



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

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August 13, 2014

Honorable Members of the Las Virgenes Municipal Water District Board  
29229 Canwood Street, Suite 204  
Agoura Hills, CA 91301

Re: Brown Act Violation  
PID Case 14-0141

Dear Members of the Las Virgenes Municipal Water District Board,

We received a complaint alleging that your board improperly added a closed session agenda item to your January 14, 2014 meeting. Based on our review of the above complaint, the agenda and video for the January 14, 2014 meeting, and the applicable law, it appears that the Las Virgenes Municipal Water District Board violated the Brown Act by improperly adding a closed session item to the agenda without coming under an exception.

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). The Las Virgenes Municipal Water District Board is a legislative body and is subject to the Act. (Government Code §54951.) 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).)

A review of your January 14, 2014 meeting revealed that Director Caspary made a motion to add an item to the closed session portion of the agenda. Specifically, Director Caspary stated that the item dealt with the "threat of legal action from a director alleging that I have violated various codes of the water district, Los Angeles County, and state of California in the way I conduct meetings." This motion was seconded. A vote on this motion took

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place. Of the five members present, three voted in favor of this motion. This activity, in violation of Government Code §54954.2(b), constituted a Brown Act violation. A review of the video for this meeting showed that a two-thirds vote of those present was not met and no facts demonstrating the need to take immediate action on the item and when the item came to the attention of your board were stated.

We appreciate you addressing this issue promptly and hope that bringing it to your attention will help guide your continuing efforts to comply with the Brown Act.

Very truly yours,  
JACKIE LACEY  
District Attorney

By *Alison Matsumoto Estrada*  
ALISON MATSUMOTO ESTRADA  
Deputy District Attorney  
Public Integrity Division