

**City Clerk's office: Please add this Supplemental to Municipal Matters Item 14-g
"CONSIDERATION OF A RESOLUTION AMENDING THE RULES OF
CONDUCT OF CITY COUNCIL MEETING AND SUBSIDIARY CITY
BOARDS AND COMMISSIONS" of the January 23, 2024 regular Hermosa Beach City Council
Agenda. Thank You.**

**NOTE: The following was sent to City Attorney Patrick Donegan last Wednesday
January 17, 2024. Donegan should have immediately directed Lowenthal and staff that
the motion staff interpreted as an immediate action was either misinterpreted or
improperly given by the City Council in his presence, as there was the subject standing
Resolution, which first had to be repealed or amended for much of what the action
contradicted.**

**It is my understanding that several other members of the public were improperly and
illegally refused the right to submit and have included with this meeting's posted
agenda their submittals. They as such probably have a right to bring suit against the
city's malfeasance.**

**A court would likely also have immediately issued a 'writ of mandate' as such. Even
former City Attorney Michael Jenkins upon being made aware, would have immediately
indicated that the Council action had to wait at least one more meeting before taking
affect.**

**But no, Donegan has clearly in my view shown he's being manipulated by the tag team
of City Manager Suja Lowenthal and Councilman Justin Massey. Thus Shame on
Donegan for showing he's evidently scared to death of Lowenthal and Massey.**

**The Lowenthal / Massey dictatorial slime-operation just cannot admit they made a
blunder and write a letter of apology to those denied their rights. My views and again
shame on Donegan.**

Howard L.

**Following as submitted last Wednesday. And note, the City's Website was then
corrected re: the items I mentioned below.**

To: Hermosa Beach City Council / City Staff:

**(Dean Francois, Rob Saemann, Raymond Jackson, Michael Detoy, Justin Massey,
Contract City Attorney Patrick Donegan, Contract City Manager Suja Lowenthal,
City Clerk Myra Maravilla)**

From: Howard Longacre, Resident

Submitted, January 17, 2024

**Re: That the following Resolution 15-6988 has yet to be amended and adopted,
however aspects of the public's ability to participate in **THEIR own council****

meetings is being run roughshod over by a couple of individuals abusing their perceived power.

RESOLUTION NO. 15-6988

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ESTABLISHING RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS

Councilmembers and Others:

Everything contained within this communication are my views given the information available to me.

Council, it's outrageous that I need to again take my uncompensated time as a resident to bring this to your attention.

During your last council meeting, December 12, 2023, late in the evening, during the holiday season, the top city staff, (**obviously under the direction of Councilmember Justin Massey [abusing his power primarily] and City Manager Suja Lowenthal**), clearly decided to additionally take the people out of their own city council meetings, and as much as possible.

There was absolutely no significant reason, whatever, for this having needed to even be discussed, and especially as to be your holiday gift to the community, that, i.e., YOU serve and are so richly rewarded.

However, be that as it may, nonetheless a discussion item was assigned to City Attorney Patrick Donegan. It was essentially then his item for Massey and Lowenthal to hide behind as the underwriters.

Following here is the item that appeared on the December 12, 2023 agenda, followed with a direct link to the staff report and attachments.

REPORT
23-0746

**DISCUSSIONS AND DIRECTION TO CITY STAFF REGARDING
REMOTE PARTICIPATION AT CITY MEETINGS AS WELL AS OTHER
FORMAT AND OPERATIONAL CONCERNS RELATED TO CITY
COUNCIL MEETINGS**

(City Attorney Patrick Donegan)

Recommendation: Staff recommends City Council discuss and provide direction regarding the continued use of remote (Zoom) public participation at City Council meetings, application of any remote public participation policies to other City Boards and Commissions, and any other format or meeting policies City Council would like to see implemented, modified, and/or removed.

Direct link to the Staff Report 23-0746 and attachments for the above item.

<https://hermosabeach.legistar.com/LegislationDetail.aspx?ID=6447351&GUID=6A6DFCE3-F459-4D0D-A47F-AD539E204BAF>

Interestingly, I have just been informed today, by the City Clerk, that the minutes of that meeting have yet to be prepared, and that Lowenthal and staff to date, a month and 5 days since that meeting have made all kinds of operational decisions including the stifling of anyone from being able to receive confirmation -- other than NO their "Written Communications" are not being accepted, i.e. not those submitted by yesterday at noon, fully one week, prior to the January 23, 2024 council meeting, as per both what Resolution 15-6988 specifies, and what even yet today still is reflected on the City Website as instructions for submittal of "Written Communications".

As presently stated on the website is the following: (note in the snag what I have underlined in red)

(continue to next page)

The screenshot shows the Hermosa Beach City Website navigation bar with links for 'Our Government', 'Our Community', 'Enjoying Hermosa', 'Doing Business', 'Services', and 'I Want To...'. Below the navigation bar, there is a search icon and a list of links including 'Information Items' and 'City Council Meeting Recap'. The main content area features a section titled 'Written Communication' with the following text: 'Written communication is for topics not on the agenda but within the City's jurisdiction. The deadline to submit written communication to be included in the published agenda is one week before the meeting by 12 p.m. Please include the topic in the subject line and email cityclerk@hermosabeach.gov.' Below this text is a bullet point linking to 'View the eComment & Written Communication FAQs'. At the bottom of the screenshot, there is a section titled 'Speak Up, Hermosa! (eComments)' with the text: 'Submit eComments on items published on the agenda using our SpeakUp, Hermosa! portal.'

And under the following FAQ as noted above; the following is as on the city website today January 17, 2024.

eComments & Written Communications Frequently Asked Questions	
Q. What is the difference between written communication and an eComment?	A. Written communication is for topics not on the agenda, but within the City of Hermosa Beach jurisdiction. eComments are for comments on items published on the agenda.
Q. How do I submit a written communication to the City Council to be included in the published agenda packet?	A. Email the City Clerk at cityclerk@hermosabeach.gov or drop off your written correspondence one week before the meeting by 12:00 p.m. noon. Please include the topic in the subject line.
Q. When will the City Council receive my Written Communication?	A. The City Council will receive your written communication as part of the agenda packet when the agenda is published (at least 72 hours before the meeting).
Q. How do I submit an eComment?	A. You can submit an eComment via SpeakUp, Hermosa! www.hermosabeach.granicusideas.com/meetings . Select the meeting with an active eComment period and submit an eComment for the corresponding agenda item. You only need to sign in to your SpeakUp, Hermosa! account if you would like to submit an attachment with your eComment.
Q. When will the City Council receive my eComment?	A. The City Council receives your eComment immediately after you submit it until the eComment period closes.
Q. When will my eComment be available on the agenda packet?	A. Your eComment will be made available on the agenda packet after the eComment period closes at 3 p.m. on the day of the Council Meeting.
Q. I submitted an eComment, but I don't see it.	A. Click on the File ID (the hyperlinked number next to the corresponding agenda item on the published agenda) to see the eComments document. eComments must be submitted before 3:00 p.m. on the day of the meeting.
Q. I missed the period to be included in the agenda packet and I want to participate. What do I do?	A. Participate via Zoom, phone or in-person by following the instructions outlined on the agenda.
Q. Can I submit an email comment for an agenda item?	A. Yes. We must receive it by 3 p.m. on the day of the meeting for the City Council to review it. Any email comment submitted after 3 p.m. or during the meeting will be published on the agenda packet the following business day.

The item presented alluded only slightly to matters of speaking time, and virtually nothing regarding “Written Communications”. It appeared to be primarily about the Zoom participation when I reviewed it, or I would have immediately commented as to why the significant Resolution set in law by, and amended by prior city councils, i.e. Resolution 15-6988 (attached to and part of this PDF) was not even an attachment to City Attorney Donegan’s staff report at the Dec 12, 2023 city council meeting.

Btw, I would and the Council should expect a red-lined attachment when and if said resolution is proposed to be amended again.

The point is, that any “Written Communication(s)” received by the City Clerk prior to Noon, January 16, 2024 should be included with the agenda (when same is posted) for the January 23, 2024 City Council’s next meeting. I myself do not have any such communication submitted for same.

It always amazes me how politicians, once-elected, go out of their way to speed up inappropriate actions by even so much as one meeting, when they could do things 100% honorably and correctly so easily. That's perhaps why some become so ridiculed and by so many. Thus for those appropriate, 'if the shoe fits then by all means wear it'.

Note: City Attorney Donegan indicated to me after the December 12, 2023 meeting that there was no final action taken, and that the item would be coming back, likely at the January 23, 2024 meeting.

However, City Clerk Myra indicated to me today and previously after the Dec 12, 2023 meeting, that the council directed the City Staff that the speaking times were being implemented at the next meeting, along with there being no longer "Written Communications" on non-agendized matters being posted at the time the agenda is posted.

Neither City Clerk Myra, nor City Attorney Donegan in my view are the problem here. In my view Councilman Justin Massey and City Manager Suja Lowenthal are absolutely 100% the problem. They are, and have been abusing their perceived power ad nauseam. It's time for the other four councilmembers to step up to the plate, not behind the scenes, but in public meetings and put an end to the Massey/Lowenthal dictatorial rule in Hermosa Beach. Each councilmember has 1/5th the power. Don't forget these meetings are the public's meetings. That's why they are public. We as yet are not under a dictatorship! The public is at the top of the organizational chart of the city. Not the Council, not Suja Lowenthal, and certainly not Justin Massey.

Attached Resolution 15-6988 follows. For all things specified it has been the law of the city.

Zoom participation is perhaps in another Resolution? Suja Lowenthal has evidently shown her incompetence again, as still to this date not presenting on the website, each and every Resolution by year adopted by the Council. These missing and hidden adopted Resolutions are routinely being misused or in my view purposefully being forgotten at the City Council's or other's convenience. That needs to stop.

Council, direct that City Manager Suja Lowenthal get placed on the website every Resolution of the City Council by date-adoption and/or date-amended order. None should be deleted even after being amended.

End of Communication:

Attachment follows. Resolution 15-6988 ([see staff item 14-G's attachments](#))