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From: ggg@copper.net &lt;ggg@copper.net&gt;

Date: Tue, Dec 16, 2014 at 4:50 AM

Subject: 14-1606

To: sharon.gin@lacity.org

please add the comment below to council file 14-1606:

At the December 8, 2014 meeting of the budget and finance Committee of the City Council the Assistant City Attorney presented a recommendation that the City Attorney's Office retain a bench of outside legal counsel to litigate the many CEQA and land use challenges that community group bring against ill-thought and illegal projects that the City Council has the most unfortunate habit of approving.

The City Attorney's Office has been losing a long string of city planning and project entitlement cases lately. Those defeats have been stymieing the City Council's and the Mayor's plans for entitlement giveaways to mega-developers in their quest to "Manhattanize" Hollywood. So, rather than cease the granting of illegal project approvals the City Council's response is "hiring outside legal counsel to represent the City in these Real Party lawsuits." The politicians think that the problem is not their bad decisions in approving the projects. No, it is that "Opponents of private development projects often file lawsuits against the City." And that "The frequency of these Real Party lawsuits has increased over the past few years." Look at the deceptive way the Assistant City Attorney phrased the problem in his letter: "litigation challenging private development projects." This description is an attempt to disown the cause of the lawsuits. Developers don't do the planning reviews of the projects or make the determinations. The Planning Director, the Mayor's Planning Commission appointees, the

City Council and the Mayor do. It is actually litigation challenging and exposing the City's failure to follow State law, the City Charter and the Municipal Code, and its failure to respect the rights of citizens -- due process, the right to be heard in public hearings and to conduct fair hearings - all civil rights under our Constitution. If the City would follow the law there would be no purpose for anyone to challenge the project entitlements. Why would we? The entitlements in that case being perfectly legal would survive a legal challenge. The culture of secrecy and rule breaking are legitimate targets for lawsuits. Outside counsel won't solve that problem.

Then there is the issue of the City Attorney's request to require the developers to pay the City's legal bills when defending against the lawsuits. If the developers pay that leaves no incentive for the City to follow the law. It becomes a "What, me worry?" decision making process. At least when the City has to pay its own bills it still has a degree of accountability to the taxpayers who notice that the money that would have gone to maintaining the infrastructure is instead wasted defending these illegal project entitlements and the illegal planning process.

We can expect the outside counsel to inflate their legal bills. Litigation will become more expensive for everyone because those outside laws firms will have an interest in maximizing income to themselves, i.e., fees paid to them by the city. For example, filing unnecessary demurrers and motions for judgment that accomplish nothing but milking their agency clients for fees.

There is also the sticky question of whose interests are the outside council going to represent. If there is no liability of the developer to the City's actions then why would the developer be required to indemnify the city against the costs of a legal defense of the city's actions? One commenter at the Budget and Finance Committee hearing in this issue suggested that it could only be a quid pro quo between the City and the Developer -- will pass illegal entitlements for payment of legal bills.

The Assistant City Attorney's lamely protested "They will be under the watchful supervision of the City Attorney's Office. They work for the City. They do not work for the developer. They do not take orders from the developer." "...they have a state bar obligation to only and zealously protect the interests of the City of Los Angeles - not the developer." What a farce.

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December 16, 2014

RE: Council file no. 14-1606, City Attorney Report no. R14-0431

City Council

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2014 DEC 16 AM 9:27

CITY CLERK

**City Charter 103 states, "Every City official and employee is to perform their functions on behalf of the People of the City of Los Angeles."**

City Charter 271( c ) states<sup>1</sup>, "The City Attorney shall prosecute on behalf of the people all illegal actions in violation of the Charter, City ordinances, and State Law.

However, the City Attorney seeks a quid pro quo exchange for City officials and employees who would be incentivized and rewarded for

- 1) Knowingly violating the law and
- 2) Exchanging something of value – approvals and permits – in return for defense paid for by the applicant.

This action while approved by the City attorney, is not in the public interest

Applicants, whose actions may be illegal, cannot legally fund City defense.

If the City were to be funded by applicants whose actions were illegal then the City would be complicit with the illegal activity.

**The People would be without legal protection against illegal developments because the City Attorney would be receiving defense payments from the violating party.**

If this is approved it would also violate the Peoples' constitutional rights to equal protection of the laws and title 18 USC Code section 666.

**If you approve the report then pursuant to Charter 103 and 271( c ) the City will have a conflict of interest to the People as City is defending projects it should be prosecuting on behalf of the People.**

City should then provide funds for its required and abdicated duties and service to the People of the City of Los Angeles, City Charter section 103 and City Charter 271. The People not receiving the delivery and performance of city services and protections against unlawful developments.

Anything else gives probability that this Municipality is working in concert with Applicants as part of a scheme to violate the City Charter, Federal laws, and the People of the City of Los Angeles.

Thank you very much. Lia Renee. Lia@livlove.com

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<sup>1</sup> City Charter 271 (c) The City Attorney shall prosecute on behalf of the people all criminal cases and related proceedings arising from violation of the provisions of the Charter and City ordinances, and all misdemeanor offenses arising from violation of the laws of the state occurring in the City.