

February 1, 2010

Board of Education
Garden Grove Unified School District
10331 Stanford Avenue
Garden Grove, CA 92840

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Subject: Brown Act Demands for Correction, pursuant to Government Code § 54950 et seq.

Dear Board of Education:

A review of agendas and minutes was stimulated by the Board's Brown Act violation of December 15, 2009. And yes, it was a violation of §§ 54952.2, 54954.2, 54954.3, and 54962 when, prior to the beginning of that meeting, Board member Lan Quoc Nguyen discussed, in serial fashion with Board members Harden and West, that night's agenda item identified as "ANNUAL ORGANIZATION ACTION: A. Election of Officers," in a volume sufficient to be overheard by Dr. Nguyen-Lam.

Additionally, the Board consistently violates §§ 54954.2 and 54954.3 by taking actions on items of business without the agenda providing an opportunity for public comment on those items.

"Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda ..." § 54954.3(a)

For example, December 15th the Board took several actions during the Annual Organization Action without allowing public comment. January 5 and 19, the Board took action on Minutes without prior public comment. In fact, the agenda provides no specific notice to the public that members will ever be able to address the Board during its meetings. "PUBLIC HEARINGS, PRESENTATIONS, AND REPORTS" is confusing and insufficient notice.

A typical example is found in tomorrow's agenda: "Study Session on Budget Priorities and Revenue Projections." No opportunity for public comment can be found anywhere during this study session.

Furthermore, all closed sessions for 12/15, 1/5, 1/12, and 2/2 are improperly noticed. Announcements of past closed sessions, as required by § 54957.7, are never in compliance, failing to provide the required information. Similarly, as shown by audio recordings, the Board never returns to an open meeting after holding a closed session, as required by § 54957.7. In fact, in at least one case, the chair announced that the open meeting is adjourned prior to the Board going into closed session.

Demands for Correction:

1. On February 2, 2010, the Board shall **not** hold its 5 pm Study Session, because the posted agenda does not provide for public comment during that 2-hour portion of the meeting, as required by §§ 54954.2 and 54954.3.

The Ralph M. Brown Act - Government Code Section 54950

"The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

2. On February 2, 2010, the Board shall **not** hold the item “6. C. Closed Session Pursuant to Government Code Section 54957 ...” as this item is improperly identified.
3. On February 2, 2010, the Board shall reverse the agenda order of items 1. and 2., announcing to the public that this is their opportunity to comment directly to the Board on any item listed on the agenda, or on any other item of business within the Board’s jurisdiction.
4. The Board shall publicly agree to carefully identify an opportunity for public comment on all future agendas, which clearly conforms with the requirements of §§ 54954.2 and 54954.3.
5. The Board shall publicly agree to properly agendize and/or announce all closed session items, providing all information required, as illustrated in the “safe harbors” section 54954.5.
6. The Board shall publicly agree to reconvene its meeting in public after every closed session as required by § 54957.7, and to make the proper announcement as required by § 54957.1, before adjourning the meeting.

Should the Board fail to perform as demanded above, and confirm its actions in a letter to me, received within 20 days from this date, it will be assumed the Board will continue these practices in the future.

I present this Demand for Correction both as an individual member of the public and on behalf of Californians Aware, as its authorized representative.

Respectfully submitted for action as required by law,

Richard P. McKee