

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
COUNTY OF YOLO by and through its Board of Supervisors

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
CAPAY VALLEY COALITION

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED

YOLO SUPERIOR COURT

SEP 05 2014

BY C. DUNKEL
DEPUTY

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):
SUPERIOR COURT OF CALIFORNIA, COUNTY OF YOLO
725 Court Street
Woodland, CA 95695

CASE NUMBER:
(Número del Caso): PT14-1469

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Thomas W. Barth SBN 154075 Telephone: 916.440.8600 Facsimile 916.440.9610
Barth Daly LLP
431 I Street, Suite 201
Sacramento, CA 95814

SHAWN C. LANDRY
Clerk, by C. DUNKEL, Deputy
(Secretario) *(Adjunto)*

DATE:
(Fecha) SEP 05 2014

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

- NOTICE TO THE PERSON SERVED:** You are served
1. as an individual defendant.
 2. as the person sued under the fictitious name of *(specify)*:
 3. on behalf of *(specify)*:
under:

<input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other <i>(specify)</i> :	
 4. by personal delivery on *(date)*:

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, number, and address):

Thomas W. Barth SBN 154075
Barth Daly LLP
431 I Street, Suite 201
Sacramento, CA 95814

TELEPHONE NO.: 916.440.8600

FAX NO.: 916.440.9610

ATTORNEY FOR (Name): Petitioner/Plaintiff Capay Valley Coalition

FOR COURT USE ONLY

FILED
YOLO SUPERIOR COURT

SEP 05 2014

BY C. DUNKEL
DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF YOLO

STREET ADDRESS: 725 Court Street

MAILING ADDRESS: 725 Court Street

CITY AND ZIP CODE: Woodland, CA 95695

BRANCH NAME:

CASE NAME: Capay Valley Coalition v. County of Yolo

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

PT14-1469

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

- Auto (22)
- Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
- Product liability (24)
- Medical malpractice (45)
- Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- Business tort/unfair business practice (07)
- Civil rights (08)
- Defamation (13)
- Fraud (16)
- Intellectual property (19)
- Professional negligence (25)
- Other non-PI/PD/WD tort (35)

Employment

- Wrongful termination (36)
- Other employment (15)

Contract

- Breach of contract/warranty (06)
- Rule 3.740 collections (09)
- Other collections (09)
- Insurance coverage (18)
- Other contract (37)

Real Property

- Eminent domain/Inverse condemnation (14)
- Wrongful eviction (33)
- Other real property (26)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38)

Judicial Review

- Asset forfeiture (05)
- Petition re: arbitration award (11)
- Writ of mandate (02)
- Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

- Antitrust/Trade regulation (03)
- Construction defect (10)
- Mass tort (40)
- Securities litigation (28)
- Environmental/Toxic tort (30)
- Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- Enforcement of judgment (20)

Miscellaneous Civil Complaint

- RICO (27)
- Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- Partnership and corporate governance (21)
- Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c. Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): One

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: September 5, 2015

THOMAS W. BARTH

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

1 Thomas W. Barth, SBN 154075
2 BARTH DALY LLP
3 431 I Street, Suite 201
4 Sacramento, California 95814
5 Telephone: (916) 440-8600
6 Facsimile: (916) 440-9610
7 Email: tbarth@barth-daly.com

8 Attorneys for Petitioner/Plaintiff
9 CAPAY VALLEY COALITION

FILED
YOLO SUPERIOR COURT
SEP 05 2014
BY C. DUNKEL
DEPUTY

10
11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 IN AND FOR THE COUNTY OF YOLO

13 CAPAY VALLEY COALITION,
14
15 Petitioner/Plaintiff,

16 v.

17 COUNTY OF YOLO, by and through its
18 Board of Supervisors,
19
20 Respondent/Defendant.

Case No. PT14-1469

PETITION FOR WRIT OF MANDATE;
COMPLAINT FOR DECLARATORY
RELIEF REGARDING VIOLATION OF
THE BROWN ACT

Government Code § 54960.2

Unlimited Civil Case

GENERAL ALLEGATIONS

Petitioner/plaintiff alleges:

1. Petitioner/plaintiff Capay Valley Coalition (hereinafter, plaintiff or the "Coalition") is, and at all times relevant hereto was, an unincorporated association of citizens of Yolo County, predominantly residents of the Capay Valley area of the county, who are organized in support of their community, committed to agricultural viability and safety in western Yolo County, State of California. Plaintiff's business address is Post Office Box 894, Esparto, California 95627. The Coalition is an interested person under the provisions of Government Code Section 54960.2.¹

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¹ Throughout this Petition/Complaint, references to statutory "sections" shall be to sections of the Government Code, unless otherwise indicated.

1 2. Respondent/defendant County of Yolo, acting by and through its Board of
2 Supervisors (hereinafter, the "County"), is, and at all times relevant hereto was, organized and
3 existing as a political subdivision of the State of California, according to the laws of the State.

4 3. Section 54960.2 authorizes the filing of an action to determine the
5 applicability of Chapter 9, of Title 5, Division 2, Part 1 of the Government Code, pertaining to the
6 legal standards for conduct of public meetings under the provisions of the Brown Act,
7 Government Code Section 54950, et seq. (hereinafter the "Brown Act"), to past actions of the
8 Board of Supervisors of the County of Yolo. Under provisions of section 54960, any interested
9 person may commence an action by mandamus, injunction, or declaratory relief, for the purpose
10 of stopping or preventing violations or threatened violations of the Brown Act, or to determine
11 the applicability of the Brown Act to past actions of the County.

12 4. Section 54960.2, subdivision (a), authorizes the filing of an action to
13 determine the applicability of the Brown Act to past actions of the County if specific conditions
14 are met, namely: (1) the interested person alleging a violation first submits a cease and desist
15 letter to the clerk of the County, clearly describing the past action of the County and nature of the
16 alleged violation; (2) the cease and desist letter is submitted to the County within nine months of
17 the alleged violation; (3) the County has not provided an unconditional commitment to cease,
18 desist from, and not repeat the past action that is alleged to violate the Brown Act (hereinafter, the
19 "unconditional commitment") within 30 days from receipt of the cease and desist letter; and,
20 (4) the action is commenced by the interested person within 60 days after the expiration of the 30
21 days for the County to provide the unconditional commitment, or after receipt of the County's
22 response to the cease and desist letter, other than an unconditional commitment.

23 5. The specific conditions defined by Section 54960.2, subdivision (a), for
24 filing an action against the County in the circumstances of this case have been met.

25 6. By letter dated August 1, 2014, the Coalition submitted the required cease-
26 and-desist letter to the Clerk of the County, clearly describing the past action of the County and
27 the nature of the alleged violation of the Brown Act. A true and correct copy of the letter, dated
28 August 1, 2014, sent on behalf of the Coalition to the Clerk of the Yolo County Board of

1 Supervisors, subject "Cease and Desist Violation of Brown Act," with enclosure, (hereinafter the
2 "cease and desist letter"), is attached hereto as **Exhibit A**, and incorporated herein by reference.

3 7. The cease and desist letter concerned action taken by the County regarding
4 a letter dated April 28, 2014, from the Regional Director of the Bureau of Indian Affairs
5 (hereinafter, the "BIA letter"), approving the application by the Yocha Dehe Wintun Nation
6 (hereinafter, the "Tribe") to convert 852.9 acres of land in the Capay Valley from ownership in
7 fee title to ownership as trust lands of the Tribe, substantially unconstrained by legal authority of
8 the County. The cease and desist letter identified the nature of the violation as occurring between
9 approximately April 28 and May 16, 2014, when the County took action to review the BIA letter,
10 decide not to appeal the decision of the BIA approving the Tribe's fee-to-trust application for
11 852.9 acres, and authorize its Chairman, Don Saylor, to communicate in writing to Tribal
12 Chairman Marshall McKay the County's decision not to appeal the decision expressed in the BIA
13 letter. As summarized in the cease and desist letter, Chairman Saylor signed a letter on behalf of
14 the Board of Supervisors, dated May 16, 2014, which stated that the County would not be
15 appealing the BIA decision, the Board of Supervisors reaffirmed support of the Tribe's vision,
16 looked forward to the Tribe's continued growth and prosperity, and in the coming weeks, the
17 Board would bring forward a resolution to formally endorse the Board's continued support of its
18 shared vision with the Tribe.

19 8. The cease and desist letter identified the nature of the County's violation of
20 the Brown Act as action taken by the County either in closed session regarding a matter which is
21 not authorized for closed session deliberation, and/or that there was no adequate notice to the
22 public on the posted agenda for the meeting that the matter would be discussed, nor were
23 necessary findings made for consideration of the matter as an urgent action, unforeseen at the
24 time the agenda was posted. As explained in the cease and desist letter, the only meetings of the
25 Board of Supervisors between the date of the BIA letter and the May 16, 2014 letter from
26 Chairman Saylor occurred on April 29 and May 13, 2014. Neither meeting contained any agenda
27 item which would have complied with the Brown Act, to allow the Board to take the challenged
28 action regarding the BIA letter.

1 9. On the basis of the alleged violations and description of the nature of the
2 violations of the Brown Act in the cease and desist letter, the Coalition demanded that the Board
3 of Supervisors cease, desist from, and not repeat the challenged past action. The cease and desist
4 letter also recited the provisions of Section 54960.2, which authorize a response by the County
5 within 30 days of receiving the cease and desist letter, providing the unconditional commitment.
6 Finally, the cease and desist letter expressed the intent of the Coalition to commence an action
7 seeking a judicial determination authorized by Section 54960.2 and the payment of costs and
8 reasonable attorney's fees pursuant to Section 54960.5, if the County failed to respond with such
9 an unconditional commitment.

10 10. By letter dated September 3, 2014, County Counsel responded to the cease
11 and desist letter on behalf of the County. A true and correct copy of the letter, dated September 3,
12 2014, entitled "Response to Cease and Desist Letter," is attached hereto as **Exhibit B**, and
13 Incorporated herein by reference (hereinafter, the "County's response").

14 11. The County's response confirmed that the cease and desist letter was
15 received by the County on August 4, 2014. Accordingly, the 30-day period for the County Board
16 of Supervisors to adopt and sign an unconditional commitment expired on September 3, 2014.

17 12. The County's response does not comply with the requirements of Section
18 54960.24 and unconditional commitment by the County. In particular, the County's response is
19 not substantially in the form defined by statute, was not approved by the Board of Supervisors in
20 open session at a regular or special meeting as a separate item of business, and not on its consent
21 agenda, and was not signed by the chairman of the Board. See Gov. Code § 54960.2, subd. (c).

22 13. Besides failing to comply with statutory requirements, the County's
23 response also failed to address the nature of the violation of the Brown Act by the Board of
24 Supervisors, detailed in the Coalition's cease and desist letter. The County's response contends
25 that a County decision regarding an appeal of [the BIA letter] could properly be discussed in
26 closed session under Government Code §54956.9 (d)."

27 14. But the County failed to take any such action, by the authority recited in
28 the County's response. The minutes of the April 29 and May 13, 2014, Board of Supervisors

1 meetings, which are properly subject to judicial notice, show that no closed session item was
2 included on either agenda for such meetings, reciting Section 54956.9 (d) as authority for the
3 closed session deliberations. Accordingly, the County did not include an agenda item for either
4 the April 29 or May 13, 2004, meetings, which would have authorized the Board of Supervisors
5 to take action regarding the BIA letter in compliance with the Brown Act. The County's response
6 essentially admits that the Board of Supervisors took the challenged actions as part of a closed
7 session deliberation, without complying with the requirements of the Brown Act.

8 **PETITION FOR WRIT OF MANDATE**

9 15. Plaintiff incorporates by reference, as though fully set forth herein, each
10 and every paragraph alleged in this Petition/Complaint.

11 16. Plaintiff has performed all conditions precedent to the filing of this
12 Petition/Complaint. As alleged herein, the County failed to comply with the Brown Act and has
13 not responded, by the means defined by statute, to the demand by the Coalition that the County
14 cease, desist, and refrain from repeating the violations of the Brown Act.

15 17. At all times herein alleged, the County has been able to either perform the
16 duty of ceasing, desisting, and refraining from repeating the violations of the Brown Act, as
17 alleged herein, or the County has been able to exercise its discretion to discuss and take action
18 regarding an unconditional commitment not to repeat the Brown Act violations. Notwithstanding
19 such ability and despite the Coalition's demand, the County continues to fail, either to perform its
20 duty to cease, desist, and refrain from the violations of the Brown Act alleged herein or to
21 exercise its discretion to take action regarding an unconditional commitment not to repeat the
22 violations of the Brown Act.

23 18. The Coalition has no plain, speedy, and adequate remedy in the ordinary
24 course of law, other than the relief sought in this Petition/Complaint, in that the County's response
25 to the cease and desist letter demonstrates a refusal to comply with the duties imposed on the
26 County.

27 WHEREFORE, plaintiff prays for issuance of a peremptory writ of mandate, and
28 related remedies, against defendants, and each of them, as hereinafter set forth.

1 COMPLAINT
2 FIRST CAUSE OF ACTION

3 (Declaratory Relief)

4 19. Plaintiff incorporates by reference, as though fully set forth herein, each
5 and every paragraph alleged in this Petition/Complaint.

6 20. The respective positions of the parties regarding whether a past violation of
7 the Brown Act occurred, as described in the cease and desist letter, have been alleged herein. The
8 Coalition contends that the violations occurred. The County contends violations did not occur, for
9 the stated reason that the BIA letter could be properly considered and acted upon by the Board of
10 Supervisors in closed session. As previously alleged, the County's response appears to admit that
11 such closed session consideration of the BIA letter occurred, in the face of public record minutes
12 of Board meetings, which did not contain agenda items relating to any such closed session.

13 21. Plaintiff desires a judicial determination regarding whether violations of
14 the Brown Act occurred as alleged herein, or in any respects relating to the actions taken by the
15 County relating to the BIA letter and the County's May 16, 2014, letter to the Tribe.

16 WHEREFORE, plaintiff prays judgment against defendant as hereinafter set forth.

17 PRAYER FOR RELIEF

18 WHEREFORE, plaintiff prays for judgment against defendant as follows:

19 1. That the Court issue a peremptory writ in the first instance commanding
20 the County to cease, desist, and refrain from repeating the past violations of the Brown Act,
21 and/or commanding that the County properly exercise its discretion relating to whether the
22 County will issue an unconditional commitment letter;

23 2. For a declaration that the actions taken by the County regarding the BIA
24 letter and the subsequent May 16, 2014, letter to the Tribe were violations of the open meeting
25 requirements of the Brown Act;

26 3. For attorney's fees pursuant to Government Code Section 54960.5 and
27 costs of suit incurred herein; and

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4. For such other and further relief as the Court may deem proper.

Dated: September 5, 2014.

Respectfully submitted,

BARTH DALY LLP

By



THOMAS W. BARTH

Attorneys for Plaintiff CAPAY VALLEY COALITION

August 1, 2014

Julie Dachtler, Clerk
Yolo County Board of Supervisors
625 Court Street, Room 204
Woodland, CA 95695

Re: Cease and Desist Violation of Brown Act

Dear Ms. Dachtler:

I am writing on behalf of my client, the Capay Valley Coalition, to call the attention of the Board of Supervisors to a past violation of the Ralph M. Brown Act by the Board, concerning action taken regarding a letter dated April 28, 2014, from Amy Dutschke, Regional Director, Bureau of Indian Affairs (BIA letter) approving Yocha Dehe Wintun Nation's (Tribe) fee-to-trust application for 852.9 acres.

The nature of the violation is as follows: Between approximately April 28 and May 16, 2014, the Yolo County Board of Supervisors took action to (1) review the BIA letter, dated April 28, 2014; (2) decide not to appeal the decision of the BIA approving the Tribe's fee-to-trust application for 852.9 acres; and (3) authorize its Chairman, Don Saylor, to communicate in writing to Tribal Chairman Marshall McKay the Board's decision not to appeal the decision expressed in the BIA letter. Chairman Saylor signed a letter on behalf of the Board of Supervisors, dated May 16, 2014, which stated that Yolo County would not be appealing the BIA decision, that the Board of Supervisors reaffirmed the County's support of the Tribe's vision, that the County looked forward to the Tribe's continued growth and prosperity, and that in the coming weeks, the Board of Supervisors would bring forward a resolution to formally endorse the Board's continued support of its shared vision with the Tribe (see copy of letter from Yolo County Board of Supervisors to the Tribe, dated May 16, 2014, attached hereto).

The action taken by the Board of Supervisors was not in compliance with the Brown Act because it occurred as the culmination of a discussion in closed session of a matter which the Act does not permit to be discussed in closed session and/or there was no adequate notice to the public on the posted agenda for the meeting that the matter acted upon would be discussed, and there was no finding of fact made by the Board of Supervisors that urgent action was necessary on a matter unforeseen at the time the agenda was posted. I call your attention to Government Code Section 54952.6, which defines "action taken" for the purposes of the Act expansively, i.e., as "a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a

Julie Dachtler, Clerk
Yolo County Board of Supervisors
August 1, 2014
Page 2

majority of the members of the legislative body to make a positive or negative decision, or an actual vote by majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance." The only meetings of the Board of Supervisors between the dates of April 28 and May 16, 2014, were on April 29, 2014 and May 13, 2014. Neither meeting contained any agenda item which would have complied with the Brown Act, to allow the Board to take the challenged action regarding the BIA letter. Yet the May 16, 2014 letter signed by Chairman Saylor unequivocally states specific decisions of the Board of Supervisors, which could only be taken in open session, subject to a properly noticed agenda item for action at a meeting of the Board of Supervisors.

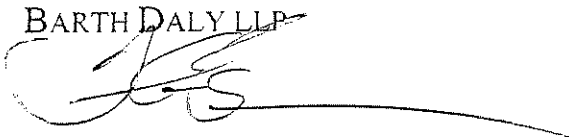
As you are aware, the Brown Act creates specific agenda obligations for notifying the public with a "brief description" of each item to be discussed or acted upon, and also creates a legal remedy for illegally taken actions, namely in this instance, a determination that a past action taken by the Board of Supervisors violated the Act.

Pursuant to Government Code Section 54960.2, and on behalf of my client as an interested person alleging a violation of the Act, I demand that the Board of Supervisors cease, desist from, and not repeat the challenged past action described above.

As provided by Government Code Section 54960.2, subdivision (b), the Board of Supervisors may respond to this cease-and-desist letter within 30 days of receiving the letter by providing an unconditional commitment to cease, desist from, and not repeat the past action that is alleged in this letter to violate the Brown Act. If the Board of Supervisors fails to respond with such an unconditional commitment, as defined by statute, my client intends to commence an action seeking a judicial determination regarding whether the challenged action violated the Brown Act. Such an action would include a request to the court for payment of costs and reasonable attorney's fees pursuant to Government Code Section 54960.5.

Sincerely,

BARTH DALY LLP

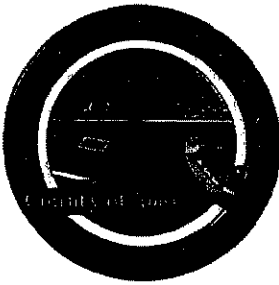


THOMAS W. BARTH

Enclosure

cc: Yolo County Counsel

{00013253}



COUNTY OF YOLO

Board of Supervisors

District 1, Oscar Villegas
District 2, Don Saylor
District 3, Matt Rexroad
District 4, Jim Provenza
District 5, Duane Chamberlain

625 Court Street, Room 204 • Woodland, CA 95695
(530) 666-8195 • FAX (530) 666-8193
www.yolocounty.org

County Administrator, Patrick S. Blacklock
Deputy Clerk of the Board, Julie Dachtler

May 16, 2014

Marshall McKay, Tribal Chairman
Yocha Dehe Wintun Nation
P.O. Box 18
Brooks, CA 95606

RE: Bureau of Indian Affairs Fee-to-Trust Notice of Decision

Dear Chairman McKay,

The purpose of this letter is to inform you that Yolo County has received a letter dated April 28, 2014 from Amy Dutschke, Regional Director, Bureau of Indian Affairs (BIA) approving Yocha Dehe Wintun Nation's (Tribe) fee-to-trust application for 852.9 acres.

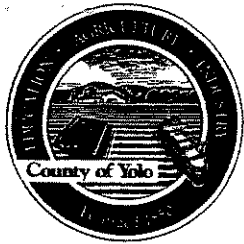
On behalf of the Yolo County Board of Supervisors, I am writing to inform you that Yolo County respects the decision of the Bureau of Indian Affairs in this matter and will not be appealing this decision. The County expressed our concerns with the amount of land taken into trust at the appropriate stages in the process of deliberation by the BIA. At this point, the Board would like to reaffirm the County's longstanding desire to support the Tribe's vision of supporting a healthy, robust, and prosperous people and ensuring that the residential, cultural, and educational needs of its members are met. The County respects and appreciates the strong government-to-government partnership we have formed over time and the broad array of economic, community, and cultural benefits the Tribe has brought to the residents of Yolo County through its enterprises and philanthropic endeavors.

Beyond our governmental relationship, both the Tribe and the County share in a proud tradition of environmental stewardship, sustainable agriculture, and the preservation of open space, all of which improve quality of life and safeguards our precious natural resources. It is our sincere hope that together we will continue to support and advocate for land use and development policies and decisions that honor this tradition and preserve our rural landscapes. We look forward to continued growth and prosperity and the strong partnership between our governments. In the coming weeks the Board of Supervisors will bring forward a resolution to formally endorse our continued support of this shared vision. Please do not hesitate to contact me at (530) 666-8622 should you have any questions or wish to discuss this matter or any other issue of mutual interest.

Sincerely,

Don Saylor
Chair, Yolo County Board of Supervisors

cc: Paula Yost. Dentons US LLP



County of Yolo

Office of the County Counsel

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PHILIP J. POGLEDICH
COUNTY COUNSEL

September 3, 2014

Tom Barth, Esq.
Barth Daly LLP
431 I Street #201
Sacramento, CA 95814

Re: Response to Cease and Desist Letter

Dear Tom:

In a letter dated August 1, 2014 (received on August 4, 2014), you assert that the Yolo County Board of Supervisors violated the Brown Act in connection with a May 16, 2014 letter to the Yocha Dehe Wintun Nation. This office disagrees with your assertion that the Brown Act precludes a closed session discussion of the approval of Yocha Dehe Wintun Nation's fee-to-trust application. A County decision regarding an appeal of this approval could properly be discussed in closed session under Government Code § 54956.9(d).

In any event, I recognize that your letter does not invite a response on this issue and instead seeks a commitment to Brown Act compliance going forward. I assure you that the County is committed to adhering to the Brown Act. Compliance with the Brown Act has long been, and remains, essential to the proper conduct of the County's legal, business, and administrative affairs. Please do not hesitate to contact me if you have any questions.

Very truly yours,

Philip J. Pogledich
County Counsel

EXHIBIT B