



CITY OF GLENDALE, CALIFORNIA
City Attorney

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July 14, 2008

BY EMAIL & U.S. MAIL

Mr. Barry Allen
Post Office Box 11202
Glendale, CA 91226

Re: Your Letter of June 26, 2008 Regarding Adoption of FY 2008-09 Budget

Dear Mr. Allen:

We are in receipt of your letter dated June 26, 2008 to Mayor John Drayman, wherein you allege a substantial violation of the Ralph M. Brown Act (Government Code §54950 *et. seq.*) with respect to the adoption of the City's fiscal year 2008-2009 budget. Your claim has no merit. Accordingly, there is no violation to cure.

The conduct of the public hearing and Council's consideration and adoption of the budget were in full compliance with the Brown Act. In addition to the numerous study sessions held by the Council on the matter of the budget, the Council held a public hearing on the budget on June 17, 2008. Having taken testimony from the public and considered the budget at the hearing of June 17, the Council was permitted to act on the budget without the need for taking additional testimony on June 24, 2008.

Specifically, Government Code § 54954.3 authorizes the Council to elect to take no further public comment if the matter under consideration has been considered by the Council or a committee of the Council at a prior public meeting. This exception is applicable as long as (i) all interested members of the public were afforded the opportunity to speak on the item before or during its consideration, and (ii) the item has not changed substantially since its prior consideration. That is what occurred here.

The Council held a public hearing on June 17, 2008. The public had the opportunity to comment at that hearing and many people did in fact speak at the hearing. No changes were made to the budget after the public hearing on June 17, 2008. Additional requests to comment on a certain aspect of the budget after the public hearing closed did not constitute a substantial change to the budget. After the significant amount of public comment received at the study sessions and the public hearing, the Council was permitted to move forward on its final consideration of the budget without taking additional public testimony. Accordingly,

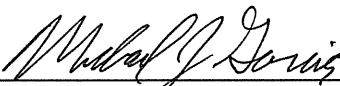
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there has been no violation of the Brown Act and no action to cure or correct. The City will take no further action with respect to the adoption of the FY 2008-09 budget.

If you have any questions, please contact our office. Thank you for your inquiry.

Sincerely,

SCOTT H. HOWARD, CITY ATTORNEY

By: 

Michael J. Garcia
Chief Assistant City Attorney

MJG:mg

cc: Hon. Mayor and Members of Council
City Attorney
City Manager
Assistant City Manager
Deputy City Manager