

Robert P. Silverstein Speech Hillside Federation Annual Party, December 11, 2014

Four areas of law I specialize in are Brown Act, Public Records Act, the California Environmental Quality Act, and eminent domain.

These areas involve core democratic values of due process and openness in government.

We are fighting a David vs. Goliath battle against the officials who were elected to represent our interests. We expect and demand that they will act in accordance with the law. But all too often we see the opposite. And that is one of the reasons I am so busy.

Tonight we come together because we all care about fighting to protect our liberties, preventing government abuse, and safeguarding our environment.

So on that note, I want to share with you a few stirring quotes about the values we are fighting to defend:

BROWN ACT:

Regarding the Brown Act, which is California's open meetings law, according to the Legislature, the Brown Act's purpose is to ensure that local agency deliberations are open so that the people "may retain control over the instruments they have created." Govt. Code Section 54950.

I find that interesting. Think about that: "Over the instruments they [meaning we] have created." It's almost an allusion to a Frankenstein monster. We've created something, but we have to maintain careful control over it.

And from a well-known case: "The Brown Act is intended to . . . curb misuse of the democratic process by secret legislation of public bodies." *Int'l Longshoremen's Warehousemen's Union v. Los Angeles Export Terminal, Inc.* (1999) 69 Cal.App.4th 287, 293.

"Secret legislation of public bodies." Think about the warning there. This is not hypothetical. This is reality. This is what we are fighting and this is

what the litigation that we pursue is attempting to stop.

And when we prevail, we vindicate those core values that are so central to our entire process. What we are ultimately fighting for is integrity in the process.

PUBLIC RECORDS ACT:

With regard to the California Public Records Act, which is the California version of the Federal Freedom of Information Act:

"Implicit in the democratic process is the notion that government should be accountable for its actions. In order to verify accountability, individuals must have access to government files. Such access permits checks against the arbitrary exercise of official power and secrecy in the political process . . ." *CBS, Inc. v. Block* (1986) 42 Cal.3d 646, 651.

And that is from the California Supreme Court where tomorrow I will be filing a brief against our own City of Los Angeles in another case that we should never have had to fight.

CEQA:

CEQA – what does CEQA stand for? The California Environmental Quality Act. Let me just quote a case called Lincoln Place Tenants Association against the City of Los Angeles, where the City of Los Angeles lost.

"The fundamental goals of environmental review under CEQA are information, participation, mitigation, and accountability." *Lincoln Place Tenants Ass'n. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 443-444.

And finally, our Supreme Court has said:

"The EIR [that's an Environmental Impact report] is . . . intended 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.' [Citations.] Because the EIR must be certified or rejected by public officials, it is a

document of accountability . . .
The EIR process protects not only
the environment but also
informed self-government.”
*Laurel Heights Improvement
Assn. v. Regents of University of
California* (1988) 47 Cal.3d 376,
392.

So, what was important in that? Everything. But
the part I think most interesting is that the
Supreme Court correctly referred to us as the
“apprehensive citizenry.”

We are an apprehensive citizenry. We have way
too much to be apprehensive about. There is an
unbelievable culture of secrecy and rule-breaking
that pervades LA City Hall. So you can bet we are
apprehensive.

But take heart and have courage because as long
as we fight the good fight to “retain control over
the instruments we have created,” we will
succeed.

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What's happening in your
neighborhood?
Please send the Federation news of
your activities with photos so we
can share them with all our
members.

Trial Date for 360 N. Stone Canyon Case Rescheduled

The trial date for the over-height house at 360 N.
Stone Canyon originally scheduled for Wed., Dec.
10 has been changed. On the court's own motion,
the case has been continued until Friday, January
23, 2015, 9:30 am, in Dept. 86.

Hillside Federation November 5, 2014 Draft Minutes

I. Call to Order

President Marian Dodge called the meeting to
order at 7:12 pm. Members and guests introduced
themselves.

II. Approval of Minutes

The minutes were approved as submitted.

Guest: Daniel Tamm, Westside representative of
Mayor Garcetti

Daniel spoke about various issues the Mayor
is working on including water usage; use of solar
electricity in city warehouses and buildings;
economic development; and transportation
infrastructure projects already on the way.
Questions were asked about Mayor's position on
urban solar farms; local hires for development
projects in the City; use of astro turf vs. drought
resistant plants; exemption of hillsides re: water
reduction; new units built in the City being
equipped with individual water meters; City
fountains wasting water; density bonuses for
development; position regarding CF -14-1438, the
City Attorney's request to hire outside legal
counsel to fight the Millennium project; sprinkler
issue at children's park at Coldwater Canyon and
Beverly Drive; and AB 2222.

III. Officers' Reports

A. President's Report: Marian Dodge

Marian gave an up-date regarding the LA
River's new Zev Yaroslavsky Greenway Trail and
the groundbreaking ceremony on Saturday,
November 1. The Studio City project will provide
accessible open space, restore natural habitat and
create a walking trail along a half-mile section of
the river. The LA River Greenway trail is
expected to open spring 2016.

Wendy-Sue Rosen gave the results of the
November 4 election:

Senator Ted Lieu won the seat in the House of
Representatives currently occupied by Henry
Waxman. Ben Allen won the 26th State Senate
District over Sandra Fluke. Sheila Kuehl won the
County Board of Supervisors seat currently held
by Zev Yaroslavsky over Bobby Shriver.
Congressman Adam Schiff won re-election to the
House of Representatives.

Proposition 1 - Funding for Water Quality,
Supply, Treatment, and Storage Projects passed.