

## Peralta BMOC 2024 Cease and Desist Reply

Mr. Palmer,

Attached is a copy of BMOC Member Cambra's 7/17/23 memo to me questioning the procedure of our July 2023 BMOC meeting.

I think that BMOC Member Cambra's memo falls far short of the Gov. Code §54960.1 requirement for a written "cease and desist" pledge from our BMOC legislative body. BMOC Member Cambra admitted that all of his alleged Brown Act violation's concerns had been had been cured by our September BMOC meeting by the repeat election vote for the BMOC chair.

In his 7/17/23 memo to me, a few days after the July 2023 BMOC meeting of voting for the new BMOC chair, BMOC Member Cambra requested that I, "as chair of the CBOC" "talk to our legal council [sic] regarding the actions taken by the CBOC at the July meeting" and "report back to the committee to decide what, if any action needs to be taken to be sure the July meeting comported with the interpretation of AB 2449."

BMOC Member Cambra's 7/17/23 memo is a "request," not the required "demand" to cure any violation. Gov. Code §54960.1 requires the grievance to "clearly describe the challenged action of the legislative body." BMOC Member Cambra's 7/17/23 memo refers to a "CBOC." We do not have a CBOC. Any demand must be made to the BMOC legislative body. BMOC Member Cambra made a "request" to me not a "demand to the legislative body."

The 90-day limit has expired for BMOC Member Cambra to amend his Brown Act grievance. At the BMOC September meeting, BMOC Member Cambra's self-nomination for chairmanship lost on a 3-2 vote. BMOC Member Cambra's collateral attack on the election outcome is stale, therefore, I will not be signing your proposed pledge. If BMOC Member Cambra has a new grievance about the BMOC's Brown Act compliance, please let me know so that I can reply in a timely manner.

I think that your understanding of the relevant Brown Act requirements demonstrates exactly why the BMOC needs an independent legal counsel. We are not adversarial with the district. However, even your interpretation of the Brown Act might be different than another lawyer's interpretation. I believe that your interpretation is in the best interests of the district's desire to make sure that the BMOC fully comply with all provisions of the Brown Act. Our independent lawyer would protect the BMOC from needless domination and intrusion by the district.

Sincerely,

Marcus Crawley – BMOC Chair