

**From:** [HBresident](#)  
**To:** [City Council](#); [HB City Attorney Patrick Donegan](#); [Councilmember Dean Francois](#); [Mayor Pro Tem Justin Massey](#); [Councilmember Michael Detoy](#); [Councilmember Raymond Jackson](#); [Councilmember Rob Saemann](#); [Suja Lowenthal](#); [Myra Maravilla](#); [City Clerk](#)  
**Subject:** Important Supplemental to Municipal Matters Item XIV-a March 14, 2023 HB City Council Meeting.  
**Date:** Tuesday, March 14, 2023 3:43:57 PM

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**To:**  
**Supplemental to the Hermosa Beach City Council Regular Meeting March 14, 2023 MUNICIPAL ITEM XIV-a “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA INCREASING PARKING METER RATES AND FINDING THE SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT” For adoption 2nd reading.**

**Re: Necessary California State Brown Act “Cure and Correct” being required for Public Hearing XIII-b conducted in the regular meeting February 28, 2023.**

Hermosa Beach City Council:

During your last regular meeting, 2/28/2023 the Hermosa Beach City Council conducted a sham Public Hearing (which you had received a complaint letter questioning the noticing) which included not three, but four separate matters and which while appearing as if to be one single matter, were in fact four individual complex distinct matters in the same sham Public Hearing, and which was conducted into the late night, well after midnight. The Council even sham Adopted on 1st reading Parking Meter rates.

There should have been four separate Public Hearings for these four complex matters.

You also raised rates for parking permits beyond their actual cost. By doing same you in fact introduced an additional tax on residents without a vote of the people per California Prop-218.

You also increased various fees which in and of themselves require detailed noticing, which was not accomplished.

You only had one simple legal notice in the *Easy Reader* newspaper, without sufficient specificity, and which covered all four matters jammed into the one Public Hearing.

There were very few public commenters, and submitters of written testimony indicating the lack of noticing on these four complex matters relating to millions of dollars of potential increased annual revenues to be taken from the public by the government.

There was no noticing mailed to all the parking permit holders as in the past regarding the proposed rate increases which you ended up increasing 25% after they already were in excess of operational costs of the program. There were in fact no notices mailed for any of the matters jammed into the single Public Hearing.

A “Cure and Correct” and re-accomplishing properly, with full and proper notice for each of the four matters is required to correct the sham Public Hearing you conducted at the February 28, 2023 City Council Regular meeting.

**Prior Public Hearing Item on the February 28, 2023 City Council Meeting agenda stated;**

*PUBLIC HEARING TO DISCUSS AND CONSIDER CHANGES TO RESIDENTIAL PARKING PERMITS, EMPLOYEE PARKING PERMITS, AND PARKING METER AND PARKING LOT RATES*

*(Finance Director Viki Copeland)*

*Recommendation: Staff recommends City Council:*

*1. Hold a Public Hearing to discuss and consider changes to the following parking program elements:*

*a) the residential parking permit program and fees;*

*b) employee permit program; and*

*c) hourly parking meter and parking lot rates;*

*2. Adopt resolution (Attachment 1) entitled "A Resolution of the City Council of the City of Hermosa Beach, California, Taking the Following Actions: 1) limiting the number or residential parking permits to be issued to each residence; and 2) increasing the fee for residential parking permits; and*

*3. Introduce on first reading an ordinance (Attachment 2) entitled "An Ordinance of the City Council of the City of Hermosa Beach, California Increasing Parking Meter Rates and Finding the Same Exempt from the California Environmental Quality Act".*

This was not the wording on the legal notice in the Easy Reader which itself also was not delivered to all the residences in city as it has been in the past for such complex matters notices regarding costs to be born by the residents.

The noticing as to Hermosa Beach residents, property owners, and business operators in city have long come to expect was non-existent. It is clear that there was an intentional effort made to jam as much into this single Public Hearing as possible and to limit the few speakers to but 3 minutes of testimony each in total for all four complex matters.

The city council is tolerating and encouraging a complete sham operation of the government of Hermosa Beach.

The City Council and the City Attorney were informed with a **complaint email** (also supplied and attached to the 2/28/2023 agenda) prior to the Public Hearing February 28, 2023 and the City Attorney made no statement whatever re: the complaint letter regarding the noticing, nor did anyone on the Council or in staff at the meeting acknowledge or question the City Attorney regarding the complaint letter and noticing, prior to commencing the Public Hearing. Clearly that was to avoid having to acknowledge the defective noticing.

The entire process of the Public Hearing, the matters covered within, the noticing, the denial of people to have the right to speak for 3 three minutes on each of the 4 matters covered (not three matters as listed on the agenda), and more resulted in a completely defective, sham Public Hearing.

A "Cure and Correct" per state law is necessitated of the entire Public Hearing conducted February 28, 2022. This is to give you notice that in the absence of such "cure and correct" the people retain the right to challenge the city and with all costs related to such challenge to be eligible for recovery by the people so doing.

Howard Longacre