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October 22, 2010

Taha Saleh  
George Kassab  
Coalition of Retailers  
P.O. Box 282  
Porterville, California 93258

**Re: Your Letter of October 13, 2010 to the Porterville City Council**

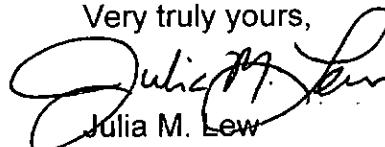
Dear Messrs. Saleh and Kassab:

The City Council of the City of Porterville is in receipt of the above-referenced letter claiming that the City Council did not comply with the Brown Act on March 16, 2010. I am the City Attorney and this matter has been referred to my office.

The City respectfully disagrees with your contentions. The Cooperation Agreement ultimately executed between the City and Tule River Indian Tribe resolved disputes between the parties related to the Tribe's pending Fee-to-Trust applications concerning property within the City, wherein the City contemplated potential legal action. [California Government Code Section 54956.9(c).] Consequently, the matter was appropriately discussed and acted upon in closed session. The City did not report the action from the March 16 meeting, nor was it required to, because the Agreement had not yet been approved by the Tribe. [Government Code Section 54957.1(a)(3)(B).] However, the Agreement was publicized at the City Council Meeting via an open session item on April 20, 2010, once it had been executed by all parties.

Notwithstanding the City's position, your demand is untimely, because your demand must be sent within 90 days of the alleged violation. [See California Government Code Section 54960.1(c)(1).] Also note that pursuant to Section 54960.1(d)(3), actions taken giving rise to a contractual obligation, upon which a party has in good faith detrimentally relied, cannot be invalidated.

Very truly yours,

  
Julia M. Lew  
City Attorney

cc: Porterville City Council  
John Lollis, City Manager