

September 23, 2010

Mayor Laurene Weste
Mayor Pro-Tem Marsha McLean
City Councilwoman Laurie Ender
City Councilman Frank Ferry
City Councilman Bob Kellar

Dear Members of the Santa Clarita City Council:

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 an action taken by the Santa Clarita City Council.

The nature of the violation is as follows: In its meeting of August 24, 2010, the Santa Clarita City Council voted to withdraw the City of Santa Clarita from the Los Angeles County Free Library System and assume the responsibility of providing library services within the City of Santa Clarita.

In taking this action, we believe the city council circumvented the Brown Act's requirement for open and public deliberation of issues by conducting serial meetings, expressly prohibited by the Act, for the purpose of developing a concurrence in advance of public discussion. As you know, the Brown Act expressly prohibits serial meetings that are conducted through direct communications, personal intermediaries or technological devices for the purpose of developing a concurrence as to action to be taken.

Pursuant to Government Code Section 54960.1, we demand that the Santa Clarita City Council cure and correct the illegally taken action. As a means of correction, we suggest that the city council withdraw its action, hold at least three public hearings on the question of withdrawing from the Los Angeles County Free Library System to provide the public the awareness and opportunity to comment of which it was deprived, a disclosure at a subsequent meeting of why individual members of the legislative body took the positions that they did, accompanied by 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 should 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 meetings at which reconsideration of the matter is to occur. In this case, we believe the public is entitled to review copies of all written communications, including e-mails, to or from city council members and to or from the offices of the city manager concerning libraries in the six month period leading to the August 24, 2010 action.

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 seek the award of court costs and reasonable attorney fees pursuant to Section 54960.5.

Respectfully yours,

Edward M. Shain

Michael C. Wilkinson

E. Shain Bonner

Carole Lutness

Mary Beth Plunkett-Will

Deanna Hanashiro

Alan Hoffman

Wm. C. Rabak

Susan Rizzo

Phil Rizzo

John M. Walker

cc: Kenneth R Pulskamp, Santa Clarita City Manger

Carl K Newton Esq, Santa Clarita City Attorney

Joseph M Montes Esq, Santa Clarita Assistant City Attorney