

May 13, 2009

Board President Smith and Directors
Helix Water District
7811 University Ave.
La Mesa CA 91941

Re: Demand for Cure and Correction: Ralph M. Brown Act
(Government Code Section 54950 *et seq.*)

Dear President Smith and Directors,

Several substantial violations of central provisions of the Ralph M. Brown Act may, unless cured and corrected, jeopardize the finality of certain actions the Board took at its special meeting of April 27, 2009.

1. Under agenda item 5.c) the Board raised rates for existing single-family residential irrigation meters customers. That action was not in compliance with the Brown Act because there was no disclosure in the posted notice for the meeting (attached) that the matter acted upon would be discussed.

Government Code Section 54956 provides that for special meetings, "The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body."

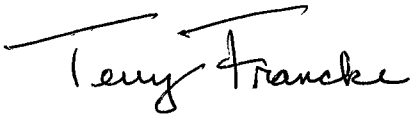
2. After President Smith adjourned the meeting and several members of the public had left, he reopened the proceedings at which point the Board took action on item 5.g) to appoint an ad hoc committee. This maneuver deprived those who departed in reliance on the adjournment the opportunity to observe the discussion of that item and address the board on the matter if they had been so inclined.
3. After public testimony, a five-minute break was called in the middle of item 5, during which time three members of the Board disappeared together behind closed doors. While we cannot prove that those directors unlawfully discussed the item or agreed how to deal with it in that nonpublic interval, we can see no other reason for calling a mid-course pre-vote recess, during which a board majority collectively retires from public view. We are therefore referring this incident to the San Diego County District Attorney's office for investigation to determine the facts and whether a misdemeanor prosecution of individual directors is appropriate.

Government Code Section 54959 states: "Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor."

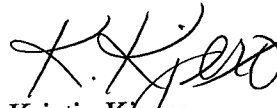
As to the first two violations, pursuant to Government Code Section 54960.1, on behalf of those whose signatures follow mine, I demand that the Board cure and correct the unlawfully taken actions on items 5.c) and 5.g) by rescinding them, with notice to all immediately affected persons, and if the matter is rescheduled for a future meeting, by

Government Code Section 54960.1 allows you 30 days from the receipt of this demand to either cure or correct the challenged action or inform us of your decision not to do so. If you fail to cure or correct as demanded, such inaction may leave us no recourse but to seek a judicial invalidation of the challenged action pursuant to Section 54960.1, in which case we would seek the award of court costs and reasonable attorney fees pursuant to Section 54960.5.

Respectfully yours,



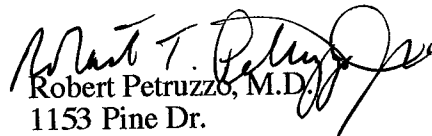
Terry Francke
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Robert Petruzzo, M.D.
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El Cajon CA 92020

cc: Leon Schorr, Deputy District Attorney, Special Operations

May 15, 2009

Board President Smith and Directors
Helix Water District
7811 University Ave.
La Mesa CA 91941

Re: Demand for Cure and Correction: Prop 218

Dear President Smith and Directors,

Sunshine Laws like the Brown Act and Prop 218 are a hallmark of a democratic process, opening the business of public entities at all levels to effective public scrutiny and oversight. The Helix Water District is bound by a duty to embrace the public hearing process.

We believe substantial violations of Prop 218 occurred which may, unless cured and corrected, jeopardize the finality of certain actions the Board took at its regularly scheduled meeting March 4, 2009, and special meeting of April 27, 2009.

1. Board actions on April 27, 2009 and May 6, 2009 substantially altered the rate proposal that was noticed by the District for the May 27, 2009 public hearing. We believe these changes are so significant that the original notice is no longer applicable.

We request that the board cure this by rescinding its Prop 218 notice and cancelling the hearing of May 27, 2009, and subsequently reissue a Prop 218 notice that clearly reflects the proposal currently on the table, as well as clearly stating all proposed base water rate increases.

2. The April 27, 2009 Board action on item 5.c) in fact raised rates for single-family irrigation customers without any attempt to contact customers affected or provide notice as specified under Prop 218. This constitutes a separate rate increase, as it was not set forth in the Notice for the public hearing May 27, 2009, and was acted upon on April 27, 2009.

We request that the board cure this by rescinding its Special Meeting vote on item 5.c) on single-family irrigation meters, and initiate a corrected Prop 218 process required by law for rate increases.

If you fail to cure or correct as demanded, such inaction may leave us no recourse but to seek a judicial invalidation of the challenged action, in which case we would seek the award of court costs and reasonable attorney fees.

Respectfully yours,



Kristin Kjaero

8030 La Mesa Blvd. #185

La Mesa, CA. 91941



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cc: Leon Schorr, Deputy District Attorney, Special Operations (330 West Broadway
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