



VANGUARDIANS

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VIGILANCE leads to ACCOUNTABILITY

June 26, 2008

John Drayman, Mayor
City Council - City of Glendale, CA
613 E. Broadway
Glendale, CA 91206

via Email & Hand Delivery

Dear Mayor Drayman:

This letter is to call your attention to what I 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 City Council of the City of Glendale.

The nature of the violation is as follows: In its meeting of June 24, 2008, the Glendale City Council took action to approve the annual budget as an Action item on the Agenda, Item 8d and did not allow public comment stating that an exemption to the allowing the public to speak was that all the comments had been made at previous study sessions, public hearings or during Oral Communications.

The action taken was not in compliance with the Brown Act because the Act requires an opportunity for the public to address the legislative body for any item on the agenda. There was no showing that everything that could have been addressed had been addressed and accordingly Staff and Council indicated after the vote that there would probably be changes within the next month. That served as an indicator that everything had not been put on the table.

In the event it appears to you that the conduct of the City Council specified herein did not amount to the taking of action, I 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, 1986 amendments to the Brown Act created specific agenda

obligations for notifying the public with a "brief description" of each item to be discussed or acted upon, and also created 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), I demand that the City Council cure and correct the illegally taken action as follows: Reopen the Action item 8d – Budget Approval to allow all members of the public that attended the meeting of June 24, 2008 and had filed Speaker Cards for that Action item, to be contacted by certified mail to provide them the awareness and opportunity to comment of which they were deprived, to wit: several concerned citizens who had not had the opportunity to voice their position before the city council prior to June 24 meeting because they learned about the proposed closing of the Chevy Chase branch library the week before in the news paper. Some of them spent several hours constructing their positions and felt that they had the right to express their concerns before the council took action on the budget. It was not fair to deny them their constitution right of presenting their grievances before the elected body. If you did not intend to allow them that right and opportunity, you should have made them aware a week in advance by announcing it at the June 17 council meeting or placing such a notice in the normal places and making sure it got into the newspaper a week in advance. Many had to finally leave before action item 8d was called because their small children had to be taken care of and placed in bed. These are working parents of small children who care about their future. Many of them tie their quality of life to such neighborhood institutions as libraries and parks. To deny them the one-time opportunity to express their opinion is undemocratic and erodes their sense of community and civic good.

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

Respectfully yours,

A handwritten signature in black ink, appearing to be 'Barry Allen', written in a cursive style.

Barry Allen

cc Legal Counsel