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August 11, 2020

Gregory D. Totten
District Attorney,
Kevin B. Drescher,
Chief Deputy District Attorney
Ventura County Government Center
Hall of Justice
800 S. Victoria Ave., Suite 314
Ventura, CA 93009

Re: Complaint and Request for Investigation of County of Ventura's Brown Act Violation During Purported Extension of Exclusive Rights to Negotiate with Channel Islands Harbor Properties LLC on June 23, 2020

Dear District Attorney Totten and Chief Deputy District Attorney Drescher:

We request your investigation of a violation of the Brown Act. On behalf of our clients, the Harbor and Beach Community Alliance, we objected to the purported extension of Exclusive Rights to Negotiate (ERNs) with Channel Islands Harbor Properties LLC (Ventura County Board of Supervisors June 23, 2020 Agenda Item 41). This purported extension of the ERNs occurred after the agenda item for considering the ERNs had already been heard, a vote rejecting the ERN extensions taken and entered, and the next agenda item called.

This extension occurred upon reconsideration of the earlier vote against the extension that had occurred at a publicly noticed hearing. The reconsideration did not occur pursuant to a properly agenda itemized action to reconsider the earlier vote, nor did it allow public participation as required by the Brown Act. After Agenda Item 41 closed after the vote had been taken, members of the public were no longer able to comment on or participate in reconsideration of the vote against the ERNs.

The valid vote rejecting the ERN extensions clearly occurred at minute 3:47.50 of the recording of the Board hearing. The meeting may be viewed at this link: https://ventura.granicus.com/player/clip/5438?view_id=100.

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The invalid vote approving the extensions occurred at minute 4:14:55 of the recorded hearing. Simply by clicking on these portions of the hearing, the blatant Brown Act violation that had the effect of excluding the public in deliberation about the item is readily apparent.

We sent a cure and correct letter pursuant to Government Code section 54960.1 to the County of Ventura on June 26, 2020 but as of today's date we have still received no response or acknowledgement of the letter. We request that you investigate the County's clear violation of the Brown Act, and ensure that the County scrupulously comply with all Brown Act requirements in the future.

Sincerely,

A handwritten signature in blue ink that reads "Douglas P. Carstens".

Douglas P. Carstens

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