

Public Comment: Agenda Item 7, 4/7/20

Dear Dana Point City Councilmembers and City Manager,

I am confused as to why this item is on the agenda tonight when there was no posting of the very complex, 23-page status report until 2 PM today. How can the public (or even Councilmembers, for that matter) intelligently comment on this item if there's been so little time to read and digest the report, and no attempt to alert the public that it exists?

The City's fiscal health is a very serious topic. Even before covid-19 created an unprecedented economic downturn, you had cut reserves significantly and were budgeting, this year, to spend \$2.8 million more than you expected to take in. Obviously, a lengthy and thorough budget workshop is needed to properly address what is sure to be a serious challenge. Dana Point must learn to live within her means.

I would think making complex information available in a timely manner would be implicit if not explicit in the cause of promoting full disclosure and transparency on this important matter.

In addition, I've been concerned for some time that a great deal of the city's business seems to be done in Closed Session, with no minutes, no records and very little reporting out. Just last week, the City Attorney discussed in open session using the "rule of necessity" to determine who could vote on an undisclosed topic of "anticipated litigation" where 4 out of 5 of you had a conflict. What on earth could that be? Why is the topic so top-secret that the method of voting could be discussed in public but not the content? The CA League of Cities Guide to the Brown Act states that "the grounds for convening a closed session are called "exceptions" because they are *exceptions* to the general rule that meetings must be conducted openly." I understand the need to keep legal strategies confidential, but the topic of "anticipated litigation" is used so often, and the actual topics so seldom disclosed, that it makes one wonder if there's an attempt to deny public participation.

I'm hoping you can honor the spirit of the Brown Act by moving items to Closed Session as an exception rather than a matter of routine, and that there can be regular reporting out.

The Brown Act emphasizes that you are doing *the people's* business, not your own, and that everything you do should be done with the utmost care to be as open and transparent as possible.

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Toni Nelson  
4/7/20