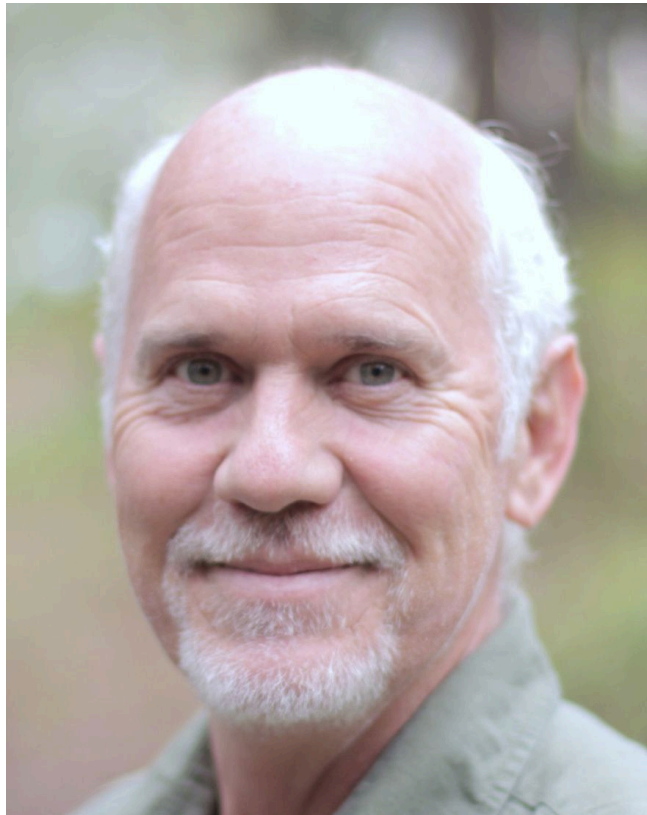

In My View: A funny thing happened

November 12, 2023



A Funny Thing Happened on the Way to the Forum is a 1966 musical comedy starring Zero Mostel about palace intrigue and deception where things don't go at all according to plan. Observing local politics and the way people interact with our elected officials sometimes reminds me of this comedy of errors.

Find The Humor

A funny thing happened on my way to the Tri-Agency Economic Development Authority meeting (9/28). As I walked down the hallway, a man approached me and handed me some papers. I thought that it was information for the meeting, but nope.

The front page said, "Linda Sutter v Tri-Agency EDA." I immediately declared that I am not on this board and passed the papers back. He asked, "Aren't you Wes White?" When I told him no, he took the documents and disappeared around the corner.

When I entered the meeting chambers, I saw Linda Sutter and told her that her guy just tried to serve me with a notice of a lawsuit.

I'm not sure she heard me say I gave the papers back, as she ran out of the room to find him. He was supposed to serve Tri-Agency Chair Wes White. I just thought it was all too funny.

Not So Funny

Tri-Agency EDA, Del Norte County, Crescent City and the Harbor District are all being sued. Acting as her own lawyer, Linda Sutter filed this case with the Superior Court on September 27, 2023. She is making some serious allegations and is asking the court to dissolve Tri-Agency until it can be placed on the 2024 ballot.

“Notice and petition for writ of mandate, injunctive relief and declaratory relief for violation of the Ralph M. Brown Act, California Records Act, Article 1 & 3(b)(1) of California Constitution, waste of public funds CCP526(a), breach of fiduciary duty, and order to show cause why Tri-Agency should not be dissolved under Government Code 6510.”

Sutter is seeking a writ of mandate which is a court order to a governmental body, or government official, requiring that they perform an act or cease to act where the court finds that an official law, duty or judgment requires them to do so. This is a convoluted case that I will gladly leave for the courts to resolve.

Exhibit B

I have not read every document, but it is an impressive pile of paper, with over 140 pages including the petition for writ of mandate, exhibits and attachments.

There is a proper venue to sort this out and I will not comment on the merits of this case, with one exception.

Imagine my surprise when I was scanning through the legal papers and I discovered that one of my columns, “The People Who Show Up” (3/2/23) is Exhibit B.

This is offered as evidence that the public was excluded from attending a specific Tri-Agency board meeting.

In my column I wrote about the people that showed up for a Tri-Agency meeting in the middle of a blizzard.

This was intended as a story about dedication to duty. Sutter misinterprets my words and extrapolates an erroneous conclusion that the doors were locked so that the public could not attend. This is not accurate.

Snowstorm

Sutter contends that, “The Tri-Agency should have reposted their meeting to another date after the County closed their building for the day due to snow. Instead, the County led people to believe there would be no Tri-Agency meeting because the Government building was closed.”

Sutter heard on the radio the county offices were closed and assumed the Tri-Agency meeting was cancelled. It was not. Regardless, there is no legal requirement to notify people if a meeting is cancelled nor is there a practical way to do this. The only way to know for sure is to show up. I did. She did not.

When I arrived early, the doors were locked. After calling Tri-Agency Chair Wes White to confirm that the meeting was still on, I knocked on the door and was let in. The door was unlocked and open before the

meeting was scheduled to start and was left open for the duration of the meeting.

Civic Rights

Linda Sutter has standing to file a legal challenge if she thinks her rights have been abridged or laws have been broken. Under California law, local agencies must establish written guidelines for public access to documents and to post these guidelines at their offices. The public has a right to inspect legislative records.

Sunshine laws are regulations requiring public disclosure of government agency meetings and records.

Sunshine laws require specific government agencies to maintain transparency and disclose their activities to the public.

This includes advance posting of the meeting agendas in a public place.

All our government agencies should commit to comply with legal mandates for open and transparent government. It is worth noting that Tri-Agency has improved lately.

Over the last two meetings, County and City staff have stepped up to help since Tri-Agency has no staff. Agendas were posted and minutes taken.

There Is A Cost

Win or lose there will be a cost for Tri-Agency and the member agencies to defend against this litigation. Tri-Agency has hired local attorney Robert Black who is a veteran government lawyer. The attorneys for the City, County and Harbor will have to spend time on this. There will be a cost to the local courts.

If she wins, Sutter is requesting that the court enter judgment against Tri-Agency, “ordering payment of all court and attorney fees associated with this action.” If she does not prevail, should she be required to pay the costs incurred by the government agencies that are being sued? That might be just.

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