

City of Westminster

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DONALD D. LAMM
CITY MANAGER

June 4, 2010

Sent via Email:
To: clp@chrisprevatt.com

Chris Prevatt
Publisher
TheLiberalOC.com
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Dear Mr. Prevatt:

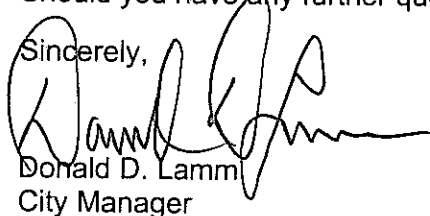
The following responds to your e-mail transmitted public records request:

You have requested a copy of any City of Westminster response to a letter mailed to the Westminster City Council on May 3, 2010, from Richard P. McKee, titled "Subject: Brown Act Demand for Correction, Pursuant to Government Code 54950 et seq." Specifically, Mr. McKee's letter references a letter/statement authored by Mr. Tyler Diep which was published in local newspapers. Mr. McKee alleges, "the topic of the statement was a matter of business before the City Council. Therefore, this statement represents an unagendized, closed session action taken by the City Council outside a public meeting in violation of the Brown Act." Mr. McKee then demanded a correction be made, pursuant to Government Code 54960.1, and that the Westminster City Council "shall rescind the action taken to consider....." Lastly, Mr. McKee demanded, and directed, that a letter be sent to him by June 2, 2010, and in that letter the Westminster City Council "shall publicly acknowledge its error and commit to not taking action by circulated letter in the future."

The letter referred to by Mr. McKee was prepared and submitted to the media by Tyler Diep, not during his official capacity as a City Council member, not as a "matter of business before the City Council", but as a citizen of this community. Since his decision to issue the letter was not made by the Westminster City Council, there is no official action which can be rescinded by the Council. Therefore, the City of Westminster does not have nor will we send any letter acknowledging errors as alleged by Mr. McKee.

Should you have any further questions, please do not hesitate to contact Tyler Diep.

Sincerely,



Donald D. Lamm
City Manager

cc: Westminster City Council