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January 2, 2022

## VIA ELECTRONIC MAIL

(email: [grizzlystore@sbcglobal.net](mailto:grizzlystore@sbcglobal.net))

Jeanne Graham, Chairperson  
Eastern Plumas Rural Fire Protection District  
141 Delleker Road  
Portola, CA 96122

**Re: Demand for the Eastern Plumas Rural Fire Protection District's Compliance with the Ralph M. Brown Act [Govt. Code §§ 54960.1(b) & 54960.2]**

Dear Chairperson Graham:

On November 20, 2020, and December 13, 2020, I wrote to you demanding that the Eastern Plumas Rural Fire Protection District ("District") and its Board of Directors ("Board") cease and desist its violations of the Ralph M. Brown Act (the "Act") codified at Government Code sections 54950 through 54963.

In my prior letters to you I demanded that the District and its Board comply with all requirements set forth in the Act for all future board meetings. I write again to demand that Board cease and desist from what appears to be continuing violations of the Act. I also write to demand that the Board cure or correct its actions taken during its meeting on November 15, 2020.

As you are undoubtedly aware, at all regular meetings, the public must be given an opportunity, to address the Board regarding (1) any item that is on the agenda for the meeting, before or during the Board's consideration of the item; and (2) any item of interest to the public that is within the subject matter jurisdiction of the Board. (Gov. Code, § 54953, subd. (a) and subd. (b)(3).)

Over the past year and a half, the Board has continued to hold its meetings virtually using Zoom. At each of these meetings, the Board has instructed members of the public who desire to comment on agenda items or publicly address the Board to raise their virtual "hand."

During the Board's meeting on November 15, 2021, that was held virtually via Zoom, the Board called for public comment on each agenda item. The Board's process for inviting public comment on November 15, 2021 was the same as its prior meetings: the Board unmuted members of the public who virtually "raised their hand" and allowed those members of the public to address the Board and comment on agenda items.

Ms. Jeanne Graham, Chairperson  
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During the board's meeting on November 15, 2021, Mr. Fatheree "raised his hand" no less than eight times by dialing "\*9" during the meeting. Despite Mr. Fatheree raising his virtual hand, Mr. Fatheree was never unmuted so that he could address the Board or make public comment. I have attached for your information and review a screenshot of Mr. Fatheree's keypad evidencing he dialed "\*9" to raise his hand.

While the Board may impose reasonable regulations on public comment, the Board cannot refuse a member of the public an opportunity to address the Board or publicly comment on agenda items. (Govt. Code § 54954.3, subd. (b); *see also, Kindt v Santa Monica Rent Control Bd.* (9th Cir 1995) 67 F3d 266).

### **CEASE AND DESIST DEMAND**

Government Code section 54960, subd. (a), provides that any interested person may ". . . commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations . . ." or ". . . to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body, or to determine the applicability of this chapter to past actions of the legislative body." Section 54960.1, subds. (b) and (c)(1) requires that prior to any action being commenced pursuant to subdivision (a), any interested person shall make a demand of the legislative body to cure or correct the action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 within 90 days from the date the action was taken.

Therefore, pursuant to Government Code section 54960.2, subd. (a), I demand that the Board immediately cease and desist from preventing or obstructing any member of the public from commenting during the time the public is invited to address the Board or make public comment regarding any item that is on the agenda for the meeting, before or during the Board's consideration of the item, or on any item of interest to the public that is within the subject matter jurisdiction of the Board. Pursuant to Government Code section 54960.1, subd. (b), I also demand that the Board cure and correct any action that was taken during its November 15, 2021, meeting.

Pursuant to Government Code section 54960, subd. (b), the Board must respond to this letter within 30 days, providing Mr. Fatheree with its unconditional commitment to cease, desist from, and not repeat the violations of the Act.




Sincerely,

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