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August __, 2020

Mr. Kenneth A. Hartley:

The Brown Act demand that you delivered to the Hermosa Beach City Council on July 21, 2020 was considered by the City Council at its meeting of August 11, 2020. A copy of the staff report delivered to the City Council is attached to this letter. For the reasons set forth in the staff report, the Council has directed me to advise you that the Council has determined that the allegations raised in your complaint are without merit and fail to state a violation of the Brown Act.

The agenda item at issue in your complaint was never opened for a public hearing at the February 25, 2020 meeting. For this reason, disclosure of conflicts of interest by councilmembers and public comment on the item were both unnecessary. Furthermore, your allegations regarding the Council's February 25, 2020 meeting are untimely.

At the June 23, 2020 meeting, the item was opened for a public hearing. However, prior to the public hearing, the Mayor recused herself due to a conflict of interest. Any alleged failure by the Mayor to disclose additional conflicts of interest prior to her recusal was non-prejudicial and, in any event, not a violation of the Brown Act. After the Mayor's recusal, the public was afforded an opportunity to comment on the agenda item, and no member of the public was denied an opportunity to speak at any point in the proceeding.

For the aforementioned reasons and those set forth in the attached staff report, your complaint is untimely and alleges no violations of the Brown Act. Hence, the City Council will not take any action to cure or correct the challenged actions.

Sincerely,

Michael Jenkins
City Attorney
City of Hermosa Beach



July 27, 2020
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