



Eastern Plumas Rural Fire Protection District

141 Delleker Rd. Portola, CA 96122 Phone: 530.832.5626 Fax: 530.832.5446

eprfpd@att.net

April 18, 2022

Via Electronic mail to: ashleesims200@gmail.com and U.S. Mail

INTENDED FOR ADDRESSEE(S) ONLY

Ashlee Sims
PO Box 1413
Portola, Ca 96122

Re: Response of the Eastern Plumas Rural Fire Protection District to March 21, 2022 Demand Letter

Dear Ashlee Sims:

This Letter is in response to your March 21, 2022 demand to cure or correct alleged violations of the Brown Act by the Eastern Plumas Rural Fire Protection District (the "District") for actions taken between November 17, 2021 and February 22, 2022. The District finds no alleged actions in your demand letter that violate the Brown Act. As a result, the Board of Directors does not intend to take steps to correct the allegations in your letter.

Your first claim involves SB 929 (2018), which adds sections 6270.6 and 53087.8 to the Government Code requiring special districts to provide certain information on their Internet Web site. Your letter states "Chairperson Graham and designee, Katy Martinez, who are believed to be in control of EPRFPD website, have not properly managed and maintained the EPRFPD website. By not posting The Special Notice of Vacancy until February 22, 2021."

The Brown Act's cure and correct provisions requires an interested person to "clearly describe the challenged action of the legislative body and nature of the alleged violation."¹ Your allegation about SB 929 (2018) does not describe any District Brown Act violation. It is unclear what you mean by "properly managing and maintaining" the District's website, and what provision of the Brown Act this violates. You also reference the Special Notice of Vacancy posting on February 22, 2022, however, you point to no Brown Act requirement that it be posted to the District's website. Accordingly, your demand letter contains no specific Brown Act allegations or charges that the District can cure or correct.

Next, we disagree that there is a violation Penal Code section 115. Further, the Brown Act in Government Code section 54960.1(b) requires a demand letter to allege a violation of the following Government Code sections: "54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5." Your claim that the District violated o PC 115 is not a Brown Act issue that can be addressed through a demand letter.

¹ Government Code § 54960.1(b).

The District has considered your letter, addressed the issues that you identified, and conclude that none of them raises a Brown Act issue that requires corrective action. We hope this response is helpful with your concerns, please contact us with any further questions.

Respectfully,

Jeanne Graham, Chair of the Board

c. Board Members

Adam U. Lindgren, Special Counsel

AUL:ADA

5093658.1

Ashlee Sims

PO Box 1413
Portola, Ca 96122
(530)616-9239
ashleesims200@gmail.com

March 21, 2022

Eastern Plumas Rural Fire Protection District

141 Delleker Drive
Portola, CA 96122

To All Board Members of Eastern Plumas Rural Fire Protection District:

This notice is to call your attention to what I believe is a substantial violation of the central provisions of the Ralph M. Brown Act and the Special District Transparency Act (SB 929) And PC 115, which may jeopardize Eastern Plumas Rural Fire Protection District:

The nature of the violations are as follows: Lydia Acosta submitted her letter of resignation dated November 17, 2021 to the EPRPD board, to the attention of Chairperson Jeanne Graham. Chairperson Graham whom was entrusted with properly handling the resignation and distributing the notice of resignation to the EPRFPD board, the public, and any/all of those with a need to know, Chairperson Graham Failed in her duties to the public, to do so. The Special Vacancy Notice was not posted online after the submission of the resignation immediately. The notice was NOT posted online until February 22, 2022. In ALL of its meetings, since December 2021, Chairperson Jeanne Graham has had numerous opportunities to notify the public/and the EPRFPD board. The People do not give Chairperson Graham the right to decide what is good for the people to know and what is not good for the people to know. Chairperson Graham Is not maintaining the EPRFPD website <https://eprfpd.specialdistrict.org> in a transparent, accurate, and timely manner, in regards to its records via internet website, the Special Vacancy Notice, specifically, is inaccurate and was not done in a timely or/and transparent manner. Chairperson Graham allowed the Special Vacancy notice to be posted to <https://eprfpd.specialdistrict.org>, with the information on the mentioned document being false. On February 22, 2022, the Special Notice of

Vacancy was posted alleging that the notice had already been posted to <https://eprfpd.specialdistrict.org>. Chairperson Graham and designee Katy Martinez allowed a document titled Special Vacancy Notice that states where the vacancy notice was posted. The Special Vacancy Notice states it was posted on the EPRFPD website <https://eprfpd.specialdistrict.org> under Notice of Vacancy option soon after EPRFPD board member Acosta submitted a resignation. The claim made on the Special Notice of Vacancy is false.

The Brown Act in section 54950 states In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. EPRFPD Chairperson Graham violated the Brown Act due to the fact that she decided what is good for the public to know and not to know by not ensuring that the Resignation of Lydia Acosta was not formally accepted during any public meeting immediately after Chairperson Graham had the resignation letter in her possession and by not immediately posting a Special Notice of Vacancy. In SB 929 Sec 4 The Legislature finds and declares that Section 2 of this act, which adds Section 6270.6 to the Government Code, and Section 3 of this act, which adds Section 53087.8 to the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings: By requiring independent special districts to maintain an Internet Web site, this act increases public access to public records and thereby furthers the purposes of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution. Chairperson Graham and designee, Katy Martinez, who are believed to be in control of EPRFPD website, have not properly managed and maintained the EPRFPD website. By not posting The Special Notice of Vacancy until February 22, 2021.

As per PC 115: (a) Every person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed, registered, or recorded under any law of this state or of the United States, is guilty of a felony. (b) Each instrument which is procured or offered to be filed, registered, or recorded in violation of subdivision (a) shall constitute a separate violation of this section. EPRFPD Chairperson Jeanne Graham and designee Katy Martinez have violated PC 115 by producing and allowing documents that state where and when a vacancy was posted. The EPRFPD website states the notice of vacancy was posted on their website <https://eprfpd.specialdistrict.org> under Notice of Vacancy option. The Special Notice of Vacancy declares that the notice was posted to EPRFPD website on November 22, 2021. The Special Vacancy Notice was NOT posted on EPRFPDs website until February 22, 2022. Such Notice is False. As is the information that is included in The Special Vacancy Notice As per Attached dated screenshot.

Pursuant to the provision (Government Code Section 54960.1), I demand that the EPRFPD board cure and correct the illegal actions taken by Chairperson Graham and all/any persons involved. I demand that you all fully comply with the Brown Act, Special district transparency Act (SB 929) and PC 115. I demand that the EPRFPD Board discuss the breeches and dereliction of duties of Chairperson Graham. The EPRFPD board is required to, as public servants, to discuss up to and including, but not limited to: the removal of Chairperson Graham and any/all constituents involved with the unlawful behavior mentioned above. And to also cure and correct the illegal actions taken by Chairperson Graham and all/any persons involved.

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,

Ashlee Sims
