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October 9, 2017

Christopher Gerry
Acting City Clerk
City of Bakersfield
1600 Truxtun Avenue
Bakersfield, CA 93301

RE: Demand to Cease and Desist: Ralph M. Brown Act (Government Code Section 54950 et seq.)
Request for Access to Public Records (Government Code Section 6250 et seq.)

Dear Mr. Gerry,

This letter challenges a practice occurring in connection with the July 9, September 6 and September 20 meetings of the Bakersfield City Council as a violation of the Brown Act, specifically Government Code Section 54956.9. The practice in question was the Council's consideration in closed sessions at those meetings of matters that must be discussed only in open session, namely those headed as "Five Year Budget Projections of Revenues and Expenses," "Revenue Generation," and "Revenue."

These topics (see attached links) arguably constitute the very highest issues of concern to Bakersfield residents, businesses and taxpayers, presenting a detailed analysis of the City's near and long term fiscal unsustainability, the need for either significant staff cuts or significant new taxes, and the decisions to be made concerning a tax increase ballot measure, including the public relations considerations to ensure its success and the need for a consultant to poll public opinion and provide "outreach" communications to shape public perceptions.

In order to avoid the filing of an action against the Council for declaratory and injunctive relief to confirm that the practice in question violated the Brown Act and to order it not to be repeated, and for the recovery of any attorney fees and costs incurred in such litigation, I demand that Mayor Karen Goh, within 30 days of the receipt of this letter and in conformity with Government Code Section 54960.2, subdivision (c), inform me of the Council's unconditional commitment to cease, desist from, and not repeat the practice herein challenged as a violation of the Act.

In addition, this letter requests access to copies of all communications or other documents created or received by the City or City Council members or staff before or after these meetings concerning actions to be taken as a result thereof.

Very Truly Yours,

Terry Francke
General Counsel

<https://www.scribd.com/document/361135503/Five-Year-Budget-Projection-July-2017>

<https://www.scribd.com/document/361137024/Revenue-Discussion-7-19-17>

<https://www.scribd.com/document/361136648/Revenue-Discussion-September-2017>

<https://www.scribd.com/document/361137181/Revenue-Discussion-9-20-17>