



Subject: FW: January 4, 2016 hearing on City Hall/Town Hall Project

From: Heidelberg, Evelyn F.
Sent: Thursday, December 31, 2015 3:46 PM
To: 'sparks@delmar.ca.us'; 'acorti@delmar.ca.us'; 'tsinnott@delmar.ca.us'; 'donaldmosier'; 'dworden
Cc: 'Leslie Devaney'; 'shuth@delmar.ca.us'; 'kgarcia@delmar.ca.us'; 'suren'; 'Jas Grewal'; rick ehrenfeld
Subject: RE: January 4, 2016 hearing on City Hall/Town Hall Project

Mayor Parks and Councilmembers and copied parties:

I received communications today from Mr. Ehrenfeld, in which he said that he had in fact recused himself from the DRB's consideration of the referenced project at the DRB's August 26, 2015 meeting, and said that I should have viewed the videotape of the meeting. I responded that I reasonably relied on the minutes that were in the record and that the burden was on him to see that the minutes were corrected. He responded by sending me a copy of an email he sent to staff on September 15 (before the September 16 DRB meeting) asking for a couple of corrections to the draft minutes, including a request to "please mention that I recused myself on the City Hall item due to the proximity of my home to the site."

Having received that email (which did not include a copy of any corrected minutes of the August 26 meeting), I took the time this afternoon to go through all of the DRB agenda materials beginning in September 2015 looking for a corrected set of those minutes (this required going through at least 2,000 pages of documents). **Nowhere on the DRB website is there a complete set of minutes of the August 26 meeting which show that that correction was made.** Nor is there a reference in any of the subsequently approved minutes on the DRB website indicating that the minutes of the August 26 meeting had been corrected. However, buried in the 220-page agenda materials for the December 16 DRB meeting (at pages 134-138 of the pdf version of those materials [page 114 through 118 as numbered in those materials]) is an **excerpt** of minutes of the August 26 meeting which DO reflect that Mr. Ehrenfeld did "recuse[] himself due to his proximity to the project."

Accordingly, I write to retract those statements in my December 30 letter that refer to a violation by Mr. Ehrenfeld of the Political Reform Act occasioned by his failure to recuse himself from the DRB's August 24, 2015 meeting. I regret the error, which can be attributed to the failure of the DRB's records to include a complete set of minutes of that meeting reflecting that correction (as well as the other correction Mr. Ehrenfeld requested on another agenda item). (I note that Mr. Ehrenfeld does not contest the statements in my letter characterizing his ex parte contacts with members of City Council on the City Hall/Town Hall project as violations of the Political Reform Act, and I stand by them.)

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From: Heidelberg, Evelyn F.
Sent: Wednesday, December 30, 2015 5:09 PM
To: 'sparks@delmar.ca.us'; 'acorti@delmar.ca.us'; 'tsinnott@delmar.ca.us'; 'donaldmosier'; 'dworden'
Cc: Leslie Devaney; 'shuth@delmar.ca.us'; 'kgarcia@delmar.ca.us'; suren; Jas Grewal
Subject: January 4, 2016 hearing on City Hall/Town Hall Project

Please see the attached letter on the referenced matter submitted on behalf of my clients, Suren Dutia and Jas Grewal.

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mailgw01.procopio.com made the following annotations

Mon Jan 04 2016 13:49:02

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