

## ATTACHMENT A

April 24, 2018

To Lauri Preedger:

The City Council of the City of Newport Beach ("City Council") has received your cease and desist letter dated April 10, 2018 ("Letter") alleging that the following described past action of the legislative body violates the Ralph M. Brown Act:

"In its meeting of March 27, 2018, four members of the Newport Beach City Council conspired to, and did, take action to terminate the employment of City Manager Dave Kiff by acknowledging an alleged request by Mr. Kiff, apparently made under duress and threat of termination without cause, to have his current employment renegotiated and prematurely concluded. The action taken was not in compliance with the Brown Act because it occurred as the culmination of discussions over a period of weeks by a majority of the city council members in private, either directly or through intermediaries."

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the City Council hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action as described above.

Additionally, to the extent your Letter is seeking redress under California Government Code Section 54960.1(c)(2), the City Council directs you to Agenda Item No. 12 on the City Council's April 10, 2018 agenda, which was titled "City Manager Employment Agreement Amendment and Commencement of Process for Recruitment of New City Manager." As you know, this agenda item was considered and unanimously approved by the City Council at an open and noticed meeting. Under California Government Code Section 54960.1(f), the City Council's action at the April 10<sup>th</sup> meeting may not be construed or admissible as evidence of a violation of the Brown Act.

The City Council may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Very truly yours,

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Marshall "Duffy" Duffield  
Mayor

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