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Beverly Hills City Council Chastised

D.A.'s letter accuses the mayor of violating the Brown Act by ending a meeting before allowing three foes of a hotel project to comment.

By **MARTHA GROVES**
Times Staff Writer

The district attorney's office has accused the Beverly Hills City Council of violating California's open-meeting law by refusing to allow public comment by three opponents of the proposed Montage Hotel during an Aug. 3 meeting.

In an Oct. 13 letter to Mayor Mark Egerman and the council, Deputy Dist. Atty. Jennifer Lentz Snyder said the mayor adjourned the meeting moments after the three people filed with the city clerk the necessary requests to speak.

Egerman's action, the letter noted, was caught on videotape. The tape, notations on the comment cards and minutes from the meeting "demonstrate that the council violated the Brown Act," the letter said.

Under the Ralph M. Brown Act, government bodies are required to conduct most business in public. The letter said the council should have permitted public comment at the end of the meeting, as was called for by the agenda.

The three people had planned to comment on signature blockers, recently enlisted to thwart a petition drive waged by opponents of the proposed \$200-million, five-star hotel. The opponents were seeking to qualify the issue of the hotel, a joint venture by the Athens Group and the city of Beverly Hills, for a referendum.

Despite the signature blockers' efforts, the Campaign to Save Beverly Hills obtained 3,162 petition signatures. The project is expected to go before city voters early in 2005.

Snyder said the district attorney's office had determined that a civil legal action was "not yet appropriate since this violation has only recently been brought to the council's attention." But the letter added that "we question the city's commitment to following the Brown Act in light of what appears to be a flagrant failure to permit public comment. Should we become aware of further violations, we will seek judicial remedies."

Beverly Hills City Atty. Laurence S. Wiener said the council had already concluded its discussion of the Montage Hotel by the time the three people submitted their speaker cards. The council also had already heard audience comments related to that and other items, he added.

Wiener said he had not yet seen the district attorney's letter but added that it would mark the first time the City Council had been chastised in such a way.