



CITY OF COSTA MESA

P.O. BOX 1200, COSTA MESA, CALIFORNIA 92628-1200

FROM THE OFFICE OF THE CITY ATTORNEY

May 16, 2011

Terry Francke
General Counsel
Californians Aware
2218 Homewood Way
Carmichael, California 95608

Dear Mr. Francke,

Thank you for your input and concern regarding the City of Costa Mesa's compliance with the Brown Act.

In your May 10, 2011 letter, you expressed concern that the five "Working Groups" created by the City Council on January 18, 2011 have violated or are violating the Brown Act. Specifically, you allege that each of these Working Groups constituted individual Standing Committees that are subject to the requirements of the Brown Act as contemplated under section 54952(b).

However, it is our position that the Working Groups properly conform to section 54952(b) of the Brown Act. These groups are purely advisory and ad hoc in nature. They are only composed of two councilmembers, thereby, constitute a less-than-quorum body. They are of limited duration and are each assigned a specific task by the Council. Furthermore, they do not have indefinite subject matter jurisdiction over any City-wide issues nor do they meet based upon any schedule fixed by charter, ordinance, or formal action of any legislative body. As such, no violations of the Brown Act have occurred.

Should you have any additional questions or concerns, please contact the undersigned.

Sincerely,

Thomas P. Duarte
City Attorney