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Via Hand Delivery

November 29, 2011

Mayor Barbara Hanna
Mayor Pro Tem John Machisic
City Councilmember Robert Botts
City Councilmember Debbie Franklin
City Councilmember Don Robinson
City of Banning
99 E. Ramsey St.,
Banning, CA 92220

Re: Objections of Lloyd Fields to November 29, 2011 Special Joint Meeting of the Banning City Council and Morongo Band of Mission Indians Tribal Council, Located in the Ballroom of the Casino Morongo Resort & Spa, 49500 Seminole Drive, Cabazon, California 92230

Dear Ladies and Gentlemen:

As you know, this office represents Mr. Lloyd Fields in connection with litigation brought against the City for its willful failure to address the illegal obstructions installed on and around Malki Road (formerly known as Fields Road) by the Morongo Band of Mission Indians.

On behalf of Mr. Fields, we hereby object to the above-referenced special meeting. First, the meeting was not noticed until November 23, 2011, immediately before the Thanksgiving Holiday. Notably, the matters identified in the agenda for the meeting include a discussion of Malki Road, which was previously named Fields Road; however, the City recently voted to change the name, in an obvious attempt to retaliate against Mr. Fields for pursuing his constitutional right to petition the government for relief through the courts. The last-minute notice of the hearing, coupled with the decision to hold the meeting at a location outside the City's jurisdiction, can only be interpreted as a concerted effort by the City and the Tribe to minimize the public's participation in the matters discussed here today. The meeting should be immediately adjourned for this reason alone.

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Second, the decision to hold the meeting outside the City's jurisdiction violates the Ralph M. Brown Act, and specifically Government Code section 54954, subdivision (b). That section provides, in pertinent part:

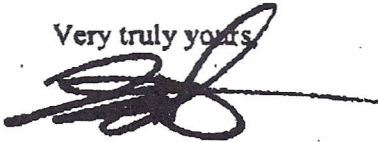
"Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction [emphasis added]."

The City of Banning is a "local agency," as defined in Government Code section 54951, and the Banning City Council is a "legislative body" within the meaning of Government Code section 54952. Furthermore, although section 54954, subdivision (b), is subject to several exceptions, none of those exceptions applies to the meeting, including the exception in subdivision (b)(3), which applies only to multiagency meetings which must still be held "within the jurisdiction of one of the participating local agencies." The only "local agency" at the meeting, as that term is defined in the Brown Act, is the City of Banning. Accordingly, the meeting must be held "within the boundaries" of the City of Banning, the "territory over which" the Banning City Council "exercises jurisdiction."

To state the obvious, the Ballroom of the Casino Morongo Resort & Spa, located at 49500 Seminole Drive, Cabazon, California 92230, is not within the boundaries of the City of Banning. The meeting is therefore in clear violation of the Brown Act, and should be immediately adjourned for that reason as well.

Mr. Fields continues to object to the City's failure to address the illegal obstructions on Malki Road, its decision to rename Fields Road, and its decision to hold the November 29 meeting in a remote location on short notice given immediately before a national holiday. Please be advised Mr. Fields expressly reserves all rights and remedies available to him, whether at law or in equity. Furthermore, Mr. Fields respectfully requests that this letter and the objections herein be made a part of the official record of the November 29 meeting.

Very truly yours,



Nicholas S. Shantar

NSS

cc: Mr. Lloyd Fields
K. Erik Friess, Esq.