



Rico E. Medina
Mayor

CITY OF SAN BRUNO
OFFICE OF THE MAYOR

January 11, 2022

Via U.S. Mail & Electronic Mail

Harold M. Freiman
LOZANO SMITH
2001 North Main Street, Suite 500
Walnut Creek, CA 94596
Email: hfreiman@lozanosmith.com

Re: Unconditional Commitment to Cease and Desist from Brown Act Violations Alleged in Letter of December 22, 2021 Letter to City of San Bruno City Clerk

Dear Mr. Freiman:

The City of San Bruno City Council ("City Council") has received your cease and desist letter, dated December 22, 2021 ("December 22nd Letter"), submitted on behalf of your client, the San Mateo Union High School District, alleging that the following described actions of the City Council violated the Ralph M. Brown Act:

1. The City's description of Consent Calendar Item "n": "Adopt Resolution Regarding Open Space and Recreation Policy OSR-8" failed to adequately describe the subject matter or action being taken by the City Council, in violation of Gov. Code § 54954.2(a)(1).
2. At the December 14, 2021 meeting, the City Council failed to provide an opportunity for public comment on the Consent Calendar (Item 6), including Item "n," in violation of Gov. Code § 54954.3(a).

In order to avoid unnecessary litigation and without admitting any violation of the Brown Act, the City Council hereby unconditionally commits that it will cease, desist from and not repeat the challenged past action as described above. In particular, the City has taken the actions demanded in your letter of December 22:

1. Re-agendized Item "n" for its meeting of January 11, 2022 with a description of the subject matter and action to be taken;
2. Agendized the item as a regular business item, not a consent calendar item;
3. Allowed public comment on the item (note that public comment was previously allowed on Item "n"); and

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4. Separately discussed the item prior to a vote.

The City Council may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment or may be mailed to an address that you have designated in writing.

Respectfully,

Rico E. Medina

Mayor, City of San Bruno