

BROWN ACT CEASE AND DESIST



April 22, 2025

Background

- At its March 25, 2025 meeting, the City Council received a report on the City's STVR regulations.
- No substantive change was made nor was staff directed to bring back any changes – received and filed.

Background

- Afternoon before the meeting, the City Council received an email from Frank Angel (1:58 pm) on the agenda item. No allegation is made that the City Council did not receive this email.
- March 31, 2025, City was sent a Brown Act “cease and desist” letter from Frank Angel alleging Brown Act violations and requesting that the City agree to “cease and desist” from future violations.

Discussion

- Brown Act provides a mechanism for public to file an action to determine an agency's past compliance with the Brown Act by first submitting a clear description of the alleged violation.
- Submission of such a letter is known as a "cease
- Prerequisite to filing a legal action may be filed by any person to challenge an action.
- Lawsuit can be avoided by the City responding with an unconditional commitment to cease and desist from the challenged conduct (not an admission or acknowledgment that Brown Act was violated).



Discussion

- Frank Angel is alleging violation because email he sent less than 2 minutes before the 2:00 pm deadline for it to appear on the agenda was not posted to the City's website or the agenda did not state where the public could inspect his email. (Govt. Code 54957.5)
- To reiterate no allegation that the City Council did not get it, just that the City did no properly process it

Recommendations

- Acknowledge receipt of cease and desist letter and direct Mayor to execute and send response letter (not admitting fault) agreeing to cease and desist from challenged conduct to avoid unnecessary litigation
- Agenda has been updated such that emails like Frank Angel's distributed to a majority of the City Council within 72 hours are subject to inspection at the City Clerk's office during regular business hours

