



# CITY OF LAGUNA HILLS

*City Council*

MAYOR

Melody Carruth

MAYOR PRO TEMPORE

Joel Lautenschleger

October 1, 2012

COUNCIL MEMBERS

Randal Bressette

Barbara Kogerman

L. Allan Songstad, Jr.

The Honorable Thomas J. Borris  
Presiding Judge of the Superior Court  
County of Orange  
700 Civic Center Drive West  
Santa Ana, CA 92701

**Re: CPC Section 933(c) Response to Grand Jury's July 5, 2012 Report Entitled, "The Use of Government Influence on A Private Educational Institution" from the City of Laguna Hills**

Dear Judge Borris:

As requested by the Orange County Grand Jury letter dated July 2, 2012, the City of Laguna Hills is responding to the findings and recommendations of the Grand Jury Report entitled, "The Use of Government Influence on A Private Educational Institution."

As a general statement, the City of Laguna Hills finds and believes that the aforesaid report should have been directed to a different governmental agency and not to the City of Laguna Hills in as much as the report focuses on matters that are not related to the "operations" of the City of Laguna Hills and concomitantly are also not under the "control" of the City of Laguna Hills. The actions called into question by the Grand Jury were purportedly undertaken by elected representatives of the Orange County Division of the League of California Cities, an independent not-for-profit entity that is not "under the control" of the City of Laguna Hills.

In our opinion, the report focuses on representations reportedly made by two elected members of the Board of Directors of the League of California Cities, Orange County Division, during a private meeting with the President of a local university that is the parent of an unnamed affiliate university, whose professor in charge of their Public Administration Graduate Program had assigned two graduate students to work on a report designed by a candidate for the Laguna Hills City Council, related to city manager compensation.

The City Council finds that nothing pertaining to that meeting, nor the alleged actions of the two City council-members, had anything to do with the "operations" of the City of Laguna Hills (California Penal Code §925a), nor were the alleged actions directed by or sanctioned by the City Council of the City of Laguna Hills. Consequently, we do not believe it is within the purview of this City Council to comment on the appropriateness of actions reportedly taken or not taken by another governmental agency over which the City has no control. Moreover, the

City of Laguna Hills  
Grand Jury Response  
October 1, 2012  
Page 2

City Council finds that significant portions of the report are vague and ambiguous and lack critical factual information and analysis. The report contains inferences, conjecture, and innuendoes not applicable to the operations of the City of Laguna Hills.

Based on the manner in which the report is written, the City Council does not have a clear understanding of the facts or the context in which the alleged statements were made. Lastly, the City Council believes that the assertions in the report related to the conduct of these individual's "expressive" activity may, in fact, be protected by the First Amendment. In light of this, the City Council also concludes that it cannot provide an informed and meaningful response to the Grand Jury's findings and recommendations.

Pursuant to California Penal Code §§933 and 933.05, the City Council therefore respectfully offers the following response to the report:

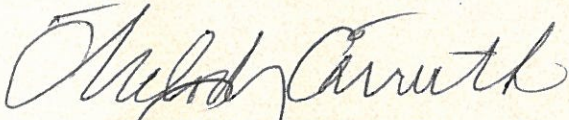
As to Findings F1, F2, F3 & F4:

The City "disagrees wholly" for all the reasons stated above.

As to Recommendations R1, R2 & R3:

The recommendations will not be implemented because they are "not warranted and are not reasonable" for all of the reasons stated above.

Respectfully submitted,



MELODY CARRUTH  
Mayor of the City of Laguna Hills

Cc: City Council