Subject:	Keep Squaw True Update/Initial Brown Act Decision
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To:	
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This summer we received the initial judgment in our challenge to Squaw Valley development approvals based on Placer County's violation of California's Brown Act.

We lost round one; and we are set to appeal.

Pictured: Sierra Watch at the Placer County Superior Court

In a July 6 decision, Judge Michael Jones declared, "Judgment is now entered in favor of Respondents (Placer County) and Real Parties (KSL/Alterra) and against Petitioners (Sierra Watch) on all claims."

State Law

Sierra Watch contends that Placer County violated the Brown Act when it included a last-minute deal with developers, negotiated in secret and finalized the day before, in its 2016 approvals of the massive Squaw Valley development project.

The Brown Act, passed in 1953, is designed to ensure public involvement in government decision-making.

“The people of this State do not yield their sovereignty to the agencies which serve them,” the law states. “It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.”

A cornerstone of the law is that the public must have the opportunity to be informed participants. Specifically, the law requires a governing body “post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting” and, also, that key documents relevant to important decisions be made “available for public inspection”.

Our Case

In the case of its Squaw Valley development and its impact on Lake Tahoe, the County did neither.

Pictured: The blue waters of Emerald Bay at Lake Tahoe

Throughout the County’s five-year planning process, Sierra Watch and our allies raised concerns about how the project would pump traffic – more than 1,300 new daily car trips – into the Tahoe Basin, adding pollution to the lake and threatening the ongoing effort to Keep Tahoe Blue.

Placer County's answer was to negotiate a deal with the developers – in secret – and then to spring the result in a surprise announcement on the day of their approvals.

At the 2016 hearing, County Counsel Karin Schwab announced that a deal had been struck and touted the County's leadership role, citing their "extensive discussions with the Attorney General."

But the deal was reached in the eleventh hour – not in time to make the public agenda for the Board of Supervisors meeting, nor made "available for public inspection", another requirement of the Brown Act.

"This really did literally come together yesterday," explained the developer's attorney, Whit Manley at the hearing.

Pictured: Keep Squaw True supporters at the Placer County Board of Superviors meeting in Nov. 2016

The Initial Decision

In his judgment, Jones sided with the County and its claim that it was not party to the agreement – even though the County's own announcement, its leadership role in negotiations, a string of emails detailing the County's demands, and the agreement itself all prove otherwise.

The judgment also agreed with the County and developers that the Fee Agreement was not a discreet, significant issue and therefore did not require notice in a public agenda.

And, somehow, the judgment finds that the County had made the last-minute memorandum

available to the public – as required by law – by placing it in a locked office after business hours the night before the hearing.

Sierra Watch respectfully disagrees. And we look forward to appealing this decision to the Court of Appeals in the fall.

We'll keep you posted!

Tom

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