

Peralta CBOC 2024 Palmer Cease and Desist Letter

Messrs Crawley and Johnson,

Thank you for letting me crash your meeting again on Wednesday. As promised, below please find the DRAFT letter promising not to commit the same act again, which will complete the remediation of the chair appointment issue brought to the Committee's attention by Mr. Cambra. Please note that this letter must be approved by the committee in open session as a separate item of business (not on consent).

Please remember that violations of the Brown Act can lead to civil and criminal penalties for members of the committee. Luckily, the Committee can ward off potential litigation if it issues an unconditional promise to cease and desist from making the same mistake in the future (like the one below).

My very best wishes for a lovely weekend.

John

To Mr. Cambra and the Public:

On August 5, 2023, Member Cambra sent a letter to Mr. Crowley in his capacity as Chair of the Peralta BMOC detailing certain procedural inconsistencies with the Brown Act's remote attendance rules. Specifically, Mr. Cambra highlighted that a member of the committee attending the July 2023 meeting did not have both audio and video on as required, and that the member attending remotely did not state the "just cause" required by the Brown Act to attend remotely either in the meeting or in the minutes from the meeting.

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Peralta BMOC hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action as described above.

The Peralta BMOC may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to [subdivision \(a\) of Section 54960 of the Government Code](#). That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Very truly yours,

Marcus Crawley, Chair

Peralta BMOC