

Alexander, Jacquelyne

From: Ghizzoni, Michael
Sent: Monday, November 16, 2020 5:05 PM
To: Board Letters
Subject: OPEN SESSION AGENDA ITEMS D-4 AND D-5 FOR NOVEMBER 17, 2020:
CORRESPONDENCE FROM APPELLANT MR. THOMAS BECKER

Clerk of the Board,

Concerning Open Session Agenda Items D-4 and D-5 for November 17, 2020, the email chain below is correspondence to and from Appellant Mr. Thomas Becker.

Please include copies of this in the separate Clerk of the Board files for Items D-4 and D-5.

Thank you.

Michael C. Ghizzoni
County Counsel
County of Santa Barbara
(805) 568-3377

From: S T <tsbecker069@gmail.com>
Sent: Monday, November 16, 2020 4:05 PM
To: Richardson, Jennifer <jrichardson@co.santa-barbara.ca.us>
Subject: Re: Notification of intent to file a Brown Act complaint.

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Jenna,

The possible violation was not discovered by me until last Thursday. I have been investigating the issue since last Friday. I am in possession of a county government document, sent by a county employee to other county employees, that may indicate improper contact with or by one or more of the county supervisors who will be hearing my appeal. My complaint will not be ready for at least 1 week, as I am still researching the issue.

Thank you
Tom Becker
tsbecker069@gmail.com

On Mon, Nov 16, 2020 at 12:27 PM Richardson, Jennifer <jrichardson@co.santa-barbara.ca.us> wrote:

Tom,

Thank you for your email. Consistent with Government Code Section 54960.1(b) (included below my signature block), please describe in writing the challenged action of the legislative body and the nature of the alleged violation.

Thank you,

Jenna

Jennifer Richardson

Deputy County Counsel

Santa Barbara County Counsel

105 East Anapamu Street, Suite 201

Santa Barbara, California 93101

(805) 568-2950

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§ 54960.1. Proceeding to determine validity of action; Demand for correction

(a) The district attorney or any interested person may commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 is null and void under this section. Nothing in this chapter shall be construed to prevent a legislative body from curing or correcting an action challenged pursuant to this section.

(b) Prior to any action being commenced pursuant to subdivision (a), the district attorney or interested person shall make a demand of the legislative body to cure or correct the action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5. **The demand shall be in writing and clearly describe the challenged action of the legislative body and nature of the alleged violation.**

(c)

- (1) The written demand shall be made within 90 days from the date the action was taken unless the action was taken in an open session but in violation of Section 54954.2, in which case the written demand shall be made within 30 days from the date the action was taken.

- (2) Within 30 days of receipt of the demand, the legislative body shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct or inform the demanding party in writing of its decision not to cure or correct the challenged action.

- (3) If the legislative body takes no action within the 30-day period, the inaction shall be deemed a decision not to cure or correct the challenged action, and the 15-day period to commence the action described in subdivision (a) shall commence to run the day after the 30-day period to cure or correct expires.

- (4) Within 15 days of receipt of the written notice of the legislative body's decision to cure or correct, or not to cure or correct, or within 15 days of the expiration of the 30-day period to cure or correct, whichever is earlier, the demanding party shall be required to commence the action pursuant to subdivision (a) or thereafter be barred from commencing the action.

- (d) An action taken that is alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 shall not be determined to be null and void if any of the following conditions exist:
 - (1) The action taken was in substantial compliance with Sections 54953, 54954.2, 54954.5, 54954.6, 54956, and 54956.5.

 - (2) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement thereto.

 - (3) The action taken gave rise to a contractual obligation, including a contract let by competitive bid other than compensation for services in the form of salary or fees for professional services, upon which a party has, in good faith and without notice of a challenge to the validity of the action, detrimentally relied.

 - (4) The action taken was in connection with the collection of any tax.

 - (5) Any person, city, city and county, county, district, or any agency or subdivision of the state alleging noncompliance with subdivision (a) of Section 54954.2, Section 54956, or Section 54956.5, because of any defect, error, irregularity, or omission in the notice given pursuant to those provisions, had actual notice of the item of business at least 72 hours prior to the meeting at which the action was taken, if the meeting was noticed pursuant to Section 54954.2, or 24 hours prior to the meeting at which the action was taken if the meeting was noticed pursuant to Section 54956, or prior to the meeting at which the action was taken if the meeting is held pursuant to Section 54956.5.

(e) During any action seeking a judicial determination pursuant to subdivision (a) if the court determines, pursuant to a showing by the legislative body that an action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 has been cured or corrected by a subsequent action of the legislative body, the action filed pursuant to subdivision (a) shall be dismissed with prejudice.

(f) The fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter.

From: S T <tsbecker069@gmail.com>
Sent: Monday, November 16, 2020 10:47 AM
To: Richardson, Jennifer <jrichardson@co.santa-barbara.ca.us>
Subject: Notification of intent to file a Brown Act complaint.

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Jenna,

This email is to notify County Council of my intent to file a Brown Act complaint concerning a possible violation related to my CDP appeal hearings to be held November 17 at the Santa Barbara County Board of Supervisors. I have also notified the California Coastal Commission Ventura office of my intention to file a complaint.

Thank you

Tom Becker

tsbecker069@gmail.com