

April 9, 2025

**TO: Patrick Donegan, City Attorney
City Clerk's Office
City of Hermosa Beach
1315 Valley Drive
Hermosa Beach, CA 90254**

FROM: A Concerned Hermosa Beach Property Owner

**SUBJECT: Brown Act "Cure and Correct" Demand Letter
– March 25, 2025 Meeting (Agenda Item 17.d)**

Dear City Attorney and City Clerk,

This is a formal **"Cure and Correct" demand** made pursuant to **California Government Code § 54960.1**, regarding **Brown Act violations** that occurred during the Hermosa Beach City Council meeting of **March 25, 2025**, specifically under **Agenda Item 17.d** ("Report on STRs").

The following serious violations of the Ralph M. Brown Act require prompt acknowledgment and cure:

◆ 1. Reading of Undisclosed Material Not in the Agenda Packet

Councilmember Ray Jackson read aloud a previously undisclosed letter from Mr. Higgins to HCD during the Item 17.d discussion. This letter:

- **Was not included in the publicly posted agenda packet.**
- **Was used to frame the Council's rejection of legal STVR operations.**
- **Was given verbal exposure without providing the public equal opportunity to review or respond.**
- **Was read aloud after public comment had concluded**, denying the public any opportunity to respond to its claims or the viewpoint it promoted. This letter was clearly introduced by Councilmember Jackson as part of the Council's prevailing position, and no opposing viewpoint was allowed equal time or rebuttal.

This is a violation of:

- **Gov. Code § 54954.2(a)(1)**: Requires all items and materials to be identified and made public before discussion.
 - **Gov. Code § 54957.5**: Requires that materials distributed to the Council also be made simultaneously available to the public.
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◆ 2. Suppression of Timely Written Public Comments

- **The written comment submitted by Attorney Frank Angel**, who currently has a pending lawsuit challenging the City's enforcement of its STVR ordinance, was omitted from the initial agenda packet, added only after his protest, and later removed again.
- **Mr. Angel's comment challenged the City's enforcement policy.** The decision to omit, delay, and ultimately remove his viewpoint from the record raises serious concerns about whether this was done to suppress legal criticism from an active challenger.
- **The written rebuttal submitted by another resident** (April 7, 2025) to **correct the record and document these procedural violations** was acknowledged at the April 9, 2025 meeting only in passing by the City Attorney as one of "two written public comments," but it was never read aloud, referenced, or given any response.

This is a violation of:

- **Gov. Code § 54954.3(a)**: Requires equal treatment of all viewpoints in public comments.
 - **Gov. Code § 54957.5**: Requires all documents submitted to the Council to be made publicly available, not selectively included or omitted.
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◆ **3. Improper Denial of Zoom Participation**

During the March 25, 2025 meeting, Attorney Frank Angel was called on during public comment via Zoom, but the City Council could not hear him speak due to a technical difficulty.

Mr. Angel personally confirmed to me afterward that he followed all participation instructions and was not on mute.

The mayor acknowledged the issue at the time and stated that Mr. Angel would be brought back once the technical problem was resolved.

He was never recalled, and the City offered no public explanation.

This violates:

- **Gov. Code § 54953(b)(3)**: Guarantees the right to participate in teleconferenced meetings.
 - **Gov. Code § 54954.3(a)**: Protects public comment rights during open sessions.
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Requested Cure and Correction

In accordance with **Gov. Code § 54960.1(b)**, I respectfully demand that the Hermosa Beach City Council:

1. **Acknowledge and correct** the procedural violations listed above in a public meeting.
2. **Re-agendize a new discussion of the City's broader STVR policy.** While Item 17.d was introduced as a narrow informational report on the possibility of allowing owner-occupied room rentals, Councilmember Jackson and others expanded the conversation into a full policy defense of the City's overall STVR ordinance, enforcement history, and regulatory intent. These broader arguments were not agendized, were not made available for public rebuttal, and were framed in response to omitted or unread written public comments. As a result, the public was denied a fair opportunity to participate in this expanded discussion. The Council must place the full STVR policy—along with all relevant viewpoints and materials—on a future agenda for proper public debate.
3. **Affirm in writing** that all future public comments and submissions—regardless of viewpoint—will be given equal treatment and preserved in the public record.
4. **Confirm publicly** that materials read aloud or introduced during meetings will not be withheld from the posted agenda packet, in compliance with the Brown Act.

If no action is taken within **30 days** of this notice, I will consider the City to be in continued violation of state law and reserve the right to refer this matter to appropriate oversight agencies, including the Los Angeles County District Attorney's Public Integrity Division or the California First Amendment Coalition.

Respectfully,

A Concerned Hermosa Beach Property Owner

Disclaimer:

- I am not affiliated with or represented by Frank Angel, Angel Law, or any other law firm, and this letter is submitted independently of any pending or potential lawsuit, in the public interest.