

March 29, 2005

Board of Supervisors
County of Marin
San Rafael, CA 94903

Subject: Request for Opposition to AB 194 (Dymally) Regarding the Brown Act

Dear Board Members:

Recommendation: Request for opposition to AB 194 (Dymally) regarding proposed amendments to the Brown Act. Authorize President to issue a letter indicating the Board's opposition.

Summary: Under current law, a person who suspects that a local body has taken action in violation of any of six specified Brown Act sections must make a written demand to the body to cure or correct the action within certain time frames. Once the demand is received, the body has 30 days to cure or correct the violation. If the body fails to do so, then the interested party making the demand may file suit to void the action, according to a specified number of days.

AB 194 would eliminate a local body's ability to cure or correct an alleged violation, which permits dismissal of legal actions filed, and would delete provisions that specify conditions under which an action cannot be declared null and void.

Passage of this bill is not in the public interest. The "cure" provisions in current law are necessary to keep legitimate actions of a Board from being voided due to a technical violation of the Brown Act. If amended as proposed by AB 194, then a Board's action would not be "final" until all time limits for bringing a Brown Act complaint had expired since there would be no method by which a technical violation could be cured.

Respectfully submitted,

Mark J. Riesenfeld,
County Administrator

Attachment: Copy of Bill