



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
PUBLIC INTEGRITY DIVISION

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August 13, 2014

BARRY STEINHARDT
Las Virgenes Municipal Water District
29229 Canwood Street, Suite 204
Agoura Hills, CA 91301

RE: Allegation of Brown Act Violation
PID Case 14-0141

Dear Mr. Steinhardt,

We received your complaint alleging that the Board of Directors of the Las Virgenes Municipal Water District violated the Brown Act by improperly adding a closed session item to their agenda. We have reviewed the allegation along with the applicable law. Our analysis and findings are set forth below.

The Brown Act requires, with limited exceptions, that all meetings of a legislative body of a local agency be open and public. (Government Code §§ 54950-54952.) A Board such as the Board of Directors of the Las Virgenes Municipal Water District constitutes a legislative body and is subject to the Act. (Government Code §§ 54951-54952.) The right of the public to be informed on governmental activity and to have access to the decision-making process is the focus of the Ralph M. Brown Act. (Government Code §54950 et seq.)

A body may not take action or discuss any item that does not appear on the posted agenda. (Government Code §54954.2.) There are two exceptions to this rule. The first is if the body determines by majority vote that an emergency situation exists. The term "emergency" is limited to work stoppages or crippling disasters. (Government Code §54956.5.) The second exception is if the body finds by a two-thirds vote of those present, or if less than two-thirds of the body is present, by unanimous vote, that there is a need to take immediate action on an item and the need for action came to the attention of the local agency subsequent to the posting of the agenda. (Government Code §54954.2(b).)

In this case, it was determined that an item was improperly added to the closed session portion of the agenda at the board meeting on January 14, 2014. At this time, the Board of Directors of the Las Virgenes Municipal Water District will be sent a letter advising them of this violation.

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In your letter to me dated May 15, 2014, you referenced the aforementioned conduct that occurred in January of 2014, as well as conduct that occurred on November 26, 2013. The Public Integrity Division has no jurisdiction over violations of the Las Virgenes Municipal Water District Code.

Thank you for bringing this matter to our attention.

Very truly yours,
JACKIE LACEY

By *Alison Matsumoto Estrada*

ALISON MATSUMOTO ESTRADA
Deputy District Attorney