

May 20, 2021

Via Email Only

tcarmel@carnaclaw.com

Kenneth Jorgensen
Deputy District Attorney
Special Prosecutions Division
1035 Palm Street
San Luis Obispo, CA 93408

RE: Withdrawal of Notice of Ralph M. Brown Act Violation

Dear Mr. Jorgensen:

Thank you for your letter of May 18, 2021 withdrawing the Notice of Violation that was sent to the Cambria Community Services District (the “District”) regarding the closed session that was held on March 11, 2021. The District greatly appreciates the District Attorney’s Office concurring with our analysis that no violation occurred.

Respectfully, however, we would like to point out that Mr. Drayer has never actually made a threat of litigation against the District. Rather, as explained in our May 12, 2021 letter, he has made a Public Records Act request, and otherwise contacted the District by email and voicemail regarding issues related to the California Voting Rights Act (CVRA). As we pointed out, Mr. Drayer could not, in fact, threaten litigation against the District, since under the CVRA he could not bring a legal action against the District for any purported violation of that law. While we don’t want to split hairs, asking if the District is going to take steps to “prevent legal liability & regulatory scrutiny?” is simply not a threat of litigation, especially when it comes from someone who cannot bring such a legal action. Accordingly, since no threat had been made by Mr. Drayer, or anyone else, relating to the CVRA, Government Code Section 54956.9(e)(5) could not have been the basis for a closed session.

Again, we greatly appreciate your reply and the withdrawal of the Notice of Violation. We certainly agree that our communication has been part of “...a productive discussion of promoting an open and transparent government.” The District is committed to that goal. Also, as you probably know, our firm represents several public agencies in San Luis Obispo County and all of them strive to comply with the requirements of the Brown Act. In the future, to save time and resources, should your Office identify any issues related to compliance with the Brown Act by any of the agencies we represent, I invite you to give me a call so what we can discuss and

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hopefully arrive at a quicker understanding and resolution with regard to whatever has occurred that gave rise to such concerns.

Sincerely,

CARMEL & NACCASHA LLP



Timothy J. Carmel
District Counsel

TJC/lmh
Cc: John F. Weigold, IV, General Manager