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COUNTY OF SAN MATEO

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September 1, 2020

Mr. John Ullom

By EMAIL: redbonelogic@gmail.com

RE: San Mateo County Harbor District
Allegation of Brown Act Violation, June 15, 2020

Dear Mr. Ullom:

We have completed our review of your complaint alleging a series of Brown Act violations by the San Mateo County Harbor District during their June 15, 2020 meeting. You allege that the District 1) Failed to give proper notice of a Closed Session; 2) Took action on an unagendized action; and, 3) Failed to report out any action taken. We have reviewed the minutes, agendas and video of the meeting on June 15 and do not find any violations of the Brown Act.

First, we find that the District did, in fact, properly notice that it would consider a litigation matter related to Commissioner Brennan in closed session. The posting related in sufficient detail the subject matter and the justification for closed session, that of anticipated litigation. (See California Government Code Section 54956.9 (b)(1))

Second, as noted above, we find that the item was placed on the agenda for closed session and, thus, reporting requirements would be addressed in Section 54957.1.

Third, pursuant to that Section, the Commission was not required to report out the action taken in closed session as it related to litigation discussions with Counsel for the District and legal strategy. (See Section 54957.1 (a)(1) – (6)).

Very truly yours,

STEPHEN M. WAGSTAFFE, DISTRICT ATTORNEY

By 
Sean F. Gallagher, Assistant District Attorney

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