

October 16, 2008

William T Fujioka
Chief Executive Officer
County of Los Angeles
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713
Los Angeles, CA 90012

RE: BROWN ACT VIOLATION COMPLAINT

Dear Mr. Fujioka,

This letter is to call your attention to what I believe is a substantial violation of a central provision of the Ralph M. Brown Act, specifically, Section 54954.3: Public's right to testify at meetings.

On September 16, 2008 at the Board of Supervisors meeting, the Board unanimously adopted your Recommendations (Attachment I to this letter), as amended (underlined below), on the adoption of uniform hearing protocols, as used by the Board, to be applied to all County Commissions relative to the conduct of its meetings. One of the recommendations was:

REQUESTS TO ADDRESS THE COMMISSION ON AGENDA ITEM. A person requesting to address the commission will be allowed a total of three (3) minutes per meeting unless the time is adjusted by the Chair as deemed appropriate give the nature of the matter.

At the October 8, 2008 Small Craft Harbor Commission Meeting, Agenda Item 5a, it was communicated to the public that this rule would allow members of the public to speak on an agenda item once per meeting for up to 3 minutes (unless time is adjusted by the Chair). Once a member of the public has spoken on an agenda item, they would not be able to speak on another agenda item during the same meeting. This interpretation of the new rule was reiterated to me by Small Craft Harbor Chair Russ Lesser, via phone, on Monday morning, October 13, 2008.

Limiting members of the public to one (1) agenda item per meeting is a clear violation of the Brown Act, Section 54954.3. Additionally, for Commissions in the Coastal Zone, this rule violates the California Coastal Act, Section 30006 which states (bold emphasis added):

The Legislature further finds and declares that the public has a right to **fully participate in decisions affecting coastal planning, conservation and development**; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the **widest opportunity for public participation.**

We ARE Marina del Rey protests the adoption of this recommendation and calls for this rule to be removed.

Sincerely,



David Barish
Director
We ARE Marina del Rey
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cc:

Supervisor Knabe

Supervisor Burke

Supervisor Molina

Supervisor Yaroslavsky

Supervisor Antonovich

Santos Kreimann, Acting Director of Beaches & Harbors

Chair Russ Lesser, Small Craft Harbor Commission

Commissioner Delgado

Commissioner Landini

Commissioner Deblanc

Each California Coastal Commissioner

Peter Douglas, Executive Director, California Coastal Commission