



fisherphillips.com

January 25, 2019

**San Diego**  
4747 Executive Drive  
Suite 1000  
San Diego, CA 92121

(858) 597-9600 Tel  
(858) 597-9601 Fax

**Writer's Direct Dial:**  
(858) 597-9614

**Writer's E-mail:**  
rpetty@fisherphillips.com

**Via E-Mail and U.S. Mail - [rochoa@union-attorneys.org](mailto:rochoa@union-attorneys.org)**

Ricardo Ochoa  
OCHOA LAW  
3737 Camino del Rio South, Suite 407  
San Diego, CA 92108

Re: *Palomar Faculty Federation's Proposed Serial Meetings with Palomar College Trustees*

Dear Mr. Ochoa:

The purpose of this correspondence is to inform your client Palomar Faculty Federation of my concerns that the individual invitations extended by Ms. Teresa Laughlin to the entire Governing Board of the Palomar Community College District to meet with the membership of PFF are improper under the Brown Act. I did not address this correspondence directly to Ms. Laughlin or PFF because she and PFF are presently adverse to the District and each of the individual trustees in litigation. I trust that you will promptly notify Ms. Laughlin and PFF of this correspondence.

As you know, the District's Governing Board is a local public agency body which is subject to the Brown Act. A gathering is a meeting under the Brown Act if a majority of the members of the Governing Board receive information, hear a proposal, or discuss an issue under the subject matter jurisdiction of the Governing Board. See, *Sacramento Newspaper Guild v. Sacramento County Bd. Of Supervisors* (1968) 263 Cal.App.2d 41, 50-51; 42 *Ops. Cal. Atty. Gen.* 61 (1963). The express statutory serial meeting prohibition prevents public bodies from circumventing the requirement for open and public deliberation of issues by way of the collective acquisition of information. See, *Frazer v. Dixon Unified School District* (1993) 18 Cal.App.4th 781, 796-798.

An organization's announced plan to conduct a series of single trustee meetings with a quorum of the District's Governing Board and the membership of PFF does not qualify for any of the statutory exemptions from compliance with the Brown Act. See, Government Code §54952.2. Therefore, Palomar College trustees should only participate in the PFF meeting series if the District complies with the notice, agenda and accessibility requirements of the Brown Act for each meeting.

**Fisher & Phillips LLP**

Atlanta • Baltimore • Boston • Charlotte • Chicago • Cleveland • Columbia • Columbus • Dallas • Denver • Fort Lauderdale • Gulfport • Houston  
Irvine • Kansas City • Las Vegas • Los Angeles • Louisville • Memphis • New Jersey • New Orleans • New York • Orlando • Philadelphia  
Phoenix • Portland • Sacramento • San Diego • San Francisco • Seattle • Tampa • Washington, DC

Ricardo Ochoa  
OCHOA LAW  
January 25, 2019  
Page 2

If PFF is agreeable to proceeding with the serial meetings in accordance with the Brown Act, the matter will be an agenda item at the regular Board meeting on February 12, 2019. PFF is requested to submit the proposed agenda for the meeting series to Dr. Lisa Norman by February 5, 2019 for inclusion in the agenda materials posted for the February Board meeting. The proposed agenda should contain a brief general description of each item as to which PFF desires to provide information, discuss a proposal or discuss an issue with the trustees. Please do not hesitate to contact me if you would like assistance in drafting agenda item descriptions which will meaningfully allow the public to determine whether to monitor or participate in the special meetings.

If PFF does not agree to conduct the meetings with the Governing Board in accordance with the Brown Act, a recommendation that the trustees should not participate will be placed on the agenda. Please advise me as to how PFF elects to proceed no later than February 4. Thank you for your cooperation.

Very Truly Yours,

A handwritten signature in cursive script that reads "Regina A. Petty".

Regina A. Petty  
For FISHER & PHILLIPS LLP

RAP:sev