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By Hand Delivery

March 23, 2011

John Shannon  
Chair  
Pacific Beach Planning Group  
P.O. Box 99931  
San Diego, CA 92109

**RE: Public Comments delivered at March 23, 2011 regularly scheduled Pacific Beach Planning Group meeting**

Dear Mr. Shannon:

Enclosed are the comments which I intend to make at the March 23, 2011 regular scheduled PBPG meeting. As requested, please include these comments in the monthly meeting minutes directly or as an attachment to the monthly meeting minutes:

We would like to thank the City employees for attending tonight meeting and are happy that they are here. I think it is important for you to hear what we have to say tonight.

These comments will last approximately 6 minutes, but we believe them to be very important:

The first comment is for those of you in the audience who have never volunteered to sit on a board or committee, it is often thankless and always difficult. You are under constant scrutiny from the public, developers, the media, and more. The **majority** of the people who you see before you are good honest people, deeply concerned about improving an already great community and have taken countless hours away from their personal lives and families to volunteer. We should all be thankful for their time and dedication.

Next, I would like to personally thank the **majority** of this Board for the work you have done and continue to do on behalf of Pacific Beach. I've lived here for 12 years and hope that my family will be able to make this community our permanent home.

With those remarks being said, I am unfortunately not here tonight to thank the **majority** of this board for the work they do and I hope that they **majority** of this board will realize that we do not believe they have been complicit in the actions which have brought me here tonight.

For those of you who I do not know, my name is Jacob Pyle. I'm here representing San Diego Open Government Education and Advocacy, a CA public benefit corporation. This organization is comprised of citizens of San Diego and members of Pacific Beach who have become

increasingly concerned that in an age of government cut backs and media layoffs, not enough attention is being given to what government is doing in public and behind closed doors.

Since early January, we have been investigating this board's compliance with its bylaws, San Diego policies and The Ralph M. Brown Act. The Acts is directed to public agencies and its purpose and intent is that public agency, "actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

As the Sacramento Bee opined at the time, "A law to prohibit secret meetings of official bodies, save under the most exceptional circumstances, should not be necessary. Public officers above all other persons should be imbued with the truth that their business is the public's business and they should be the last to tolerate any attempt to keep the people from being fully informed as to what is going on in official agencies. Unfortunately, however, that is not always the case. Instances are many in which officials have contrived, deliberately and shamefully, to operate in a vacuum of secrecy."

We have spent the last two months observing every public meeting of this Board, reviewing every publicly available document and investigating this committee. When I attended my first meeting I became concerned that these community members were correct. When I attended the February board meeting, I went from concerned to downright alarmed.

Mr. Chairperson, my law clerk is serving you a packet which contains a cover letter, summary of actions which this board has committed in direct violation of your bylaws, Council Policy 600-24 and The Brown Act, a demand that you Cure and Correct these violations and several California Public Records Requests. Pursuant to the Brown Act, and true to their name, these letters provide this Board the opportunity to 'Cure and Correct' actions which it has taken in violation of California state law and San Diego policy.

***We believe the Corrections requested are fair and should be acceptable to any reasonable member of the community.***

As mentioned before, the watchdog group I represent has a mission of Education & Advocacy. We are now in the education portion of that mission. We sincerely hope that this Board will take correction action so that advocacy is unnecessary. Should you fail to take corrective action or fail to respond within 30 days, we will move into the advocacy portion of our mission and file a complaint seeking Judicial Nullification and other relief as appropriate including, but not limited to Mandamus to Compel Required Acts, Injunctions to Bar Prohibited Acts and Declaratory Relief. Should we be forced to do this, we will seek attorneys fees and costs.

***We hope that this board will act reasonable and not force us into litigation to correct its illegal actions.***

***We believe the corrections demanded to be fair and reasonable and hope we are not forced to litigate this issue.***

In conclusion, we cannot stress enough to the public, that we believe the majority of this board to have acted without malice in committing these violations and these violations should not be viewed as any indictment or black mark on the integrity and character with which most of this Board has always conducted itself.

We will not take more of this committee or the public's time today to read from these documents, but I am requesting that these comments and a copy of the entire packet given to the Chair be placed in the library with the meeting minutes so that any member of the community and future members of the Board may review them. We have provided the Chair with a bound and labeled copy to help facilitate this request.

Thank you for your time and attention.