

From: [Jacob Patterson](#)
To: [City Clerk](#); [Ducey, Peggy](#)
Subject: My public comments for today's meeting
Date: Monday, September 11, 2023 4:57:07 PM

I just saw that my third public comment for Item 9A (but not my second even though the body is included in the email chain for the third) was added to the Legistar for Item 9A after I came into City Hall and was denied timely access during normal business hours to public comments that had been distributed to a majority of the Councilmembers. Unfortunately, the attachments, which are an integral part of both the second and third public comments, were omitted. Please be sure that the attachments for each individual public comment are included both online and in paper form for the meeting binder. I assume that the Council received them when the messages were forwarded but they have not been made available for the public to review, which is concerning.

The attachments were photos of the physical agenda posted on the notice board taken on Sunday afternoon and then again this afternoon showing the modification of the agenda as well as a download of the agenda that had been published online as of Sunday afternoon, which is different than the one posted online today.

From: [Jacob Patterson](#)
To: [City Clerk](#)
Cc: [Ducey, Peggy](#)
Subject: Public Comment -- 9/11/23 CC Mtg., Item No. 9A, Litigation
Date: Monday, September 11, 2023 10:59:08 AM

City Council [via BCC],

This is a comment that is procedurally about the first closed session item but it is also about the agenda in general because it highlights a continuing problem of the City not being willing or able to properly notice meetings. That issue has been quite frequent of late, actually. For example, the Community Development Committee had to re-notice the same meeting multiple times. Anyway, as you know a regular meeting needs to have the agenda published at least 72 hours in advance of the meeting itself. You can publish earlier than that and still amend the agent up to that hard deadline.

Unfortunately, there is a discrepancy between the posted agenda for item 9A and the Legistar entry online. The official agenda as it is posted online and on the City's physical notice board, which is the legally relevant agenda, lists 9A as involving "one case" but the Legistar entry, which is not technically part of the official agenda, lists 9A and involving "two cases". I suspect that after initial publication, Peggy decided to try to add another matter but that didn't translate into properly republishing the agenda. IMO, the City Council cannot hold an agenda item that was not properly posted so if you want to be able to consider more than one potential litigation matter, you should probably move that item to a future meeting or call a special meeting to consider the second potential litigation matter after it has been properly noticed. (You can obviously still consider a single matter tonight since that was properly noticed.)

Regards,

--Jacob

From: [Jacob Patterson](#)
To: [City Clerk](#)
Cc: [Ducey, Peggy](#)
Subject: Re: Public Comment -- 9/11/23 CC Mtg., Item No. 9A, Litigation
Date: Monday, September 11, 2023 2:36:19 PM

City Council,

I noticed that after my public comment earlier today, the City changed the agenda online to reflect the discrepancy in the listing for 9A. You can't legally do that because it is too late to amend the agenda on the same day as the meeting. I even went to the City Hall notice board yesterday afternoon and took time-stamped photos of the posted agenda showing the original listing for one case rather than two cases along with Diana's signature in the certification that she posted the agenda (see below). That certification is made under penalty of perjury, and it clearly states that the agenda was posted on the 7th. The new version online isn't signed--I haven't checked the physical copy on the notice board yet today but will--but it certainly wasn't posted there or generated on September 7th as the altered online version states. Everyone understands that perjury is a crime, right?

These altered agendas seem dishonest and are certainly not acceptable. Frankly, I shouldn't even have to make these sorts of public comments and the City should do things correctly even if it is sometimes a little inconvenient to do so. Is it so hard and such an inconvenience to postpone the agenda item until a properly-noticed meeting? If you proceed and fail to follow the legally posted agenda, it will likely be another Brown Act violation.

--Jacob

On Mon, Sep 11, 2023 at 10:58 AM Jacob Patterson <jacob.patterson.esq@gmail.com> wrote:
City Council [via BCC],

This is a comment that is procedurally about the first closed session item but it is also about the agenda in general because it highlights a continuing problem of the City not being willing or able to properly notice meetings. That issue has been quite frequent of late, actually. For example, the Community Development Committee had to re-notice the same meeting multiple times. Anyway, as you know a regular meeting needs to have the agenda published at least 72 hours in advance of the meeting itself. You can publish earlier than that and still amend the agenda up to that hard deadline.

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From: [Jacob Patterson](#)
To: [City Clerk](#)
Cc: [Ducey, Peggy](#)
Subject: Re: Public Comment -- 9/11/23 CC Mtg., Item No. 9A, Litigation
Date: Monday, September 11, 2023 3:14:37 PM
Attachments: [20230911 CC Agenda.pdf](#)

City Council,

I just got back from another visit to the public notice board at City Hall and I have the displeasure of reporting that the City did, in fact, alter the posted agenda and Diana did sign the posting certification that still claims, under penalty of perjury, that the agenda was posted on September 7th. I find this to be outrageous and disturbing. This new amended agenda was posted today, September 11th on the same day as the meeting, which is not anywhere near 72 hours in advance of the regular meeting. I don't care if this error was unintentional, the City still needs to follow legally-mandated procedures about agenda items and proper notice and this appears to be anything but. Frankly, these kinds of shenanigans seem fraudulent even though the concept of fraud doesn't really apply in this context.

I am appalled at the audacity and unethical behavior of this City administration. I mean, I have photographic and electronic evidence that this wasn't done properly and that these documents were amended but in a way that is dishonest and reprehensible, if not illegal. Are you all going to simply pretend it didn't happen? You can see the altered text is on different paper and was just pinned to the agenda that was posted on time. Even the unsigned online version of the agenda still read "one case" yesterday afternoon when I downloaded it. Mistakes are normal, we all make them, but trying to "fix" them through improper means is not.

Disgusted,

--Jacob

On Mon, Sep 11, 2023 at 2:35 PM Jacob Patterson <jacob.patterson.esq@gmail.com> wrote:
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