



AGENDA NO: CS-4

MEETING DATE: September 12, 2023

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: betty winholtz [REDACTED] >
Sent: Saturday, September 09, 2023 2:36 PM
To: Carla Wixom; Laurel Barton; Jennifer Ford; Zara Landrum; Cyndee Edwards
Cc: Yvonne Kimball; Chris Neumeyer; Dana Swanson
Subject: closed session CS-4

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Dear City Council:

It is my interpretation that what I bolded below in State law, commonly known as the Brown Act, is not being observed with this item. This portends a possible violation by the City Council of the Brown Act. This applies to all your Closed Session items.

Clarity and transparency with the public should be the name of the game with a new city council, since the old city council was not. This is how you fulfill your 2023-25 Goal #4, Community Engagement. It starts with Council following the law; it is not about hiring a public relations firm to be the City's intermediary to communicate with the public.

Sincerely,
Betty Winholtz

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=54956.8.&lawCode=GOV

GOVERNMENT CODE - GOV

TITLE 5. LOCAL AGENCIES [50001 - 57607]

(Title 5 added by Stats. 1949, Ch. 81.)

DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 55821]

(Division 2 added by Stats. 1949, Ch. 81.)

PART 1. POWERS AND DUTIES COMMON TO CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 54999.7]

(Part 1 added by Stats. 1949, Ch. 81.)

CHAPTER 9. Meetings [54950 - 54963]

(Chapter 9 added by Stats. 1953, Ch. 1588.)

54956.8.

Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

However, **prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate.**

For purposes of this section, negotiators may be members of the legislative body of the local agency.

For purposes of this section, "lease" includes renewal or renegotiation of a lease.

Nothing in this section shall preclude a local agency from holding a closed session for discussions regarding eminent domain proceedings pursuant to Section 54956.9.

(Amended by Stats. 1998, Ch. 260, Sec. 3. Effective January 1, 1999.)

Heather Goodwin

From: David Weisman [REDACTED]
Sent: Monday, September 11, 2023 11:30 AM
To: Council
Subject: CS-4 CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8

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Dear Mayor and Council:

It has been brought to my attention that the above captioned item is to be discussed in closed session. My concern is not regarding the "confidentiality" of the specifics of this negotiation, but the fact that the broader details of this potential property sale/swap have not been publicized with the citizenry nor has the public had an opportunity to comment. What are the city's goals in entering this deal, and what are the risks/benefits to the city's taxpayers and residents? Shouldn't those first be made public in a broader fashion?

Thank you for your attention to this matter?

Yours truly,

DAVID WEISMAN

[REDACTED]
Morro Bay CA 9342
[REDACTED] (cell)
[REDACTED] (home)