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May 3, 2010

Westminster City Council
Civic Center - 8200 Westminster Blvd.
Westminster, CA 92683

Delivery by: USPS Mail & Fax to:
(714) 373-4684 & (714) 903-2071

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

Dear City Council:

On March 31, 2010, Viet Bao Online published a statement (attached) from three Westminster City Council members. From the "properties" of that Word document, the statement was apparently created on March 29, 2010, with the "author" listed as Board of Equalization and "company" the State of California." It is reported that the statement was also published in Nguoi Viet and Viet Herald.

The topic of the statement was a matter of business before the City Council. Therefore, this statement represents an unagendized, closed session action taken by the City Council outside a public meeting in violation of the Brown Act, §§ 54952.2, 54953, 54954.2, 54954.3, and 54962. (See: Common Cause v. Stirling (1983) 147 Cal.App.3rd 518.)

Correction Demanded, made pursuant to Government Code § 54960.1:

- The City Council shall **rescind** the action taken to consider, approve, sign, and/or distribute the statement presented to the news media (attached) for publication. To be very clear, the Council must take a formal action to rescind its illegal action taken by "circulated letter" (i.e., the Council must take an action equivalent to a court's order declaring this action on the statement to be null and void). Merely agendizing the same statement for approval at a future meeting is **not** acceptable and would likely result in litigation.
- In a letter received by me on or before June 2, 2010, the City Council shall **publicly acknowledge** its error and commit to not taking action by "circulated letter" in the future.

Failure to perform **precisely** as demanded would be clear evidence that there is a present and actual controversy between us as to the rights of the public and the ministerial duties required of the City Council under the open meetings law.

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

Submitted for the City's action as required by law,



Richard P. McKee

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."

