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June 21, 2017

*Via Email*

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Email: [attorney@cityofberkeley.info](mailto:attorney@cityofberkeley.info)

*Re: June 20, 2017, Special Meeting Cure and Correct Demand*

Dear Mr. Cowan:

I write regarding the Special City Council meeting conducted June 20, 2017, at Longfellow Middle School Auditorium. As noticed, the special meeting was held to discuss two agenda items: Item 1a regarding Berkeley's Agreement with City & County of San Francisco for Distribution of UASI Grant Funds and the Berkeley Police Department Relationship with Northern California Regional Intelligence Center, and Item 2a, a purchase order for a Specially Equipped Panel Van. As reported, a substantial audience attended the special meeting, largely to provide public comment on Item 1a.

It has come to my attention that the conduct of the City Council before and during the special meeting violated the Ralph M. Brown Act, codified as California Government Code Sections 54950, *et seq.*

Prior to the special meeting, Mayor Jesse Arreguin met with Councilmembers Kate Harrison, Kriss Worthington, Sophie Hahn, and Cheryl Davila in private to discuss this agenda item. Five members of the Berkeley City Council constitutes a majority, and a collective briefing of a majority of city council members in an unnoticed, private setting is a clear violation of California Government Code Section 54952.2(b)(1), which states:

A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take

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action on any item of business that is within the subject matter jurisdiction of the legislative body.

The council members' private discussion in anticipation of the special meeting demonstrates a lack of respect for the public they serve and an undeniable violation of the Brown Act, which must be cured.

Further, as reported, Mayor Arreguin attempted to hold a vote on an amendment to the agenda item that was unclear, not properly publicly reported, and ultimately not completed. The public recalls hearing the votes of only three to four council members before the meeting was halted. California Government Code Section 54953(c) prohibits a secret vote by the council and demands that all votes and abstentions be public. A vote that was incomplete or inaudible cannot constitute the public vote required by the Brown Act.

This letter serves as notice to cure and correct the violations of the Brown Act articulated in this letter. You must ensure that the City Council cures these errors and holds a public meeting on Item 1a where a clear proposal is announced and a complete and public vote taken. As you know, you have up to 30 days to cure and correct these violations, but I encourage you to act swiftly, as your constituency is keenly aware of the impermissible actions of this council.

Very truly yours,



EmilyRose Johns

CC: Mayor Jesse Arreguin, mayor@cityofberkeley.info  
City Clerk Pamyla Means, clerk@cityofberkeley.info