

From: Robert Norse [mailto:rnorse3@hotmail.com]

Sent: Monday, December 10, 2018 5:23 AM

To: David Terrazas <DTerrazas@cityofsantacruz.com>; Martine Watkins <mwatkins@cityofsantacruz.com>

Dear David and Martine,

This is to advise you that *HUFF (Homeless United for Friendship & Freedom)* will be making a group presentation for agenda items ## 27 and 28 as well as during the afternoon session of the 12-11 Santa Cruz City Council agenda for the usual extended public comment time.

Please advise us **when these items are likely to occur or what time certain you are setting for their discussion** as there is significant public interest in them. To expect speakers and the public to wait from 8:45 a.m. onwards to be sure to speak on or listen to these items is an unreasonable burden.

It is also our understanding that either Councilmembers Brown or Krohn during the afternoon session or incoming Councilmembers Glover and Cummins during the evening session may be seeking to have an emergency item added to the City Council agenda. The First Amendment Coalition advises that **such emergency actions do NOT require prior Brown Act notification** provided the Council votes to include them by a 5 person vote.

At <https://firstamendmentcoalition.org/2009/06/aa-emergency-agenda-items-and-proper-notice-requirements/> , the First Amendment Coalition writes

"A legislative body may discuss a nonagenda item at a regular meeting if, by majority vote, the body determines that the matter in questions constitutes an emergency. The Brown Act provides for emergency meetings to be held by a legislative body with little or no notice to the public, depending upon the situation. When a majority of the legislative body determines that an emergency situation exists, it may call an emergency meeting. (Gov't Code § 54956.5)."

So we do not have to return for an additional session during the Xmas season to correct any legal errors here, *HUFF* encourages the chair to facilitate the emergency item as should have been done on the November 27th meeting, had such an emergency item been formally proposed. Such items, we understand, can be added at any time and at any point on the City Council agenda. If the City Attorney claims otherwise, please ask him to direct our attention to the specific provision of the Brown Act that precludes this.

We address this to both the incoming and the likely outgoing Mayor to ensure that the meeting proceeds smoothly.

Thanks Robert Norse (831-423-4833)