

Mr. Tim Flynn, Mayor
July 25, 2018
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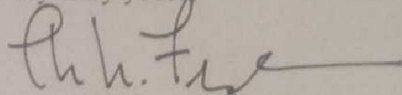
discussion of this matter nor were they provided an opportunity to publicly comment on the item.

The Legislature made plain its intent when passing the Brown Act: "In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. [¶] The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created." (Gov. Code, § 54950.) The district attorney has the authority to enforce violations of the Brown Act. (Gov. Code, §§ 54960, 54960.1, 54960.2.)

The effect of this Brown Act violation is mitigated by the fact no action was taken. We have been assured that if discussion or action is taken on this item in the future, it will be placed on the agenda and the public will be given the opportunity to comment pursuant to the Brown Act.

I am sending this letter in the hope and expectation that similar violations will not recur. In the future, the Council should not engage in discussion or action that is not on the agenda except for a *brief* response, announcement, or report, as indicated in the Brown Act. I appreciate your courtesy and cooperation in addressing this matter.

Very truly yours,



THOMAS M. FRYE
Deputy District Attorney

cc: Alexander Nguyen, City Manager
Stephen M. Fischer, City Attorney
Kenneth Rozell, Assistant City Attorney