

From the Desk of Julie Tacker

August 18, 2024

City of Arroyo Grande
300 E Branch Street
Arroyo Grande, CA 93420

RE: Demand for Cure and Correct

Dear Arroyo Grande City Council,

This letter is to call your attention to a material violation of a central provision of the Ralph M. Brown Act. This violation jeopardizes the finality of the action taken by the Arroyo Grande City Council during the regular meeting of Tuesday, August 13, 2024, when your council voted to amend your policies and procedures to limit public comment for items not on the agenda to one minute.

Violation Occurred

Government Code Section 54954.2 (3) states, *“No action or discussion shall be undertaken on any item not appearing on the posted agenda, ...”*

It has come to my attention that during the August 13, 2024, meeting under consent item 9.f. Updates to City Handbook, your council reduced public comment for items not on the agenda to one-minute. There was no mention on the agenda or in the staff report that the duration of public comment for items not on the agenda would be shortened to one minute (or any other number of minutes).

As you know, consent items are generally routine or “non-controversial” items. To reduce the public’s time to address its representatives is nontrivial. Furthermore, had the staff report specified a reduction in the duration of public comment for items not on the agenda, it is my opinion more citizens would have attended Tuesday’s meeting to object. The public that was in attendance objected to reducing the public’s ability to speak for three minutes.

The staff report does identify changes to the Public Comment section of the City Handbook. The changes specified were limited to sections 4.7 and 4.8 having been added were “to provide guidelines for the public’s participation in public meetings including written and oral public comment as well as the use of visual aids during public comment.”

With regard to the specific addition of section 4.7 of the City Handbook, please direct your attention to the pertinent section that addresses the duration of public comment for items not on the agenda, 4.7.(e)(i); *“Members of the public may address the City Council on items that are not on the printed agenda during the Community Comments and Suggestions portion of the Agenda. A time limit of three minutes is provided [emphasis added]. A speaker may not yield time to another speaker.”*

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The Update to the City Handbook item was placed on the consent calendar, no significant changes should have been made from what was included in the staff report. Which, for the record again states, "***A time limit of three minutes is provided.***"

Nowhere on the agenda or in the staff report for consent item 9.f. was the public made aware that the council would consider and approve reducing public comment for items on the agenda to just one minute.

Demand for Cure and Correct



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 seek court costs and reasonable attorney fees in this matter, pursuant to Section 54960.5.

The action and decision identified above that were made in violation of the Brown Act must be set aside.

I have copied the San Luis Obispo County District Attorney's Office, Public Integrity Unit, for their review of this violation.

Sincerely,




Julie Tacker

Los Osos, CA 93412


Attachments:

Cc: SLO Co. District Attorney, Dan Dow
SLO Co. Deputy District Attorney, Ken Jorgenson