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May 25, 2020

Pete Vander Poel, III, Chair
Tulare County Board of Supervisors
2800 W. Burrel Avenue
Visalia, CA 93291

Dear Mr. Vander Poel:

This letter is to call your attention to what I believe was a substantial violation of a central provision of the Ralph M. Brown Act, one which may jeopardize the finality of the action taken last Tuesday by the Tulare County Board of Supervisors (non-agenda item "Addendum 1").

The nature of the violation is as follows: In its May 19, 2020 meeting, the Tulare County Board of Supervisors took action on an item that was not on the agenda, to re-open all activities in the county, in contravention to the Governor's Executive Orders and the State Public Health Officer's directives, greatly endangering the health and safety of Tulare County residents (in addition to nearly ensuring the County and many of its non-government organizations would be deprived of desperately needed funding).

The action taken was not in compliance with the Brown Act because there was no adequate notice to the public on the posted agenda for the meeting that the matter acted upon would be discussed, and there was no finding of fact made by the Tulare County Board of Supervisors that urgent action was necessary on a matter unforeseen at the time the agenda was posted.

In the event it appears to you that the conduct of the Tulare County Board of Supervisors specified herein did not amount to the taking of action, I call your attention to Section 54952.6, which defines "action taken" for the purposes of the Act expansively, i.e. as "a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance."

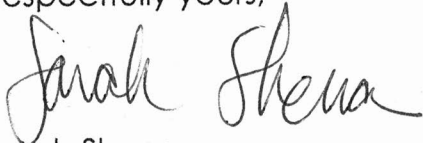
As you are aware, the Brown Act creates specific agenda obligations for notifying the public with a "brief description" of each item to be discussed or acted upon, and also

creates a legal remedy for illegally taken actions—namely, the judicial invalidation of them upon proper findings of fact and conclusions of law.

Pursuant to that provision (Government Code Section 54960.1), I demand that the Tulare County Board of Supervisors cure and correct the illegally taken action as follows: immediately formally and explicitly rescind the action and any subsequent actions stemming from it (and disclose at a subsequent meeting why the three individual members of the legislative body voted in favor of the action), plus give the full opportunity for informed comment by members of the public at the same meeting, notice of which is properly included on the posted agenda. Informed comment might in certain circumstances include the provision of any and all documents in the possession of the local agency related to the action taken, with copies available to the public on request at the offices of the agency and also at the meeting at which reconsideration of the matter is to occur.

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 me of your decision not to do so. If you fail to cure or correct as demanded, such inaction may leave me no recourse but to seek a judicial invalidation of the challenged action pursuant to Section 54960.1, in which case I would also ask the court to order you to pay my court costs and reasonable attorney fees in this matter, pursuant to Section 54960.5.

Respectfully yours,



Sarah Shena
Attorney at Law

Cc: Tulare County Counsel
Visalia Times-Delta