

COUNTY OF TULARE

BOARD OF SUPERVISORS



J. STEVEN WORTHLEY

Chairman of the Board

March 5, 2010

Richard P. McKee
1038 Hormel Avenue
La Verne, CA 91750

Re: McKee/Californians Aware: Brown Act Demand for Correction
2010284

Dear Mr. McKee:

In my capacity as Chairman of the Tulare County Board of Supervisors, I am responding to your letter dated February 17, 2010, entitled "Brown Act Demand for Correction." In your letter, you demand that the members of the Board of Supervisors stop eating meals together when a majority of the Supervisors are present "together, or in serial, wherein business within the board's jurisdiction is discussed." Your demand is premised on the assumption that because the Board had taken meals together in a number constituting a majority, and were reimbursed for those meals on signed verifications that the meals were work-related, the Brown Act was violated.

First, the conclusion that simply because Board members ate together, they took action in violation of the Brown Act is inaccurate. As elected officials, we take our responsibilities to our constituents very seriously and do not take any action that would be considered a meeting as defined by the Brown Act, when eating together. You state that your accusation that any member of our Board has violated the Brown Act is based on reporting by the Visalia Times-Delta. Those articles contained conclusions with no supporting facts of violations of the Act.

Second, submitting verification that meals were work related does not equal a violation of the Brown Act. Members of the Board frequently engage in work related activities, which may occur before, during, or after a meal time, apart from the regular or special public meetings of the board. This includes such things as individual and corporate gatherings of Board members at

occasions. Meals in connection with such activities are “work-related,” but do not constitute a meeting for purposes of the Brown Act.

In addition, we believe that taking meals together in connection with work-related activities of Board members serves the important purpose of fostering collegial relationships between Board members. This helps insure that the Board operates most effectively and efficiently at public meetings. Individual Board members naturally disagree on specific matters and issues, sometimes quite strongly, and socializing on occasion during meal time helps promote more effective relationships between Board members.

Board members may have discussions during meals concerning job issues of common interest that are outside of the subject matter jurisdiction of the Board as a whole. These would include such matters as the official activities of individual supervisors, travel planning, and management of the individual Supervisors’ offices. These are work-related matters, but not within the scope of the Brown Act.

Third, your demand that the members of the Board of Supervisors acknowledge wrongdoing is offensive as well as outside the remedies contained within the Brown Act. No member of this Board of Supervisors has committed a violation of the Brown Act.

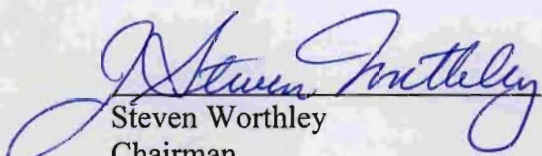
Our County Administrative Officer has been working on revisions to our policies and procedures for some time, and I anticipate a revised policy to be presented to the Board for review within the next month. It is apparent that the flawed and prejudicial reporting by the Visalia Times-Delta has diverted attention from matters that are important to the economy and well-being of this County. I believe there are occasions at which eating together is appropriate, as described above. A more definitive policy concerning such occasions, however, will be presented to the Board of Supervisors at a properly noticed meeting for review and public comment.

The Brown Act defines a meeting as:

“any congregation of a majority of the members of a legislative body at the same time and location . . . to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.”

Once again, at no time did members of the Board of Supervisors hear, discuss, deliberate, or take any action on any item within their jurisdiction in violation of the Brown Act while eating together. I hope that this letter addresses your concerns.

Very truly yours,


Steven Worthley
Chairman,
Tulare County Board of Supervisors

Cc: Kelly Aviles, Esq.
Members, Board of Supervisors
County Administrative Officer
Kathleen Bales-Lange, County Counsel