

Sue Taylor
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July 2, 2015

Via eMail
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Robyn Drivon, Esq.
El Dorado County Counsel
330 Fair Lane, Building A
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Re: NOTICE TO CURE AND CORRECT VIOLATION OF THE RALPH M. BROWN ACT
PURSUANT TO GOVERNMENT CODE SECTION 54960.1

Dear Ms. Drivon:

This letter is to call your attention to a violation of the Ralph M. Brown Act, which occurred during the El Dorado County Board of Supervisors meeting on June 2, 2015.

The violation occurred with respect to the Board's action on the following agenda items:

36. 15-0611 Community Development Agency, Transportation Division, recommending the Board consider the following pertaining to the Bassi Road at Granite Creek - Bridge Replacement (25C0071) Project, CIP No. 77128:

- 1) Adopt the California Environmental Quality Act Mitigated Negative Declaration; and
- 2) Approve the Project as described in the California Environmental Quality Act document.

FUNDING: Federal Highway Administration Local Assistance Highway Bridge Program, authorized under the 100 percent Funded Program.
(Federal Funds)

The action to approve the above agenda item was not in compliance with the Brown Act because the Board did not reveal to the public that Supervisor Ranalli's personal and business property is located at the end of this road and that he would personally and professionally benefit from this road improvement.

In addition, the Board Packet for this agenda item excluded pertinent testimony from the Cultural Preservation Officer for the indigenous Miwok tribe.

With respect to agendas, the Brown Act requires that the agenda description must not be misleading [The Brown Act, Open Meetings For Local Legislative Bodies,

Office of the Attorney General, 2003, at pp. 16-17]. In this case, the omission of information included in the Board Packet misled the public, and potentially caused confusion as to whether or not to monitor or participate in the meeting of the body. (Govt. Code section 54954.2; and see *Moreno v. City of King* (2005) 127 Cal.App.4th 17, 26- 27.)

This agenda item was misleading due to its omission of pertinent information in the agenda packet and due to Supervisor Ranalli's omission to divulge his personal and professional benefit from the project. Accordingly, the Board of Supervisor's actions to approve and certify the mitigated negative declaration were in violation of the Brown Act.

Pursuant to that provision (Government Code Section 54960.1), we demand that the El Dorado County Board of Supervisors cure and correct the illegally taken action as follows:

1. The formal and explicit withdrawal and nullification of the actions taken on Agenda Item 36. 15-0611 at the June 2, 2015 Board of Supervisors meeting;
2. Full opportunity for members of the public to comment on the item, notice of which should be properly agendized and noticed for the next meeting with a **complete** agenda packet;
3. Copies of all documents related to the decision must be made available to the public and the decision makers; and
4. Supervisor Ranalli must recuse himself due to his conflict of interest when this item is returned to the agenda for the Board's consideration.

As provided by Section 54960.1, you have 30 days from the receipt of this demand to either cure or correct the challenged action or inform Sue Taylor of your decision not to do so. If you fail to cure or correct as demanded, such inaction may leave the public or interested parties, such as the indigenous Miwok tribe, with no recourse but to seek a judicial invalidation of the challenged action pursuant to Section 54960.1, in which case interested parties would seek the award of court costs and reasonable attorney fees pursuant to Section 54960.5.

Very truly yours,

Sue Taylor

cc: Board of Supervisors