

4-16-2024

City Attorney, Ms. Bijal Patel

City Manager, Ms. Midori Lichtwardt

Re: Formal Notice of Brown Act Violation/Cease and Desist

Ms. Patel, Ms. Lichtwardt – This letter is to serve as a formal complaint against Mayor Nancy Young. During the regular City Council meeting on March 19th, 2024, Young committed multiple violations of the Ralph M. Brown Act (Brown Act), as well as the 1st Amendment of the US Constitution.

It should be noted that historically, I and others have been targeted by Mayor Young. Actions have included interruptions and, in some cases, complete shut-down of our public comments during council meetings. In no case were threats, outbursts, yelling or any disruptive behavior occurring from the public speakers. It should also be noted that Mayor Young does not apply the speaking rules consistently.

The specific instance which is the basis for this letter occurred on March 19th. At that meeting during public comments, I was stopped from speaking by the Mayor. During the March 19th meeting, I attempted to speak at the podium and Mayor Young threatened to stop me from speaking, stating that she would “stop the speaker” as she did not see me raise my hand. This was a violation of C 54953, (e)(2) € (i)-(iii). This was also a violation of my 1st amendment right to freedom of speech. Under Government Code Sections 54954. 3(a)-(c) of the Brown Act, a legislative body cannot prohibit public criticism of the body, including individual members of that body. The Mayor’s actions made me feel threatened and targeted, and consider her action towards me as a senior, causing elder abuse.

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The actions above establish clear violations by the Mayor of the Brown Act and its requirements. The City must take corrective actions within thirty days, to both comply with the Brown Act and restore public trust. Tracy residents deserve a Mayor that does not repeatedly violate the rights of public speakers.

As required in Government Code section 54960.2, you have 30 days from the receipt of this demand to provide an unconditional commitment to cease, desist from, and not repeat this action. Furthermore, I demand, as a cure, that the Mayor publicly apologize to me for violating my rights and the Brown Act. If these demands are not complied with, I will be left with no recourse but to pursue judicial action.

Thank you,

Burnell Shull, Tracy Resident