



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



April 13, 2020

The Honorable Kathryn Barger
Chair, County of Los Angeles
869 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisor Barger:

REQUEST FOR CURE AND CORRECTION VIOLATION OF THE BROWN ACT

This letter is to call your attention to what I believe is a substantial violation of a central provision of the Ralph N. Brown Act, and Article 1, Section 3, of the California Constitution, which may jeopardize the finality of the action taken by the Los Angeles County Board of Supervisors (BOS).

The nature of the violation is as follows:

In its meeting on March 31, 2020, the BOS took action to revise Los Angeles County Code Section 2.68, by appointing the Los Angeles County Chief Executive Officer (CEO) as Director of the County Emergency Operations Center (CEOC), replacing the Sheriff of Los Angeles County. The appointment of the CEO as CEOC's Director grants decision making power to her in coordinating the Los Angeles County's (County) emergency preparedness, response and recovery.

This action was not taken within compliance of the Brown Act and Article 1, Section 3 of the California Constitution because it occurred where there was no adequate notice to the public on the posted agenda for the meeting where the matter acted upon would be discussed, and there was no finding of fact by the BOS that urgent action was necessary on a matter unforeseen at the time the agenda was posted.

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In the event it appears to you the conduct of the BOS specified herein did not amount to the taking of action, I call your attention to California Government Code Section 54952.6, which defines "action taken" for the purposes of the act very expansively.

As you may be aware, the Brown Act allows the legal remedy of judicial invalidation of illegally taken action. Pursuant to Government Code Section 54960.1, I respectfully request at this time the BOS cure or correct the illegally taken action as follows:

The BOS must rescind their order to change County Code Section 2.68, and restore County Code Section 2.68 to its original intent until such time that the County can accommodate a proper hearing, which by law shall be publicized with sufficient notice and include appropriate public access, and the public's right to informed participation.

I respectfully request a formal and explicit withdrawal from the CEO's order, coupled with a disclosure at a subsequent meeting of the reasons why the individual members of the BOS took the positions that they did, with 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.

In this particular case, public access to any and all documents in the possession of the BOS related to this action, should be made available to the public on request at the offices of the BOS and at the meeting at which reconsideration of the matter is to occur.

As provided in California Government Code Section 54960.1 you have 30 days from the receipt of this letter 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 this violation of the Brown Act, I will have no other recourse but to seek a judicial intervention of the challenged action pursuant to Government Code Section 54960.1, in which case I would ask the court having jurisdiction to order you to pay the court costs and attorney fees in this matter, pursuant to Government Code Section 54960.5.

Should you have any further questions, I can be reached at [REDACTED].

Sincerely,

A handwritten signature in blue ink, appearing to read "Alex Villanueva", with a long horizontal stroke extending to the right.

ALEX VILLANUEVA
SHERIFF

AV:JB:aa
(Office of the Sheriff)

C: Xavier Becerra, Attorney General, State of California
 Supervisor Hilda L. Solis, First District, Board of Supervisors
 Supervisor Mark Ridley-Thomas, Second District, Board of Supervisors
 Supervisor Sheila Kuehl, Third District, Board of Supervisors
 Supervisor Janice Hahn, Fourth District, Board of Supervisors
 Sachi A. Hamai, Chief Executive Officer
 Mary Wickman, County Counsel, Office of the County Counsel