



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
PUBLIC INTEGRITY DIVISION

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March 28, 2016

Honorable Council Members
Huntington Park City Council
6550 Miles Avenue
Huntington Park, CA 90255

Re: Alleged Brown Act Violation; P16-0146

Dear Honorable Council Members,

We have received a complaint alleging a violation of the Ralph M. Brown Act (the Act) by the Huntington Park City Council in regards to the regular meeting held on February 15, 2016. Specifically, during the public comment portion of the meeting, a speaker began reading a recall petition to the city council. While the speaker was reading the petition to the council and criticizing various actions taken by the council, he was continuously interrupted by the mayor and asked, "Sir, are you speaking on item #3? Sir, that is not item #3, are you going to speak on item #3?" Item #3 on the agenda for the February 15, 2016 meeting was the reconsideration of the "HP Tow" contract.

Although it was quite clear to all that the speaker was not speaking on item #3, he was nonetheless continuously interrupted. Eventually, members of the audience began yelling comments such as, "it is public comment," "he is serving legal papers," "he has a right to do it." With the mayor talking over the speaker, the speaker reprimanding the council and the audience chiming in, it became almost too difficult to hear anyone. A recess was wisely taken. All of this took substantial time. Had the speaker simply been allowed to speak, without interruption, this could have been avoided.

California Government Code section 54954.3 states in part, "Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public...that is within the subject matter jurisdiction of the legislative body." Obviously, a potential recall of the city's leaders is an item of interest to the public. It is also an issue likely to evoke strong emotions from everyone involved. Here, those emotions were clearly on display.

We find it regrettable that the speaker was interrupted throughout his speech. Had the speaker's criticisms been silenced by the mayor's interruptions, this would have been a clear violation of the Act. However, we do note that although the mayor continuously interrupted the speaker, she did

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allow him to finish reading the recall petition. Moreover, although these interruptions may have silenced many speakers, in this case the speaker possessed a rather loud and commanding voice, and was not deterred. Therefore, because the speaker could still clearly be heard, and because he was allowed to finish, we do not find a violation. However, we encourage the council to let all speakers address the council without interruption.

We expect that this letter will assist you to understand and comply with the requirements of the Brown Act, and that no further action by our office will be necessary. Please feel free to contact us should you have any questions. We thank you for your attention to this matter, and for your concern for open government pursuant to the Brown Act.

Very truly yours,

JACKIE LACEY
Los Angeles County District Attorney

By 

Sean Hassett
Assistant Head Deputy