

# HALTING OFFICIALS' ILLEGAL MEETINGS

D.A. warns dozens of county agencies to end open-door violations.

JACK LEONARD

Dozens of local government agencies across Los Angeles County have silenced critics at public meetings, held secret conferences to hash out important business or taken other actions that violated the state's open meetings law, according to a Times review of the district attorney's records.

Responding to complaints from the public, prosecutors have sent more than 50 letters since 2001 warning government officials that they acted illegally. District attorney's officials frequently threatened civil court action or criminal charges if the violations continued.

Though no one has been prosecuted, some agencies have been required to publicly reverse decisions made in secret. Several elected bodies, including the city councils of El Segundo and, more recently, Lancaster, have received repeated warnings to clean up their act.

Among the actions prosecutors have faulted are the shutting off of a critic's microphone during a meeting and the hiring of a "facilitator" to poll council members about an issue so that they would not have

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# D.A. investigates violation

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Some city attorneys say they feel they have been unfairly treated like criminals and complain that prosecutors sometimes see violations where none exist. But activists for open government say the warnings help improve compliance and will show that too many local agencies embrace a culture of secrecy.

"It's arrogance and a feeling that they know best and they can do whatever they want," said Richard McKee, an advocate for open government who has filed more than a dozen lawsuits against government agencies. The suits allege violations of the state's open meetings law.

Agencies that act in secret deprive the public of the opportunity to weigh in on important issues, such as development proposals and officials' salaries. Prosecutors say it also prevents the sort of scrutiny that deters officials from benefiting themselves or their friends and supporters at public expense.

For more than 50 years, California's open meetings law, the Brown Act, has required members of city councils, school boards and a host of other local government agencies to conduct business in public. Every state gives the public the right to attend government meetings and limits what officials can decide in secret, experts said. But California's law goes further than some, giving the public the right to speak at agency meetings, they added.

Introduced by the late Assemblyman Ralph M. Brown, a Modesto Democrat, the legislation, enacted in 1953, was inspired by a 10-part series written by San Francisco Chronicle reporter Mike Harris that exposed many local agencies making decisions in secret. Brown then led a legislative committee investigation that



GINA FERAZZI Los Angeles Times

'One of the best ways to deter public corruption is to have transparency in government. That injects honesty.'

— STEVE COOLEY,  
Los Angeles County district attorney

confirmed the practice.

The Los Angeles County district attorney's warning letters offer a unique window into local compliance with the state's open meetings law. Activists for open government said few prosecutors, if any, are as thorough or consistent as L.A. County's in following up on complaints from the public about secrecy or censorship.

Juli Potter, an El Segundo resident, was addressing her City Council in 2003 when she was interrupted as she began to question why then-Mayor Mike Gordon was not spending his campaign funds on events in the city.

Gordon, who was running for a seat on the state Assembly, accused Potter of campaigning and told her to stop, according to district attorney's records.

"We'll take you out every time," he warned her.

But Potter continued. Gor-

don interrupted her again.

"We're done," he finally told her. "Microphone's off."

A videotape of the meeting showed a uniformed officer escorting Potter out of the council chamber, according to district attorney's records.

Susan Chasworth, a Los Angeles County prosecutor, sent a letter telling the council that state law protects the public from censorship of criticism during meetings.

"El Segundo public officials are servants of the people — all of the people — whether they hold conflicting opinions or not," Chasworth wrote.

The prosecutor's scolding drew cheers from some regulars at the council's meetings. But Mark Hensley, El Segundo's city attorney, said he believed the district attorney's office was wrong.

The law, he said, protects only comments involving issues that the council has au-

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# ns of open meetings law

thority over. That would not include how a state Assembly candidate spends his campaign cash, Hensley said. He faulted prosecutors for sometimes reacting too quickly to complaints, adding that they could fix minor problems with a phone call.

"They send that letter and ... it means they're going to embarrass you," Hensley said. "You feel like they're treating you like a criminal."

Los Angeles County prosecutors began scrutinizing complaints about Brown Act violations soon after Steve Cooley took office as district attorney in December 2000.

Within a month, prosecutors concluded that the Los Angeles Unified School District's board had violated the law by voting in secret to allow the superintendent to explore whether to sell or finish construction of the controversial Belmont Learning Complex. The board's attorneys denied wrongdoing. But the board later rescinded the vote, marking a victory for the district attorney's office.

"One of the best ways to deter public corruption is to have transparency in government," Cooley said recently. "That injects honesty."

Some elected officials said they support open government but believe the law sometimes imposes limits that stifle free discussion among officials.

"They're so afraid of stepping on the Brown Act that no one talks to each other," said Lancaster Mayor R. Rex Parris.

Last year, prosecutors faulted Parris and two other council members for attending a barbecue at the newly elected mayor's home, where they hobnobbed with prospective city commissioners. The law prohibits a majority of a government body from meeting privately to discuss issues within its jurisdiction.

Parris said no city business

was discussed and called the event "purely social." But the district attorney's office disagreed and described the event as an illegal meeting. A prosecutor noted in a letter to council members that the city had been warned five months earlier, before Parris was elected to the council as mayor, that it had already violated the law.

At that time, a prosecutor complained that the council appeared to have hired a "facilitator" to meet with each member and develop a plan to remove the city manager. The law prohibits public officials from using intermediaries to help a majority come to an agreement outside of public view.

Parris said he disagreed with the findings about his barbecue but has sought to make the city as open as possible.

"Maybe it's because my first action was to have a barbecue and I got my hand slapped, I'm hypersensitive to it," Parris said. "I certainly don't fault the D.A."

Some complainants, however, fault the district attorney for not doing more. Genevieve Clavreul, a nurse and regular critic of the Board of Supervisors, said some elected officials deserve prosecution for violating the Brown Act.

"I'm glad there has been progress, but I don't think they are aggressive enough," she said.

But criminal charges are nearly impossible to bring, said Terry Francke, a lawyer and author of a guide to the state's open meetings law. Prosecutors must show that an official intentionally violated the law, a difficult standard to meet in court, he said.

"The idea of a letter, firing a shot across the offender's bow, is a very good one," Francke said.

From her office on the seventh floor of the downtown Hall of Records, Jennifer Lentz Snyder pores over meeting

agendas, watches videos and reviews other documents to investigate complaints. Snyder, a 20-year veteran prosecutor who has tried more than two dozen gang murders, receives roughly 40 complaints a year.

The number of complaints involving serious violations has decreased in recent years, she said. Snyder attributed the change to the office's written legal warnings — or "knock-it-off letters," as she calls them — which she said educate public officials about the law. The goal, she said, is compliance.

"I don't think that most of these people go out there trying to subvert the law," said Snyder, the assistant head of the office's Public Integrity Division. "But the road to hell is paved with good intentions."

Among recent warnings was one Snyder sent to the city of Avalon. The council, she said, violated the law by creating a citizens' advisory board that was not complying with the Brown Act. In response, the council disbanded the board.

In other cases, Snyder has raised the threat of legal action.

In August, Walnut City Council members held a meeting behind closed doors during which Mayor Joaquin Lim was said to have led a council discussion and polled his colleagues about opposing construction of an NFL stadium in the neighboring city of Industry.

Lim said the council did nothing wrong and heeded the advice of the city's attorney during the meeting.

But in her letter to the council in September, Snyder said she was prepared to take agencies to court if they flout the law.

"Such closed door 'secret meetings,'" she wrote, "are precisely the kind of backdoor politics that the Brown Act prohibits."

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