

Julie Tacker  
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San Simeon Community Services District  
VIA EMAIL 3/11/2022

SUBJECT: CEASE AND DESIST DEMAND  
RE: RALPH M. BROWN ACT (§§ 54960, 54960.2)

Dear Chair Kellas,

I, Julie Tacker, pursuant to government code section 54960.2, demand the San Simeon Community Services District (SSCSD) cease and desist the following practice which violates provisions of California's open meeting laws (California Government Section 54950 et seq.) to wit, the Ralph M. Brown Act that the Council make an unconditional commitment as prescribed in subdivision (c) of section 54960.2 not to repeat such practices in the future:

These violations infringe upon the people's right to remain informed and retain control over the people's business and directly address their public servants. Furthermore, this violation may jeopardize the ongoing business and finality of actions taken by the SSCSD.

#### Factual and Procedural Background

On Wednesday, March 9, 2022 your District held a Water Committee meeting in the Cove Banquet Room of the Cavalier Inn. As you know, The Ralph M. Brown Act (Government Code sections 54950-54963, referred to as the "Brown Act") is intended to provide public access to meetings of California local government agencies. Its purpose is described in the Act: *"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't Code § 54950.

In order to achieve this objective, governmental bodies, including the SSCSD Water Committee, are subject to the requirements of the Brown Act must provide Public Comment for items not on the agenda and allow for the public to speak to each item considered by the legislative body, in this instance, the Water Committee.

The March 9, 2022 Water Committee agenda is attached. There you will find, as I did, that the agenda violates Gov't Code §54954.3 (a) where in it requires that, "Every agenda for regular meetings **shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public**, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body,

provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2..."

Additionally, during Business Item 2. A. no public comment was called for or allowed. The item was discussed among the committee members only, a motion was made and seconded and voted on, again without inviting the public to participate.

I am certain there were Brown Act violations that occurred at this meeting. Yet, in an effort to not incur extra costs to your district, I have chosen not to file a Cure and Correct for the violation that occurred March 9, 2022.

The intent of this Cease and Desist is to bring this Brown Act violation again to your attention and demand that your district cease and desist from, and not repeat the practices identified.

The District has 30 days from receipt of this letter to provide me with an unconditional commitment to cease, desist from, and not repeat the practices noted above. The district's failure to do so will entitle me to file an action for legal remedy, including attorney's fees and costs.

Sincerely,

A handwritten signature in cursive script that reads "Julie Tacker".

Julie Tacker

Attachment: March 9, 2022 SSCSD Water Committee Agenda

Cc: SLO County Deputy District Attorney, Kenneth Jorgensen