



## Eastern Plumas Rural Fire Protection District

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

[eprfpd@att.net](mailto:eprfpd@att.net)

April 28, 2022

*Via Electronic mail to: [ashleesims200@gmail.com](mailto: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 April 13, 2022 Demand Letter**

Dear Ashlee Sims:

This Letter is in response to your April 13, 2022 demand to cure or correct alleged violations of the Brown Act by the Eastern Plumas Rural Fire Protection District (the "District") at the March 21, 2022 meeting. 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 letter states that a cease and desist notice was distributed to the District Board of Directors at their March 21, 2022 meeting. You allege that this cease and desist letter was not distributed or made public to the public at the same time, in violation of Government Code section 54957.5(b)(1), and that "the Cease and Desist notice pertained to the agenda item 6.3 for/in the March 21, 2022 meeting, as Chairperson Jeanne Graham declared during that same meeting."

Government Code section 54957.5(b)(1) states:

If a writing that is a public record under subdivision (a), and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

Your cease and desist letter was sent at approximately 1:00 p.m. on March 21, 2022 and opened by Katy Martinez at approximately 5:00 p.m. just before the meeting. Shortly thereafter, Ms. Martinez printed it out and distributed one copy to District Board Member Audrey Mitrevics. The cease and desist letter was not distributed to any other District Board Member prior to the March 21, 2022 meeting. The District did not violate Section 54957.5(b)(1) because the cease and desist letter was only distributed to one Board Member, and not to "all, or a majority of all, of the members of the body."

The District has considered your letter, addressed the issue that you identified, and conclude that it does not raise 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

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**Ashlee Sims**

P.O. Box 1413  
Portola, CA 96122  
(530)616-9239  
ashleesims200@gmail.com

October 13, 2021

**Eastern Plumas Rural Fire Protection District**

141 Delleker Dr. Portola, CA 96122

To All Eastern Plumas Rural Fire Protection District Board Members:

*This notice is to call your attention to what I believe is a substantial violation of a central provision of the Ralph M. Brown Act, which may ensue litigation with Eastern Plumas Rural Fire Protection District (EPRFPD).*

*The nature of the violation is as follows: In the EPRFPD Meeting on March 21, 2022 EPRFPD distributed materials to its entire board. The materials distributed was a Cease and Desist notice. The Notice was distributed to the EPRFPD board and not made available to the public at the same time.*

***In Section 54957.5(b)(1) If a writing that is a public record under subdivision (a), and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.***

*The Notice received by the EPRFPD board was not distributed or made available to the public at the same time, granting the fact that the Cease and Desist notice pertained to the agenda item 6.3 for/in the March 21, 2022 meeting, as Chairperson Jeanne Graham declared during that same meeting.*

Pursuant to provision (Government Code Section 54960.1), I demand that the EPRFPD Board Comply fully with the Ralph M Brown Act. I Demand that all materials provided to the EPRFPD board before a meeting is provided to the public immediately at the same time. I demand that you all fully comply with the Ralph M. Brown Act.

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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*