

**From:** Robert Acree <acreeerl@gmail.com>

**Date:** May 10, 2016 at 5:17:01 PM PDT

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Board of Directors

Tri-Valley Learning Corporation (TVLC)

Dear Directors,

This letter is to call your attention to what I believe was a substantial violation of a central provision of the Ralph M. Brown Act, one which may jeopardize the finality of the action taken by TVLC's Board of Directors. This is a follow-up to my correspondence to the board dated April 14, 2016 with the subject of "Crisis, Indeed" in which I brought to your attention my belief that a violation of the Brown Act had occurred.

The nature of the violation is as follows:

In its special meeting of March 28, 2016, the TVLC Board took action to elect a new President to the board following the resignation of the then current President, Mr. Tim Hall. Item 5a on the posted agenda was a discussion item for "Election of TVLC Board Officers" but it was not listed as an action item. During the meeting, as described in the minutes, Mr. Tim Hall stated that item 5 was incorrectly listed as a discussion item and should be listed as a discussion/action item. Following this, Mr. Scott Lessard motioned to approve the agenda with the correction that item 5 be an action item among other changes. The motion was seconded and was passed unanimously. There was no discussion about the urgent need for the agenda to be changed to allow for action to be taken immediately. Following Mr. Hall's resignation as President, he nominated Mr. Lessard as President. The motion was seconded and discussion followed. Three members of the public urged the board to

wait for a follow-on meeting due to concerns. Mr. Hall then stated that the board can change officers at any time and that he did not want to see a vacuum in leadership. Others mentioned that a change could be made at a future meeting if it was desired. Action was then taken by a formal vote and the motion was passed 4-0 with Mr. Lessard being the only abstention during the vote.

I believe the action taken was not in compliance with the Brown Act because there was no adequate notice to the public on the posted agenda for the meeting, and there was no finding of fact made by the TVLC board that urgent action was necessary on a matter unforeseen at the time the agenda was posted.

As you are aware, the Brown Act creates specific agenda obligations for notifying the public with a "brief description" of each item to be discussed or acted upon, and also creates a legal remedy for illegally taken actions—namely, the judicial invalidation of them upon proper findings of fact and conclusions of law.

Pursuant to that provision (Government Code Section 54960.1), I demand that the TVLC Board cure and correct the action that I believe to be illegally taken by completing the following at a public meeting:

1. The formal and explicit withdrawal of the election of Mr. Scott Lessard as the TVLC Board President,
2. The full opportunity for informed comment by members of the public at the same meeting, notice of which is properly included on the posted agenda,
3. A new nomination and election for a TVLC Board President.

As provided by Section 54960.1, you have 30 days from the receipt of this demand to either cure or correct the challenged action or inform me of your decision not to do so. If you fail to cure or correct as demanded, such inaction without proper explanation may leave me no recourse but to seek a judicial invalidation of the challenged action pursuant to Section 54960.1, or to seek assistance from the District Attorney.

Respectfully yours,

Robert Acree

cc:

Dr. Lynn Lysko, TVLC Interim CEO

LVCS Site Council members

LVCP Site Council members

Ms. Kelly Bowers, Superintendent, LVJUSD

Mr. Chris VanSchaack, Assistant Superintendent, LVJUSD

Mr. Scott Vernoy, Director of Student Services, LVJUSD