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15 March 2019

City of San Diego
c/o City Clerk Elizabeth Maland
202 "C" Street, 2nd Floor
San Diego, CA 92101

Re: Request to Cure Violation of Ralph M. Brown Act

Dear City of San Diego:

On behalf of my client, Ryan O'Connor, I am writing to request the cure of a violation of the Ralph M. Brown Act (Government Code Section 54950 *et seq.*) committed by the Sustainable Energy Advisory Body ("SEAB") at its meeting on February 14, 2019, with respect to Item VII-1 on its agenda for the meeting.

In particular, the agenda did not lawfully inform the public that the SEAB would consider requesting or recommending changes to its own membership structure or, more generally, that it would be approving a written request for action to the City Council. The agenda description for Item VII-1 was a vague "Semi-Annual Update to Environment Committee (Chair)." Nothing about that description would apprise a reasonable member of the public that the SEAB intended to make any request for legislative action. In contrast, the very next item on the agenda explicitly informed the public that the SEAB intended to consider making a request for such action. It read (with my emphasis): "Budget **Recommendation Letter** to Mayor and Council (Chair)."

To the extent the City might claim that the subject matter had already been discussed and approved at the SEAB's January 2019 meeting, please keep these two points in mind. First, the agenda descriptions for that meeting were identical (and thus provided no more clarity to the public than the agenda for last month's meeting). Second, the minutes for the January 2019 meeting make clear that there was no quorum and thus, as a matter of law, there was no meeting at which the subject matter could have been discussed.

Under the Brown Act, the violation must be cured not more than 30 days after receipt of this letter. Please notify me *in writing* as soon as possible to let me know whether the violation will be cured and, if so, when the cure will take place. (My client may sue before receiving your response.)

Thank you for your prompt attention to this important matter.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs
Cory J. Briggs

