



City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, CA 90254-3885

Angel Law
Attn: Frank Angel
2601 Ocean Park Blvd. Suite 205
Santa Monica, CA 90405
fangel@angelaw.com

Via Email and US Mail, Return Receipt Requested

Re: Response to Your January March 31, 2025 Cease and Desist Letter

Dear Frank Angel:

The City Council of the City of Hermosa Beach has received your cease and desist letter dated March 31, 2025, alleging that the following described past action of the legislative body (dealing with your email correspondence to the Hermosa Beach City Council regarding agenda item 17.d on the march 25, 2025 City Council meeting) violates the Ralph M. Brown Act:

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.

(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 review 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).)

To avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Hermosa Beach City Council hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action as described above.

The Hermosa Beach City Council may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Sincerely,

Dean Francois, Mayor
City of Hermosa Beach