

June 15, 2005

Deputy City Clerk Julie Folcik
City Of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626-1200

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Re: Notification of Violation/Ralph M. Brown Act

Dear Deputy City Clerk Folcik:

Please accept this notice as the filing of a formal complaint and demand for cure of a violation of the Ralph M. Brown Act by members of the Costa Mesa City Council. This is being filed pursuant to Government Code Section 54950 et seq.

Any questions relating to this claim may be directed to my attention, as follows:

Linda W. Dixon
260 Princeton Drive
Costa Mesa, CA 92626
714-556-0650

The subject violation occurred on May 17, 2005, during the course of a regular meeting of the Costa Mesa City Council in the Council Chambers located at 77 Fair Drive, Costa Mesa, CA. During the City Council's deliberations of that evening regarding the reallocation of funds committed by C. J. Segerstrom & Sons, pursuant to the Home Ranch Development Agreement, three members of the Costa Mesa City Council participated in a violation of the Brown Act by sharing a note pertaining to the subject issue under consideration.

Councilmember Eric Bever wrote a note on the subject under discussion by the City Council at the time, folded it and wrote "Allan/ Gary" on the outside of the note. He passed it to me and I, in turn, looked at the note with the names on it and passed it to Mayor Allan Mansoor. As I passed the note it did not occur to me at that moment that a violation was taking place with a note written by one council member to two other members of the council. However, after passing the note to Mayor Mansoor and seeing him read it and pass it to Mayor Pro Tem Gary Monahan, who also read the note; I realized what was occurring and that a violation was taking place. I leaned to Councilmember Bever and told him there was a Brown Act violation under way, and then I turned to Mayor Mansoor and told him I wanted a recess as soon as the item at hand was over. I said that I felt a Brown Act violation had just occurred.

As soon as we recessed, I walked directly to the city attorney and told her that I believed three council members had just committed a Brown Act violation and explained what I observed. At that point, Council Member Katrina Foley also walked over and told the attorney that she too observed the note. I requested that the attorney find out what was going on and asked her to notify the three council members that passing a note in

ATTACHMENT 1