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July 25, 2018

The Honorable Tim Flynn, Mayor
Oxnard City Council
300 West Third Street, Third Floor
Oxnard, CA 93030

Re: Warning Letter, Ralph M. Brown Act

Dear Mayor Flynn:

The District Attorney's Office received a complaint that a violation of the Ralph M. Brown Act (Brown Act) occurred when, at a meeting on May 22, 2018, the Oxnard City Council (Council) engaged in discussion about the purchase of a financial software system even though this item was not on the agenda. As discussed below, it is my conclusion that the discussion violated the Brown Act and this letter shall serve as a warning to avoid such violations in the future.

At the meeting on May 22, 2018, during the time set aside for board comments, you raised the issue about the possible purchase of a financial software system. This was followed by comments from another council member on the subject and then by a member of the staff. During the discussion, you acknowledged the item was not on the agenda, but thereafter invited Jim Throop, CFO at the time, to discuss the issue at the podium. In all, the discussion transpired for more than seven minutes.

Government Code section 54954.2, subdivision (a)(3), states, in part: "No action or discussion shall be undertaken on any item not appearing on the posted agenda, except ... on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a *brief* announcement, or make a brief report on his or her own activities." (Emphasis added.)

The discussion regarding the software system, lasting over seven minutes and including discussion by two council members and staff, was not a "brief announcement" within the meaning of the Brown Act. Because the item was not on the agenda a violation of the Brown Act occurred. Members of the public were not notified the meeting would include

SPECIAL PROSECUTIONS