



National Lawyers Guild of Los Angeles  
3435 Wilshire Boulevard Suite 2910  
Los Angeles, CA 90010

November 14, 2022

Anuj Gupta, Assistant City Manager  
City of Santa Monica  
1685 Main Street  
Santa Monica, CA 90401

Dear Mr. Gupta:

On behalf of the National Lawyers Guild of Los Angeles and the undersigned organizations, we are writing to follow up on our November 2<sup>nd</sup> meeting with your team. We want to thank you for a productive meeting and the opportunity to discuss the many issues that street vendors are facing, and we hope this is the beginning of a fruitful and engaging process. We are writing this letter to reiterate the discussion and ensure we are moving forward constructively.

#### Unlawful Late Fees

We are deeply concerned about the delinquent fine notices that Santa Monica is sending to vendors, which are clearly prohibited by Senate Bill 946. *See* Cal. Govt Code § 51039. These actions are a blatant violation of California state law, and the city must remedy them immediately. The vendors are receiving these notices and paying these extra fees, unaware the city is illegally asking them to do so. We have brought this issue up on multiple occasions, and it continues to happen. While we appreciate that this change would require reconfiguring the city's software systems, such a fix should not require years of effort. The city must immediately stop sending these illegal notices and refund unlawfully collected late fees. We request follow up on this item within two weeks outlining the steps taken or that will be taken by the city to ensure that these notices will no longer go out, as well as plans to reimburse individuals who have paid these illegally charged fines.

#### Conflicting Information from the Santa Monica Police Department and Santa Monica Code Enforcement

During the meeting, we discussed multiple instances of vendors receiving conflicting information from the Santa Monica Police Department and Santa Monica Code Enforcement officers. While we acknowledge and appreciate the city's steps to reduce this, it continues to happen. The status quo results in confusion among vendors and the issuing of citations to vendors who were previously informed that they could legally vend in a certain location. We appreciate that the city has committed to sending around an informational bulletin to officers that will clarify existing policies. However, there is more the city could do to remedy this issue.

As we mentioned during the meeting, the city must increase the number of markers and provide **clear** signage in both English and Spanish indicating to vendors where vending is permitted. We also ask Santa Monica Code Enforcement to implement a policy of issuing written warnings to vendors when they are in a prohibited area and giving vendors an opportunity to move before issuing a citation. Finally, we ask that if a vendor informs Code Enforcement personnel that they were informed that they could sell in a certain location, the officer must confirm this information with the original officer when possible.

### Creating an Intimidating Environment

We ask that the city cease its practice of having police officers accompany code enforcement officers during their work with vendors. While we appreciate the concerns raised by the city around safety, we do not believe that the threat to the code enforcement officers outweighs the coercive environment created by having an armed police officer accompany code enforcement officers. An armed officer creates a situation where vendors feel intimidated and afraid to interact with code enforcement personnel. Law enforcement officers are not needed to enforce administrative codes.

### Vendor Input in Decision Making

The city must also commit to seeking vendor input in decision-making and provide the means for creating a mechanism for that to occur. On multiple occasions, the city has moved forward with policy plans that directly affect the vendors without seeking their input. The vendors are running businesses, and the city should treat them with the same dignity as any other business owner. Most recently, vendors have expressed serious concern about the proposed lottery-based space allocation system. The city must seek their input, and they should also receive advance notice of any changes that may affect them and sufficient opportunity to comment.

To facilitate an open and fruitful relationship between city policymakers and street vendors, we urge the city to fund a community organizer position at a local non-profit. We look forward to developing this critical position with you. The street vendors of Santa Monica deserve robust representation.

### Conclusion

Thank you again for meeting with us and committing to meeting again next month. We look forward to continuing our ongoing dialogue on this issue and working towards solutions that benefit the vendors and create a fair and equitable working environment for them. We know that you will take these suggestions seriously, and we look forward to our next meeting in December.

Sincerely,

Christopher D. Chavis, Executive Director, National Lawyers Guild of Los Angeles  
Katherine J.G. McKeon, Staff Attorney, Public Counsel  
Michael Kaufman, Senior Staff Attorney, ACLU of Southern California  
Cynthia Anderson-Barker, Private Attorney