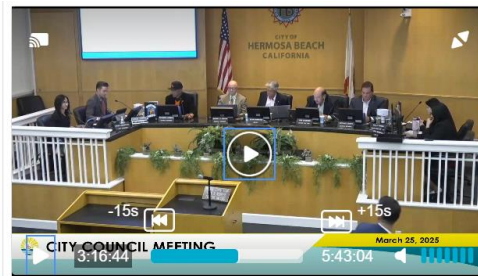
17.d REPORT ON THE CITY'S REGULATION OF SHORT-TERM VACATION RENTALS - 25-CA-007

CEQA: This report is not a "project" under CEQA. In the alternative, this report falls within the "common sense" exemption set forth in State CEQA Guidelines section 15061(b)(3).

(City Attorney Patrick Donegan)

Recommended Action:

Staff recommends City Council receive a report on the City's short-term vacation rental ordinance and provide direction, if so desired.



17.d REPORT ON THE CITY'S REGULATION OF SHORT-TERM VACATION RENTALS - 25-CA-007

Attachments (3) | Public Comments (0)

1. Informational Report on Short-Term Vacation Rentals - 25-CA-007...
2. SUPPLEMENTAL PowerPoint - 17.d.pdf
3. SUPPLEMENTAL Email for item 17.d.pdf

These omissions are in violation of the Brown Act. Writings that are public records, i.e., records such as the missing emails, which relate to city business and are not exempt from disclosure, "at the time" when they are distributed to the members of a legislative body of a local agency "by a person in connection with a matter subject to discussion . . . at an open meeting of the body less than 72 hours before that meeting, . . . shall be made available for public inspection . . . at the time [they are] distributed to . . . the members of the body." ([Gov. Code, § 54957.5, subd. \(b\)\(1\)](#).) Because the city council agendas do not list any office or location designated for physical inspection for the missing emails, the Brown Act required that they be "immediately" posted on the city's website in a position and manner that makes it clear that they relate to then upcoming agenda item 17.d. (*Id.*, subd. (b)(2).) They were not posted and are still unavailable on the city's website.

Failure to post communications to the city council or a majority of its members by any person in connection with a matter agendized for discussion by the city council impairs both the Brown Act and the California Public Records Act's objectives of public transparency and meaningful public participation in the public's business. The California Constitution provides that "The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny." (Cal. Const., art. I, § 3, subd. (b)(1).)

Accordingly, pursuant to Government Code section 54960 and 54960.2, on behalf of our client Todd Koerner and all other persons interested in compliance with the city council's public duties under the Brown Act, we demand:

1. That the missing emails and any other missing public record concerning item 17.d, and subject to disclosure under Government Code section 54957.5, subdivision (b), be posted forthwith;

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2. That the city council acknowledge its violation of the Brown Act and unconditionally commit to cease and desist from, and not repeat, its past unlawful conduct in failing to disclose for public inspection the public records it must make available for public inspection pursuant to Government Code section 54957.5, subdivision (b); and thus commit to fully comply with its public duties under Government Code section 54957.5, subdivision (b); and
3. That this office be given timely public notice of the future council meeting when any such unconditional commitment is agendaized for discussion or adoption.

Sincerely,

ANGEL LAW

A handwritten signature in blue ink, appearing to read "Frank P. Angel". The signature is written in a cursive style with a horizontal line under the first name.

Frank P. Angel

cc: Patrick Donegan via email to Patrick.Donegan@bbklaw.com