

# **RE: Brown Act issues re: Ethics Hearing 8/22/14**

**From:** J Hunter (jehunter51@msn.com)  
**Sent:** Wed 8/20/14 1:49 PM  
**To:** Nicol, Colleen (cnicol@riversideca.gov); Morton, Sherry (smorton@riversideca.gov)  
**Cc:** Melendrez, Andy (asmelendrez@riversideca.gov)

Please forward the entire contents of this email to the entire Adjudicating Body.

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**From:** jehunter51@msn.com  
**To:** cnicol@riversideca.gov; smorton@riversideca.gov  
**CC:** asmelendrez@riversideca.gov  
**Subject:** RE: Brown Act issues re: Ethics Hearing 8/22/14  
**Date:** Wed, 20 Aug 2014 12:39:51 -0700

Ms. Nicol,

The Code of Ethics and Conduct Adjudicating Body is a legislative body per California Government Code 54952(b) - the Ralph M. Brown Act. In this sense, it is no different the City Council, City Council Standing Committees, and City Boards and Commissions.

Without further justification from the city (i.e. your office) as to why almost all meetings of legislative bodies are listed on the City's official "Meetings Calendar," while the Adjudicating Body is (perhaps specifically) excluded, your explanation seems arbitrary and

capricious. What exactly is the difference? Could you provide the city's written policy on such?

The public has the right to know, in a fashion no different than other meetings of legislative bodies held by the city, when and where the Adjudicating Body is meeting and have access to the agenda and accompanying reports. Otherwise, by burying the meeting within the depths of the City Clerk's archives, the city gives the perception that it does not want the public to be aware this hearing is taking place. In fact, I had a member of the public call me today asking if this hearing was taking place, as they could not find any mention of it on the City's website.

Not only did I bring this inconsistency to your attention last December, I specifically remember mentioning it to you at a Governmental Affairs Committee meeting since then. If Friday's meeting takes place as scheduled, without adequate justification of such informal policy or notice to the public that is consistent to that of other meetings of legislative bodies of the city, I assure you I will issue a Cure and Correct letter immediately following the hearing, and bring forth civil action if necessary thereafter with Riverside Superior Court from where we can debate the merits of my argument.

Sincerely,  
Jason Hunter

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From: CNicol@riversideca.gov  
To: jehunter51@msn.com; SMorton@riversideca.gov  
CC: ASMelendrez@riversideca.gov  
Subject: RE: Brown Act issues re: Ethics Hearing 8/22/14  
Date: Wed, 20 Aug 2014 16:35:29 -0000

Mr. Hunter

The agenda and supporting materials for the Code of Ethics hearing scheduled for Friday were posted on 08-14-2014 at 9:11:35 a.m. at <http://aquarius.riversideca.gov/defrdb/Browns.asp?rid=14>

Only City Council, City Council Standing Committees, and City board and commission agendas are published on the web page you reference below (<http://riversideca.legistar.com/Calendar.aspx>).

Colleen

**From:** J Hunter [mailto:jehunter51@msn.com]  
**Sent:** Tuesday, August 19, 2014 10:08 PM  
**To:** Morton, Sherry  
**Cc:** Nicol, Colleen; Melendrez, Andy  
**Subject:** Brown Act issues re: Ethics Hearing 8/22/14

Ms. Morton,

Please forward this email string along with all attached documents to the full Adjudicating Body scheduled to meet this Friday.

None of the questions asked of the City Clerk's office on December 18, 2013 (below), have, as of this writing, been answered. In fact **no attempt has even been made** by city staff to address these significant shortcomings over the past EIGHT months.

I call particular attention to the item, "Policy Concerning use of City Website by Clerk's Office," below. As Exhibit E to this email, I include a current screenshot of the city's "Meetings Calendar," which I believe is maintained by your department.

The Brown Act provides in relevant part:

51523.2 (a) (1) At least 72 hours before a regular meeting, the local

We are now within 72 hours of the scheduled Code of Ethics and Conduct hearing, and this requirement has not been met. Any attempt by the city to hold this hearing as a "regular meeting" as defined by the Brown Act will be in violation of the Brown Act. I let this slide last time, but will not again. I wrongfully assumed the city would make good faith efforts to cure and correct this defect, but it seems that it is almost impossible to underestimate the city's wanton disregard for the law.

Please advise on what action you propose to take in light of this information.

Sincerely,

Jason Hunter

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> From: CNicol@riversideca.gov  
> To: jehunter51@msn.com