



CITY OF
Palos Verdes Estates

OFFICE OF
THE MAYOR

November 18, 2015

VIA EMAIL:

Dear Mr.

On November 10, the City Council authorized proceeding with an appeal of the recent judgment concerning the lawsuit filed by John Harbison and the unincorporated association called Citizens for Enforcement of Parkland Covenants (CEPC) vs. the City of Palos Verdes Estates et al. Given the importance of preserving parklands in our City as well as our process of local governance, it is important to share some additional details with you as someone who expressed concern about the appeal.

The City Council is appealing the judgment because of potential serious consequences to all of Palos Verdes Estates. There is one extraordinary provision that allows John Harbison and the CEPC the perpetual right to return to the courtroom, at their discretion, at any time in the future to challenge existing and future encroachments on all City parklands. In this regard, the ruling goes beyond the relief sought by the plaintiffs and the scope of the court's authority. As a result, the City has lost its ability to protect residents' rights to a fair hearing guided by common sense, fiscal responsibility and community accountability. This judgment will likely have the effect of perpetuating litigation each time the Court is involved in any encroachment action. Attached and on the City's website www.pvestates.org (under Departments & Services / Legal Matters) is information elaborating further on this basis for the appeal.

It is also important to emphasize this point: The City Council has always maintained as a priority the preservation of parklands and open space. The subject matter of the appealed lawsuit is a 2012 settlement agreement. At that time, the City Council determined there were substantial benefits to the entire community by participating in the agreement as compared to the relatively small and singular concession it allowed. The City Council discussed the agreement thoroughly in open meetings and publicly approved the agreement, which resulted in additions to the City's inventory of parklands among other benefits. Since then, the City Council has again heard community consensus that the City's parklands be maintained forever and the integrity of the community's underlying deeds is inviolable. We encourage you to see the many examples of this commitment throughout the City and through our ongoing efforts to remove unpermitted encroachments in parklands in partnership with many residents, including Mr. Harbison.

We welcome your continued involvement in the broader effort to maintain the City's beautiful parklands and participation in maintaining the original vision of Palos Verdes Estates. The City Council and I look forward to answering any other questions you may have on this or other City matters.

Sincerely,

James F. Goodhart, Mayor

Attachment

c: City Council