



## INTERNAL COMMUNICATION

DATE: January 16, 2024

TO: Sharlene Tipton, City Clerk

FROM: Natalia K. Ebersole, Interim City Attorney *NKE*

RE: Record of Significant Exposure to Litigation Pursuant to  
Government Code section 54956.9(e)(3)

On December 29, 2023, Kathryn McDonald sent a letter to the City Council, wherein she alleged that the City Council's action in selecting the new mayor and vice mayor on December 5, 2023, violated California Government Code § 54956 and demanded that the City Council "cure or correct" this action by "void[ing] the selections of Tenessa Audette as Redding Mayor and Julie Winters as Vice Mayor and select a new City of Redding mayor and vice mayor in keeping with the requirements of the Brown Act," in accordance with California Government Code § 54960.1.

In the opinion of the Interim City Attorney, the City Council's exposure to litigation is significant. Ms. McDonald's intent to initiate litigation is confirmed by her written demand submitted to the City Council which, pursuant to Government Code § 54960.1, is a prerequisite to commencing an action by mandamus or injunction to obtain a judicial determination that the City Council's action in selecting the new mayor and vice mayor on December 5, 2023, violated the Brown Act.

As such, pursuant to Government Code § 54956.9(e)(3) this memo and Ms. McDonald's letter of December 29, 2023, shall be attached to the agenda setting forth the scope of the Special Meeting of the City Council of the City of Redding on January 16, 2024.

sel  
Attachment

December 29, 2029

Redding City Council  
City of Redding  
777 Cypress Avenue  
Redding, California 96001

Dear Redding City Council members,

This letter is to call your attention to what I believe was a substantial violation of a central provision of the Ralph M. Brown Act, one which may jeopardize the finality of the action taken by the Redding City Council on December 5, 2023.

In the December 5 meeting, the City Council took action to select a new mayor and vice mayor for the City of Redding for a one-year term beginning on the date of that meeting. In so doing, the Redding City Council took "action" as defined in Govt. Code 54952.6 as follows:

- A majority of the members took a vote when sitting as members of the Redding City Council to select a new mayor and vice mayor.

I believe this action violated the Brown Act as follows:

- There was no discussion of their reasons for their vote by the three City Council members (Ms. Tenessa Audette, Ms. Julie Winters, and Mr. Jack Munns) who voted for Ms. Audette for mayor and Ms. Winters for vice mayor. The selections of Ms. Audette and Ms. Winters as mayor and vice mayor were not in keeping with the City Council's traditional practice of selecting the current vice mayor to become the new mayor. As shown at minute 32 on the video of the December 5, 2023, City Council meeting provided on the City of Redding's website, Mr. Munns stated before the vote, "We're doing what we think is right." Recognizing that this statement revealed his prior knowledge of how other Council members would vote, which would be a violation of the Brown Act, Mr. Munns attempted to correct his admission of this violation by then stating, "I'm doing what I think is right."
- An additional indication that Ms. Audette reached an illegal agreement with Ms. Winters and Mr. Munns that she would become the City of Redding's new mayor is shown on her Late Contribution Report dated October 3, 2023, for her Tenessa Audette for Assembly campaign. On this report, she shows herself as Mayor of Redding. She submitted this report to the California Fair Political Practices Commission more than two months before the City Council selected her as mayor at its December 5, 2023, meeting.

The action violated the Brown Act because three members of the City Council obviously agreed prior to the December 5, 2023, City Council meeting to elect Ms. Audette as mayor. This action is in violation of the requirements of Gov. Code § 54956.

As you are aware, the Brown Act 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 Government Code Section 54960.1, I demand that the Redding City Council cure and correct the illegally taken action as follows: void the selections of Tenessa Audette as Redding Mayor and Julie Winters as Vice Mayor and select a new City of Redding mayor and vice mayor in keeping with the requirements of the Brown Act.

As provided by Section 54960.1, you 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. If you fail to cure or correct as demanded, such inaction may leave me with no recourse but to seek a judicial invalidation of the challenged action pursuant to Section 54960.1, in which case I 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 yours,

Kathryn McDonald  
824 Yuba Street  
Redding, California 96001  
[sacrivereading@gmail.com](mailto:sacrivereading@gmail.com)

cc: Barry Tippin, Redding City Manager; Natalia Ebersole, Redding Assistant City Attorney