

Gregory Shelby, President

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Ben Clausnitzer

Michael Jimenez

Brent Kline

Greg Louie

Kristen Gonzalez

Paul Robinson (Interim)

Board of Managers'

Santa Clara Valley Athletic League

3000 Benton Street

Santa Clara, CA 95051

February 5, 2021

Dear Mr. Shelby,

This letter is to call your attention to what I believe was a substantial violation of a central provision of the Ralph M. Brown Act, one which may jeopardize the finality of the action taken by Board of Managers' and the Santa Clara Valley Athletic League.

The nature of the violation is as follows: In its Special Meeting of a date uncertain, a subset of the Santa Clara Valley Athletic League's administrators discussed, deliberated, and determined an approval in concept of a three season SCVAL sport schedule and in its meeting on January 21, 2021, the Board of Managers' took action to approve a three season SCVAL sport schedule for the 2020-2021 academic school year by a formal vote.

The action taken was not in compliance with the Brown Act because there was no adequate notice to the public on the posted agenda for the meeting that the matter acted upon would be discussed, and there was no finding of fact made by the Board of Managers' that urgent action was necessary on a matter unforeseen at the time the agenda was posted.

In the event it appears to you that the conduct of the Board of Managers' specified herein did not amount to the taking of action, I call your attention to Section 54952.6, which defines

“action taken” for the purposes of the Act expansively, i.e. as “a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.”

As you are aware, the Brown Act creates specific agenda obligations for notifying the public with a “brief description” of each item to be discussed or acted upon, and also creates a legal remedy for illegally taken actions—namely, the judicial invalidation of them upon proper findings of fact and conclusions of law.

Pursuant to that provision (Government Code Section 54960.1), I demand that the Board of Managers’ cure and correct the illegally taken action as follows: the formal and explicit withdrawal from any commitment made, coupled with a disclosure at a subsequent meeting of why individual members of the Board of Managers’ took the positions – by vote or otherwise – that they did, accompanied by the full opportunity for informed comment by members of the public at the same meeting, notice of which is properly included in the posted agenda. Informed comment might in certain circumstances include the provision of any and all documents in the possession of the local agency related to the action taken, with copies available to the public on request at the offices of the agency and also at the meeting at which reconsideration of the matter is to occur.

As provided by Section 54960.1, you have 30 days from the receipt of this demand to either cure or correct the challenged action or inform me of your decision not to do so. If you fail to cure or correct as demanded, such inaction may leave me no recourse but to seek a judicial invalidation of the challenged action pursuant to Section 54960.1, in which case I would also ask the court to order you to pay my court costs and reasonable attorney fees in this matter, pursuant to Section 54960.5.

Respectfully yours,

Charles Goldberg