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# Item III-C: Correspondence

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**From:** Lloyd Guccione [llbooks@pacbell.net]
**Sent:** Wednesday, February 23, 2011 9:00 PM
**To:** Kathleen Kane; Efren Carrillo; Sweetwater Springs Water District; Monte Rio Rec & Park District; Monte Rio Wastewater Task Force
**Cc:** Peter Scheer; Dana Zimmerman
**Subject:** Brown Act Violation; RRROC 2/08/11

Lloyd Guccione
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February 23, 2011

To: Ms. Kathleen Kane, Executive Director Community Development Commission
Mr. Efren Carrillo, Fifth District Supervisor
Sweetwater Springs Water District Board of Directors
Monte Rio Recreation & Park District Board of Directors
Monte Rio Wastewater Task Group
Russian River Redevelopment Oversight Committee

Dear Ms. Kane and additional Addressees:

Mr. Peter Scheer of First Amendment Coalition notified Mr. John Haig, Russian River Redevelopment Manager, in advance [12:41pm] of the Tuesday, February 8, 2011 meeting of the Russian River Redevelopment Committee that that meeting would be a violation of the Brown Act if carried forward. Mr. Scheer did this after independently reviewing the agenda and attachments for that meeting.

Mr. Haig claimed ignorance of Mr. Scheer's email and fax. At the meeting Ms. Doreen Atkinson distributed copies of Mr. Scheer's letter to the RRROC members. She did so long before the call to order. Mr. Haig came to me and asked for a copy which I provided him. Even after the committee and Community Development Staff were noticed of their pending violation they proceeded with the meeting and discounted/dismissed the letter's strong cautionary warning and admonition; which included possible legal action.

Following the meeting [which ran from approximately 5pm to after midnight] CDC determined that the meeting apparently was a violation and has notified the RRROC and community that there will be a reconsideration/redo.

It appears from Ms. Kane's notice that the reconsideration will only be of the votes taken and will not be a correct agendizing of the items brought forward at the February 8th meeting. Ms. Kane's notice does not include correction of the faulty RRROC agenda itself or provide for the individual agenda listing for all projects to be considered, along with individual presentations, allowance for public comment, committee discussion, and individual votes upon the specific project. The current "remedy" contemplated by Ms. Kane [and the RRROC] is not sufficient to undue violation.

I strongly recommend that the following steps be incorporated into any "remedy" plan.

1. All project proponents who made presentations at the February 8th meeting **and/or** who were on the listed matrix must be given adequate notice of this re-consideration opportunity. They must be noticed in writing of their opportunity to be placed on the agenda, scheduled, and

offered sufficient opportunity to present their project to the committee and public. These 'notices' to all project proponents must allow for sufficient and reasonable time for the party to receive the notice and have time to respond [10 days following receipt being a good practice]. A sample of the 'notice' will be included in the correspondence of the RRROC along with a complete list, include address and contact information, of all project proponents notified/noticed.

2. All project proponents *who made presentations before the committee and public on February 8th* shall **be required** to remake their presentations if they wish their projects to be considered.

3. All projects to be placed on the agenda of the March meeting [or additional meetings as may be required] shall be individually agendized and there shall be sufficient time allocated for presentation by the proponent, public comment, and committee discussion prior to any action on that individual agenda item.

4. Projects from different proponents shall not be lumped together in the agenda and all actions [votes] must be on individual agenda items.

These recommendations for "remedy" will address significant portions of the flawed agenda that resulted in the Brown Act violation[s] of February 8, 2011.

I point out that Ms. Kane as Executive Director of the CDC has responsibility to insure that the RRROC operates in full compliance with applicable State and Federal Laws. Ms. Kane has stated this publicly several times. This latest Brown Act violation, resulting from ignoring/dismissing the advance notice of an impending violation has become the SOP.

I encourage all parties to exercise caution and discretion in the effort to correct the violation [s] so that further and continuing violation[s] do not occur.

I offer these recommendations with the hope that they will be incorporated into any "remedy" plan and offer them in the further hope that this advance input will have the desired result. If sufficient caution, prudence, and discretion had been exercised prior to the February 8th meeting when the agenda was being developed, or if such caution, prudence, and discretion had been available as the meeting began the inconvience and problem[s] that have resulted could have been avoided.

The adage is 'hast makes waste'.

Sincerely yours,
Lloyd Guccione

P.S. To Addressees as applicable: Please include this letter/email in the correspondence of the RRROC. Also I request that this letter be included as 'correspondence' in the Board Packets of the Board of Supervisors [through my including my supervisor, Mr. Efren Carrillo, as an Addressee], and the Board Packets of Sweetwater Springs Water District, Monte Rio Recreation & Parks District, and the CDC Monte Rio Wastewater Task Group.