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January 17, 2022

**VIA ELECTRONIC MAIL**

Julie Tacker

[REDACTED]

[REDACTED]

Email: [REDACTED]

**Re: Cure and Correct dated December 29, 2021**

Dear Ms. Tacker:

This correspondence is in response to your cure and correct dated December 29, 2021.

Your first alleged violation is regarding the “note” at the bottom of the first page of the December 21, 2021 agenda, providing that the virtual meeting room will open at 2:30 PM for a 3:00 PM meeting. You claim this error in the note misled you as to the actual December 21, 2021 meeting time of 1:00 PM. As a regular attendee of District meetings, you are acutely familiar with District agendas and you know that, as with every District meeting agenda, the District meeting times are posted on the top of the first page of each agenda. The December 21st agenda correctly identifies the 1:00 PM meeting time in this location. In addition, the District website (where the agenda is accessed) identifies the December 21st meeting time as 1:00 PM. Finally, the notification of the December 21st meeting sent to the District distribution list (including yourself) identifies the meeting time as 1:00 PM in both the subject line and in the body of the email. Despite the clerical error in the note, the multiple correct identifications of the meeting times indicate the District’s substantial compliance with the applicable code provisions, and your participation in the District email distribution list provided you with actual notice.

The second item in your Cure and Correct letter is regarding the December 21, 2021 agenda Item 2.A. Here, you contend that Chair Kellas violated the Brown Act for not taking public comment on this item. You acknowledge that the legislative body need not always take public comment on an item that has already been considered, however, you contend that because the December 21st meeting was a “special meeting,” additional public comment was required. Delving into the details of the Government Code, however, are not necessary on this item, because Government Code section 54954.3 is not an enumerated provision subject to a cure and correct.

Your third allegation is regarding December 21, 2021 agenda Item 2.B., related to the Town & County Fencing Inc. proposal. Here, it is unclear as to what you are requesting the District to cure and correct. Your complaint is general in nature and does not indicate any violation of law, but rather, general disagreement with Board process.

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You next contend that December 21, 2021 agenda Item 2.D. was not identified as an action item, but rather a discussion item only, and therefore action was not appropriate. Item 2.D., however, was under the heading “Business Action Items” indicating action on the item would occur. The agenda described the item as follows: “Discuss and Consider Clerical Corrections to Contract with Grace Environmental Services LLC” and a redline of the proposed corrections were attached. An agency fulfills its obligations by giving the public fair notice of the essential nature of what the Board will be considering. The public was sufficiently notified that the Board was considering “clerical corrections” as a “business action item” and the specific changes were provided in redline form. The Board, therefore, complied with the agenda noticing provisions of the Brown Act.

Very truly yours,

ADAMSKI MOROSKI MADDEN  
CUMBERLAND & GREEN LLP

A handwritten signature in blue ink, appearing to read 'J. Minnery', is positioned above the printed name.

JEFFREY A. MINNERY