



**Honorable Mayor and Members of the Hermosa Beach City Council**

**RECISSION AND RECONSIDERATION OF PICKLEBALL RESERVATION AND MEMBERSHIP FEES**

(Parks and Recreation Director Lisa Nichols)

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**Recommended Action:**

Staff recommends City Council:

1. Find and clarify that the City Council's action at its March 24, 2026, meeting regarding pickleball reservation and membership fees constituted direction to staff, not final adoption of a fee schedule;
2. Rescind any interpretation of the March Meeting action as final approval of fee increases out of an abundance of caution;
3. Direct staff to conduct a cost recovery analysis and market comparison of pickleball reservation and membership fees;
4. Direct the Interim City Attorney to provide written notice to the individuals who submitted cure and correct demands that the City Council has taken action to cure and correct any interpretation of its prior action that would suggest that pickleball fees were increased; and
5. Provide direction on next steps, selecting one of the following options:
  - a. Option A: Direct staff to report findings and recommendations directly to City Council at a future meeting for consideration and action; or
  - b. Option B: Direct staff to report findings to the Parks and Recreation Commission for review and recommendation and subsequently return to City Council for final consideration and action.

**Executive Summary:**

Staff recommends City Council (1) formally rescind any interpretation of the action pertaining to Agenda Item 17.c at its March 24, 2026 meeting as final approval; (2) proceed with consideration of modifications to pickleball reservation and membership fees; and (3) adopt a resolution to amend the City's Master Fee Schedule to establish such fee modifications at a future meeting out of an abundance of caution and to ensure full compliance with the Ralph M. Brown Act ("Brown Act").

**Background:**

At its March 24, 2026, meeting, City Council considered Agenda Item 17.c regarding the Kelly Pickleball Court Use Policy, including hours of operation. During the discussion, City Council expressed support for modifying pickleball reservation and membership fees and provided direction to staff regarding those changes.

Following the March 24, 2026, meeting, the City received timely written demands to cure and correct pursuant to Government Code section 54960.1 from several members of the public, including Anna Garcia and John Bauer, as well as related correspondence from other residents. These demands generally assert that the City Council discussed and/or approved pickleball fee increases without those fee changes being expressly identified on the posted agenda, thereby limiting public notice and participation.

This item constitutes the City Council’s formal response to those demands. As described herein, City Council is clarifying the nature of its prior action and rescinding any interpretation of that action as final approval and proceeding with a properly noticed reconsideration out of an abundance of caution. By taking these steps, City Council cures and corrects any potential Brown Act issue associated with the March 24, 2026, meeting.

***Past Council Actions***

Meeting Date	Description
<a href="#"><u>March 24, 2026</u></a>	City Council approved modifications to the Kelly Pickleball Courts Use Policy, including revisions to permissible play equipment, designation of all courts as available for reservation except on Fridays, which would be reserved for walk-on play only, and establishment of daily hours of operation from 9:00 a.m. to 7:00 p.m. Council also directed staff to modify pickleball membership fees to \$25 annually and court reservation fees to \$15 per hour.

**Discussion:**

Although the motion pertaining to Agenda Item 17.c used the term “approve” regarding pickleball reservation and membership fee modifications, that terminology is not determinative. The legal characterization of City Council action depends on its substance, not the phrasing used during deliberations.

Staff’s conclusion that City Council’s action is most appropriately characterized as direction to staff to return with a properly agendized item for the final adoption of fee modifications is supported by the following: (1) Agenda Item 17.c did not include a recommendation to modify pickleball reservation and membership fees; (2) Agenda Item 17.c did not recommend adoption of a resolution to amend the City’s Master Fee Schedule to establish such fee modifications; and (3) additional administrative steps are required to complete a comprehensive analysis supporting any fee modifications,

including cost recovery evaluation and best-practice research of surrounding cities' fee structures.

#### Brown Act Notice Requirements

The Brown Act requires that agendas provide a brief general description of items of business to be transacted or discussed.

To eliminate any potential ambiguity and ensure full transparency, California Government Code section 54960.1 authorizes City Council to cure and correct actions where there is a question regarding compliance.

#### Cure and Correct (Precautionary Action)

As the action pertaining to Agenda Item 17.c at City Council's March 24, 2026, meeting could be construed as approval of fee modifications based on the wording of the motion, staff recommends that the Council take a precautionary cure and correct approach. This includes (1) clarifying that the action was direction; (2) rescinding any interpretation of that action as final approval; and (3) considering and adopting the fee modifications at a future properly noticed meeting. By taking these steps, City Council provides full notice and an opportunity for public participation, and cures and corrects any alleged Brown Act violation identified in the submitted demands pursuant to Government Code section 54960.1.

#### Fiscal Impact:

There is no fiscal impact associated with the recommended actions.

#### Attachments:

1. Electronic Mail from Anna Liza Garcia dated March 30, 2026
2. Letter from John Bauer dated March 28, 2026

**Respectfully Submitted by:** Lisa Nichols, Parks and Recreation Director

**Concur:** Jason Baltimore, Interim City Attorney

**Noted for Fiscal Impact:** Henry Chao, Finance Manager

**Reviewed by:** Brandon Walker, Administrative Services Director

**Approved:** Steve Napolitano, City Manager