

Kathy Claytor, Board Chair
Ellen Stallings, Board Vice Chair
Scott Hagen, Board Member
Jerald Oliver, Board Member
Spalding Community Services District Board

SENT VIA EMAIL

January 1, 2026

Dear Board Members:

This letter is to draw your attention to what we believe was substantial violations of central provisions of the Ralph M. Brown Act, ones which may jeopardize the finality of the actions taken by the Spalding Community Services District (SCSD) Board.

We would like to acknowledge that newly appointed Board Member Scott Hagen took his oath on November 13, 2025, and may have yet to take his Brown Act training. However, we would like to remind him that California Government Code §54952.1 (Brown Act) states “any person elected to serve as a member of a legislative body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this chapter and shall be treated for purposes of enforcement of this chapter as if he or she has already assumed office.”

In its open regular meeting of December 11, 2025, the SCSD acted by:

- *Failing to have an ordinance or resolution to pass policy.*
- *Continually, intentionally and willfully failing to follow California law and regulations regarding the use of public resources.*
- *Continually, intentionally and willfully failing to inform the public of discussions and decisions made by the SCSD board outside of a meeting.*
- *Failing to clarify corrections to meeting minutes and failure to ensure accuracy of meeting minutes.*
- *Failing to report on the arson investigation of the Osprey Hotel Fire to its constituents.*

- *Continually, intentionally, and willfully failing to vote upon the board members meeting with Local Agency Formation Commission (LafCo) of Lassen County outside a public meeting.*
- *Continually, intentionally, and willfully failing to provide the public with a clear and uninterrupted remote option via zoom as required by Title II of the Americans with Disabilities Act (ADA), specifically 42 U.S.C. § 12132, the California Administrative Code R.59G-1.010 which implemented the federal ADA and Attorney General Bonta's opinion on remote attendance at public meetings.*
- *Continually, intentionally, and willfully failing to have an accessible parking lot for the disabled community by violating state and federal ADA mandates.*
- *Continually, intentionally and willfully failing to have (and implement) a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal ADA of 1990, the Unruh Civil Rights Act and the California Disabled Persons Act.*
- *Continually, intentionally, and willfully failing to have a meeting consistent with applicable federal and state civil rights and nondiscrimination laws.*
- *Continually, intentionally, and willfully failing to have public meetings that meet the protections and prohibitions contained in Section 202 of the ADA of 1990 (42 U.S.C. Sec. 12132) and California rules and regulations adopted within the Brown Act for disabled access.*
- *Failing to agendize an item that was discussed at the meeting.*
- *Continually, intentionally and willfully failing to provide notification and access to an agenda for those living with disabilities.*
- *Continually, intentionally and willfully withholding public documents from the public.*
- *Continually, intentionally and willfully placing a requirement to speak at a public meeting.*
- *Failing to ensure fair access, potentially violating the rights to observe/record by inhibiting public access.*

- *Continually, intentionally and willfully attempting to stifle and incite retaliation for public criticism of the SCSD to include filing of ADA complaints.*
- *Continually, intentionally and willfully muting constituents on zoom.*

In so doing, the SCSD “acted” as defined in Govt. Code 54952.6 because:

- *A majority of the members made a collective decision.*
- *A majority of the members made a collective commitment or promise to make a positive or negative decision.*
- *A majority of the members took an actual vote when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.*

The actions violated the Brown Act because:

- *It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in Government Code §54950 et seq. were satisfied. SCSD Revised District Policy No. 3400 still did not have a resolution attached to it. However, to complicate things, the agenda noticed a second reading which makes it appear that the SCSD was attempting to approve an ordinance instead of a resolution. This lacks transparency and violates proper procedure/agenda requirements. California law mandates that all documents to change policy must be provided to the public at a meeting where it will be discussed. Generally, permanent policy needs formal adoption via written motion through standard parliamentary process with resolutions formalizing permanent rules while motions are for temporary business. In addition, this policy conflicts with several other policies in the SCSD Policy Handbook that are still in effect. The SCSD should ratify this action by following proper state and local procedures that also address the policies in conflict with this proposed policy change.*
- *It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in Government Code §54950 et seq. were satisfied. On December 6, 2025, Fire Chief Frank Muse and Board Member Hagen co-hosted a community potluck without board approval. Fire Chief Muse appears to have purchased food and used the community facilities without the approval of the SCSD board. Board Member Hagen as*

President of the Neighborhood Watch participated in using the community facilities for his non-profit without seeking board approval as well. As stated in the last cure and correct, anything non-district related is likely a violation of California laws and regulations regarding the use of public resources, especially for self-promotion without board approval. Proper procedure would involve the SCSD board officially authorizing the use through a formal agreement and ensuring compliance with all liability, insurance and food handling regulations, demonstrating a clear public purpose that justifies the use of funds and district facilities. The SCSD should acknowledge this by ratifying their actions at the next subsequent meeting or Fire Chief Muse should be disciplined for acting without authority and Board Member Hagen should be warned not to do so in the future without board approval since he is a newly appointed board member.

- It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in Government Code §54950 et seq. were satisfied, specifically §54957.1 and 54957.5. The SCSD presented two meeting minutes at this meeting (September 8, 2025, and November 13, 2025). It is not clear which meeting minutes General Manager (GM) Ken Ward was referring to when he stated that Board member Jerald Oliver abstained from voting. Board Member Oliver stated that it pertained to the September 8, 2025, meeting; however, he did not abstain from any vote at that meeting. Furthermore, that meeting also confirmed Board Member Oliver's resignation at the September 8, 2025, meeting that the SCSD has yet to address to the public. Furthermore, this is a demand to change the November 13, 2025, meeting minutes that name Ms. Tammy LoBue as filing a Fair Political Practices Complaint pertaining to the parking lot. This is defamation and requires an immediate public apology and ratification of the vote and a correction to the meeting minutes at the next subsequent meeting.*
- It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in Government Code §54950 et seq. were satisfied. SCSD Fire Chief Muse and SCSD failed to inform the public about the arson investigation of the Osprey Hotel fire. While serving court documents to Board Member Oliver at the hotel fire remnants, Fire Chief Muse informed the person serving the documents to keep clear of the "crime scene". Yet there was no mention or discussion*

by the SCSD about this public concern. The SCSD should discuss this at the next subsequent meeting.

- It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in Government Code §54950 et seq. were satisfied. SCSD board members continually meet with Lassen County LafCo outside a public meeting to discuss the issues facing SCSD that are of public concern. The memorandum issued by LafCo at this meeting is an attempt to not address constituent concerns and appears to be a willful act of collusion from both entities. The SCSD should discuss this at the next subsequent meeting and determine what board members will be meeting with LafCo.*
- It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in Government Codes §54950 and §54952.2 were satisfied. The SCSD board has been working in the district office with no signs from GM Ward physically in the office. There are several actions that appear to have been done by board members outside of an agendized meeting. At no time has the SCSD board approved any board member doing administrative work, which is a clear conflict of interest. This is evidenced by numerous statements made at this meeting by the SCSD board to include SCSD Chair Kathy Claytor stating what audio/visual bid the board would be choosing with no board discussion/vote and Vice Chair Ellen Stallings response to Policy 5090 ADA non-compliance. The SCSD should discuss this at the next subsequent meeting.*
- It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in Government Code §54953 were satisfied. We direct you to Attorney General Bonta's Opinion No. 23-1002, which re-iterates that zoom is an option for its disabled members to join meetings remotely which conforms to the federal ADA mandates for all disabled attendees as evidenced by his Title II inclusion in his opinion. Under Title II, specifically 42 U.S.C. § 12132, no qualified individual with a disability shall be excluded from or denied benefits of public services, programs or activities or be discriminated against by such an entity. This was even re-iterated with the passing of SB 707 which states remote attendance will continue in 2026. Unfortunately, SCSD has been unable to comply with remote participation as evidenced by it not being able to work their own*

phone-in or zoom options for remote participation for those living with disabilities. This has been a willful, intentional and continuing issue at every meeting for almost three years, and SCSD legal counsel Greg Maestri is on several recordings having issues hearing via zoom as well. Based on this, it is believed that SCSD has intentionally, willfully and continually prevented the disabled community from participating in the decision making of their own government. Not to mention this is a reasonable accommodation request from Mr. Ronald LoBue since December 2024 that has been ignored. Furthermore, this meeting agenda stated that those attending via zoom would be muted except for the main public comment. This is discriminatory because in-person attendees are allowed to comment on all agenda items. Thus, Mr. LoBue and all zoom participants are treated differently than other constituents. The SCSD should discuss this except for confidential information at the next subsequent meeting to include a more appropriate ADA policy than the draft it has been presenting to the public.

- It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in Government Code §54953 were satisfied. Mr. LoBue has mobility issues and has been provided with several assistive devices by the Veterans Administration (VA). The SCSD parking lot was not professionally restriped by a licensed contractor (per law) or an ADA compliance expert, and Lassen County has confirmed that it does not meet ADA compliance. In addition, GM Ward confirmed that the parking lot was “compliant” and only about “inches off”. One inch off means it is not compliant. So, now Mr. LoBue is completely shut out of any public meetings or community activities at the community center. He cannot even zoom in or call in because that hasn’t worked in nearly three years and now the SCSD mutes zoom callers for public comments as evidenced by this last agenda. All community center activities by groups approved by SCSD are also considered non-accessible until this is corrected and compliant. The SCSD should discuss this except for confidential information at the next subsequent meeting to include a more appropriate ADA policy than the draft it has been presenting to the public.*
- It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in Government Codes §54953(g) and §54953(h) were satisfied. The SCSD has continually, willfully and intentionally failed in almost three years to show that it has and implements a procedure for receiving and swiftly resolving requests for reasonable*

accommodation for individuals with disabilities, consistent with the federal ADA of 1990 (42 U.S.C. Sec. 12132) nor does it resolve any doubt in favor of accessibility. SCSD Board Chair Kathy Claytor finally granted the in-person meeting reasonable accommodation request on July 9, 2025, for Mr. LoBue, but has yet to grant the remote participation from December 2024 as of today's date. Furthermore, she has yet to grant Ms. Tammy LoBue's April 8, 2025, reasonable accommodation request as of today's date. Please consider this as a second request for the three reasonable accommodation requests for the year 2026 as our request in the last cure and correct demand have yet to be addressed.

- It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in Government Code §54953.2 were satisfied. The SCSD is continually, intentionally and unwilling to properly implement meeting accessibility for Mr. LoBue via his government issued screen reader. Due to this ADA non-compliance, the SCSD is not only violating the Brown Act ADA requirements, but also the California Department of Civil Rights (CDCR) mandates, Rule 508 of the Rehabilitation Act and the protections contained in Section 202 of the federal ADA of 1990 (42 U.S.C. Sec. 12132). Ironically, the SCSD attempted to pass a deficient ADA Policy at this meeting that was not only non-compliant with platform independent screen readers but also did not include pertinent and specific information in the policy itself. The SCSD should discuss this except for confidential information at the next subsequent meeting to include a more appropriate ADA policy than the draft it has been presenting to the public.*
- It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in Government Code §54953.3 were satisfied. Chair Claytor once again required a constituent to state her name during public comment as a condition to speak at a public meeting. During public comment, she asked Ms. Kari Graton to state her name at the podium. As stated in numerous unanswered cure and correct demands, individuals have the right to speak anonymously at the podium. The SCSD should address the legal mandates for public comment at the next subsequent meeting.*
- It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in*

Government Code §54953.5 were satisfied. After the meeting had been adjourned, GM Ward approached Ms. LoBue, who did not have an opportunity to pick up an audio recorder owned by Ms. Sheryl Alvernaz at the conclusion of the meeting. While she was speaking with him, Ms. Theresa Pavese handed her the recorder that had been on the SCSD dais in front of Chair Claytor. Not only is this inappropriate to hand someone's property to another constituent, but it also goes against the spirit of the Brown Act and is viewed yet as another retaliatory and intimidating tactic by the SCSD. The SCSD should address the legal mandates for public recordings at the next subsequent meeting.

- It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in Government Code §54954.1 were satisfied. Mr. LoBue has continually asked for an alternative format to access the agenda packet with a government issued screen reader, and SCSD has continually, willfully and intentionally not complied with this accommodation for over a year. A veteran should not be required to continually beg his local government to adhere to his needs from his service-connected disabilities, and his caregiver should not have to continually advocate for access while facing heckling and retaliation from SCSD and its supporters. We consider this a continual, willful and intentional violation of Mr. and Mrs. LoBue's civil liberties. The SCSD should discuss this except for confidential information at the next subsequent meeting to include a more appropriate ADA policy than the draft it has been presenting to the public.*
- It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in Government Code §54954 were satisfied. GM Ward appeared to give a GM report that was not on the agenda for this meeting. He also gave the sewer report because our sewer technician had the day off but failed to provide the public with the latest sewer violations letter sent to SCSD in November. In fact, it was evident they were evading telling the public of the report when Board Member Hagen discussed a patch kit for the pond which was one of the violations. The SCSD should address all issues it is dealing with at the next subsequent meeting to be transparent.*
- It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in Government Code §54954 were satisfied. During the meeting GM*

Ward informed the public that the new television used for zoom had been purchased by Board Member Jerald Oliver, but no receipts were provided to the public for transparency. Furthermore, there was no board vote to accept the gift to show full disclosure and transparency to the public it serves. The SCSD needs to vote upon this and provide the receipt at the next subsequent meeting.

- It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in Government Code §54954.2(2)(B)(ii) were satisfied. The SCSD continually, willfully and intentionally fails to provide access to its agenda to Mr. LoBue in an alternative format before the meeting. As stated in numerous unanswered cure and correct demands, the Brown Act specifically states the agenda is to be on a "platform independent and machine readable." Furthermore, archiving past agendas that are not accessible to the visually impaired is not ADA compliant nor does it meet the requirements of the Brown Act. SCSD and its website administrator, Streamline, have been fully aware of these issues since April 2025. The SCSD should discuss this except for confidential information at the next subsequent meeting to include a more appropriate ADA policy than the draft it has been presenting to the public.*
- It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in Government Code §54957.5 were satisfied. During the meeting, GM Ward mentioned he received nothing further from the county on the parking lot but a California Public Records Request (CPRA) asking for all documentations was denied by Chair Claytor claiming that SCSD nor the fire chief had received anything. Furthermore, the sewer violations letters were not provided at this meeting despite Lahontan giving them to members of the public. The SCSD should discuss this except for confidential information at the next subsequent meeting to include a more appropriate ADA policy than the draft it has been presenting to the public. It also needs to provide all sewer violations to the public it serves.*
- It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in Government Code §54957.9 were satisfied. Chair Claytor continues to fail at maintaining decorum. Not only has she not complied with Ms. LoBue's request for reasonable accommodation to maintain*

decorum, but she fails to comply with an orderly meeting. With the Board, and specifically Chair Claytor, failing to address discriminatory conduct within their governance, they are contributing to a hostile environment and illegal retaliation and discrimination. Chair Claytor and the board need to accept accountability for this past behavior, tell the public that they erred on civil rights and apologize to Mr. and Mrs. LoBue. We do acknowledge for the first time in over year that she gaveled one of her friends who spoke out of turn at this meeting, but she failed to keep decorum for former SCSD staff comments about Ms. LoBue's ADA advocacy. We have repeatedly told SCSD that Ms. Graton continually threatens, harasses and comments at each meeting about the "frivolous ADA complaints" to anyone sitting next to her and it is loud enough to be witnessed. This time, former fire chief Cliff Spediacchi joined in her comments. The SCSD should discuss this except for confidential information at the next subsequent meeting to include a more appropriate ADA policy than the draft it has been presenting to the public.

- It was taken on a matter that was not properly described in the agenda for its open regular meeting of December 11, 2025, at which the action was taken, and not all the requirements specified in Government Code §54957.95(a)(2) were satisfied. As we have previously informed SCSD, zoom participation cannot be muted and this time SCSD included it as part of their agenda. Ms. Vicki Shumaker is on video recording waving her hands to speak while SCSD ignored her request. As stated previously, if you allow in-person participants to speak on each agenda item, it must provide the same opportunities for remote participants. The board needs to publicly apologize to Ms. Vicki Schumaker for doing so and stop muting zoom in all future meetings.*

As you are aware, the Brown Act creates specific agenda obligations for notifying the public with a "brief description" of each item to be discussed or acted upon and creates a legal remedy for illegally taken actions — namely, the judicial invalidation of them upon proper findings of fact and conclusions of law.

Pursuant to that provision (Gov. Code §54960.1), we demand that the SCSD cure and correct the illegally acted as follows:

- As the SCSD is aware, this is the thirty first brown act violation since February 2024, and our remedies have not been addressed to our satisfaction. In fact, only one of our cure and correct demands has ever been addressed at a meeting despite other cure and correct demands being addressed, which shows willful, intentional*

and continuing discriminatory and flagrant violations. We continue to demand that the SCSD Board and its staff take the current Brown Act training which includes ADA requirements. We also demand that they take current federal and state ADA training. Their attorneys also need to take this since Attorney Maestri participates and has been on record as running meetings yet has done nothing to comply with ADA mandates. He also purported to be an ADA expert at a past meeting by telling the board via email read at the April 2025 meeting that the website was compliant, when in fact, it is not.

- We continue to elevate this to SCSD oversight entities for enforcement of the intentional, willful and continuing violations of the Brown Act and other applicable laws.*
- Due to the intentional, continual and willful ADA violations, the SCSD was reported to the federal and state Departments of Justice and CCRD for these ongoing violations. Any oversight not enforcing these federal and state laws is also in violation of the ADA.*

As provided by Section §54960.1, you would normally have 30 days from the receipt of this demand to either cure or correct the challenged action or inform me of your decision not to do so. However, due to your non-compliance with the February 14, 2024, March 15, 2024, March 29, 2024, April 14, 2024, April 27, 2024, May 6, 2024, May 19, 2024, June 9, 2024, June 16, 2024, June 23, 2024, July 14, 2024, July 28, 2024, August 11, 2024, August 24, 2024, August 27, 2024, October 15, 2024, October 27, 2024, November 11, 2024, December 8, 2024, January 9, 2025, February 8, 2025, March 13, 2025, April 12, 2025, April 24, 2025, April 26, 2025, November 19, 2025, November 20, 2025, November 21, 2025, November 22, 2025, and December 13, 2025 cure and correct demands, we have no choice but to continue to defer this to the Lassen County District Attorney's Office, Lassen County Supervisor One, Lassen County LafCo and the federal and state Departments of Justice, Civil Rights Division, for a remedy. This does not diminish our right to seek a judicial invalidation of the challenged action pursuant to Section §54960.1, in which case we would also ask the court to order you to pay my court costs and reasonable attorney fees in this matter, pursuant to Section §54960.5.

Respectfully submitted,

/s/ Barbara deLeon
/s/ Tammy LoBue
/s/ Ronald LoBue

cc: Allison E. Burns, Stradling Law
Gregory Maestri, Stradling Law
Mike Scanlan, Lassen County Board of Supervisors District 1
Susan M. Rios, Lassen County District Attorney
Ken Ward, SCSD Volunteer Interim General Manager
Jennifer Stephenson, Lassen County Lafco