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CITY ATTORNEY - RISK MGMT.
CITY OF CULVER CITY

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May 8th, 2018

Mayor Thomas Small
Vice Mayor Meghan Sahli-Wells
Councilman Goran Eriksson
Councilman Alex Fisch
Councilman Daniel Lee
City Council, City of Culver City
CC: City Attorney Carol Schwab, City Clerk

Dear City Councilmembers,

This letter is to call your attention to what we 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 by the Culver City Council on April 30, 2018.

The nature of the violation is as follows: In the Council meeting of *April 30, 2018*, the *Culver City Council* took action to *select the Mayor and Vice-Mayor, including but not limited to the discussing and deliberating on the Mayoral Rotation Policy (and why it would not be followed in connection with the Vice-Mayor appointment)*.

The action taken was not in compliance with the Brown Act because it occurred as the culmination of a discussion in closed session of a matter which the Act does not permit to be discussed in closed session and there was no adequate notice to the public on the posted agenda for the meeting that the matter acted upon would be discussed. Furthermore, there was no finding of fact made by the Culver City Council 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 *Culver City Council* specified herein did not amount to the taking of action, we 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 Sect 54952.1 states "Any person elected to serve as a member of a legislative body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this chapter and shall be treated for purposes of enforcement of this chapter as if he or she has already assumed office.


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), we demand that the *Culver City Council* cure and correct the illegally taken action as follows: *vacate vice-mayor appointment and hold an agendaized public meeting as to why the Mayoral Rotation Policy will not be used in the selection of the Vice-Mayor, alternatively discuss in public what extenuating circumstances are present to forego the application of the rotational method.*


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


Respectfully yours,

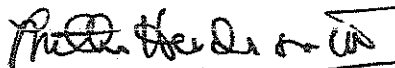

Peter Jacobs
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Culver City CA 90230



CARRIE SHAPING

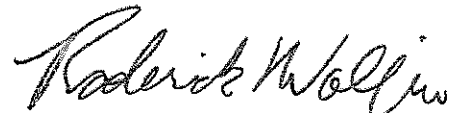

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