
From: Brad Malamud [REDACTED]

Sent: Wednesday, February 7, 2024 7:42 AM

To: C. Jayden Smith <cjsmith@picketfencemedia.com>; Cabral, Victor <CabralV@san-clemente.org>; Duncan, Chris <DuncanC@san-clemente.org>; Elizabeth A. Mitchell <emitchell@bwsllaw.com>; Enmeier, Mark <EnmeierM@san-clemente.org>; Hall, Andy <HallA@san-clemente.org>; Knoblock, Steve <KnoblockS@san-clemente.org>; Campagnolo, Laura <CampagnoloL@san-clemente.org>; Loeffler, Rick <LoefflerR@san-clemente.org>

Subject: Follow up public issue

<https://www.san-clemente.org/Home/ShowDocument?id=53233>

Special and Regular City Council Meeting Agenda of August 20, 2019 Page 18 BB.

Amicus Brief in Support of Petition to the U.S. Supreme Court to Grant Review of the Ninth Circuit's Decision in Martin v. City of Boise Pages 6BB-1 through 6BB-2 Staff Recommendation Direct the City Attorney to authorize Special Counsel's preparation and filing of an amicus curiae brief in support of the City of Boise's petition to the U.S. Supreme Court to grant review of the Ninth Circuit's decision in the matter of Martin v. Boise. CC.

MISSION STATEMENT

The City of San Clemente, in partnership with the community we serve, will foster a tradition dedicated to:

Maintaining a safe, healthy atmosphere in which to live, work and play;

Guiding development to ensure responsible growth while preserving and enhancing our village character, unique environment and natural amenities;

Providing for the City's long-term stability through promotion of economic vitality and diversity...

Resulting in a balanced community committed to protecting what is valued today while meeting tomorrow's needs.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Oral Communications (Part 1).** Members of the public who wish to provide comments to be read at Council meetings on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may complete the Public Comment Submittal form available on the City's website at www.san-clemente.org/ccpubliccomment. All comments become part of the public record. Transmittal by 4:00 p.m. on Council meeting days is recommended. Comments will be read publicly at the meeting up to the allotted time limit of 3 minutes per person. Individuals may provide comments to be read during either Oral Communications Part 1 or Part 2.
2. **Motion waiving reading in full of all Resolutions and Ordinances.**
3. **[Amicus Curiae in Support of Sheriff Don Barnes' Challenge to an Order Releasing 1,800 Inmates from the Orange County Jail](#)** Pages 3-1 through 3-4

Staff Recommendation

Authorize the City Attorney to join in a brief filed by another city, supporting Orange County Sheriff Don Barnes' challenge to the order issued on December 11, 2020 (in the case entitled Cynthia Campbell et al. v. Don Barnes, in his official capacity as Sheriff of Orange County, California, Orange County Superior Court Case No. 30-2020-01141117-CU-WM-CXC), ordering the reduction of the Orange County Jail inmate population by fifty percent (50%) in all congregated living areas.

All the above were discussed and voted on in public session.

There was no reason to have closed session discussion last night.

No transparency.

Violation of government code.

What is wrong at the city? Why can't it avoid brown act violations?

Why is the public response required to correct these mistakes? See last night's reversal of 10C.

The city officials need to get their act together. The lawyers should know better. Elizabeth Mitchell should resign. Last night she failed to answer a straight forward question from knoblock as to whether is an item is pulled from the consent calendar a person who already spoke could speak again.

He asked her twice and Mitchell failed to respond. She is paid to provide legal advice to the city not to avoid providing that advice.

Council. Please get a city attorney that will provide answers when you ask questions. Or, at a minimum, keep asking Mitchell your questions until she answers or informs you she does not know but will get back to council with an answer.

Nobody expects a city attorney to know every answer, but obfuscation is not okay.

Nor is holding improper closed sessions or violating the government code's requirement to allow public comment on every council agenda item. Yet the city attorney failed to comment on the government code violation in adopting item 10C which is required if she disagreed with my analysis.

Best.

Brad Malamud
Sent from my gmail account: