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August 27, 2008

Honorable Steve Basha
Judge of the Superior Court
725 Court Street
Woodland, CA 95695

RE: 2007-2008 Grand Jury Final Report

Dear Judge Basha:

The 2007-2008 Grand Jury Final Report has requested that the Yolo County District Attorney respond to one of its recommendations concerning the Woodland Joint Unified School District. Specifically, the recommendation reads as follows:

- 08-06** The Yolo County District Attorney should consider commencement of an action pursuant to Govt C 54960 to compel the District to comply with public meeting laws.

California Penal Code Section 933.05 requires the respondent to address each of the Grand Jury's recommendations in one of the following ways: (1) The recommendation has been implemented; (2) The recommendation has not yet been implemented, but will be implemented in the future; (3) The recommendation requires further analysis, with an explanation; and (4) The recommendation will not be implemented because it is not warranted or reasonable. After careful consideration of all the issues, it is my decision that the recommendation requires further analysis.

In arriving at this conclusion, it is helpful to review Government Code Section 54960, et seq.:

Actions to stop or prevent violations of meeting provisions; applicability of meeting provisions; validity of rules or actions on recording closed sessions. (a) The district attorney or any interested person may commence an action by mandamus, injunction or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter...

The Brown Act, Government Code Section 54950, et seq., is a broad declaration that public agencies must conduct their business openly. *Sacramento Newspaper Guild v. Sacramento County Board of Supervisors* (1968) 263 Cal.App.2d 41 ("Guild"). Any interested citizen may sue for a declaration that a local public agency is violating the Brown Act. Issues of whether local entities are complying with the open meeting requirements of the Brown Act are matters of public importance. *California Alliance for Utility Education v. City of San Diego* (1997) 56 Cal.App.4th 1024. The Brown Act authorizes injunctive relief for the purpose of stopping or preventing violations or threatened violations of the Act based on a showing of "past actions and violations that are related to present or future ones." *Shapiro v. San Diego City Counsel* (2002) 96 Cal.App.4th 904. Not every illegal meeting, however, violates the criminal provisions of the Act. A criminal violation requires both that action be taken and that the member intend to deprive the public of information.

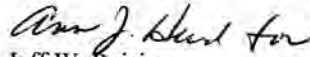
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Courts liberally interpret the Act when determining whether conduct is required to conform to its notice and hearing requirements. *Guild, supra*. (Open “meetings” and “deliberation” have broad connotations, including collective acquisition and exchange of facts preliminary to the ultimate decision and informal discussions of public business; only the misdemeanor penalty is restricted to meetings “where action is taken.”)

The 2007-2008 Yolo Grand Jury Final Report of the investigation of *Decision-Making Processes & Brown Act Compliance of Woodland Joint Unified School District* recommends (see 08-01, 08-02, 08-04, 08-05 and 08-14) extensive District action be taken in order to strengthen its ability to comply with both the letter and the spirit of the Act. The need for future action would be obviated should those actions be implemented. My office is committed to ensuring that justice is done while maintaining the highest ethical standards and will continue to analyze this matter as advised by the Grand Jury and take appropriate actions should the need arise.

Please feel free to contact me at any time should you need my assistance.

Respectfully yours,



Jeff W. Reisig
District Attorney