

June 9, 2015

**Summary of Comments by Jeff Lewis to the City of Palos Verdes Estates
at the June 9, 2015 City Council Meeting**

Good evening. I am Jeff Lewis and I represent the Citizens for Enforcement of Parkland Covenants. My client sued the city in May 2013 to reverse the illegal sale of a public park to a private party. For years, my clients have been coming to these meetings to ask the City to reverse course on that illegal sale. Throughout that time, the City has responded to the public that it had every right to do what it did.

On Friday, May 29, a neutral third party heard all the arguments. A summary judgment motion was heard by Judge Meiers. She reviewed thousands of pages of documents and heard oral argument from me and the three law firms defending this sale of public parkland. Judge Meiers made the following comments about the case:

- 1) That the court should grant summary judgment in favor of my client and grant us the relief requested;
- 2) That the actions to sell this parkland were “ultra vires” meaning actions that were taken by the City in violation of the laws of the State of California;
- 3) That the City is without the power to engage in a zoning solution that would allow a private owner to own public parkland
- 4) that the City attorney had not been honest with the court when it said that the City did not receive any money from the sale of this parkland.

These comments by the judge are preliminary.

The court can change its mind.

I am not here to gloat. I am here to ask the City Council to pause before it proceeds to take further legal action to defend this land grab.

Before the City Council devotes thousands of dollars to further defend this sale of public lands, I suggest that each of you review the court transcripts in this matter so that you are fully informed when exercising your fiduciary duty. Never once has the court said this was a proper use of the City’s power. In fact, at the last hearing, Judge Meiers challenged the Homes Association’s attorney to find one city resident that supported this transaction.



I suggest also that you read the briefs submitted by all the parties. Make an informed decision of what will befall the city if it appeals the court's ruling and what will happen if the city accepts the court ruling.

When one finds one self in a deep hole, the first step one should take is to stop digging.

The city put itself in a deep hole when it signed the MOU agreeing to sell a public park.

It dug deeper when it fought this lawsuit tooth and nail with multiple aggressive motions to dismiss.

It's time for the city to put down the shovel.

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