

March \_\_\_, 2026

Via Email Only  
[amatsuoka@unioncounsel.net](mailto:amatsuoka@unioncounsel.net)

Andrea Matsuoka  
Weinberg Roger & Rosenfeld  
431 I Street, Suite 201  
Sacramento, CA 95814

**Re: Response to Brown Act Compliance Notifications**

Dear Ms. Matsuoka,

This letter follows your letter dated February 25, 2026 (and received by the Authority on March 9, 2026) alleging violations of the Brown Act (Gov. Code § 54950 *et seq.*), your follow-up email dated March 13, 2026, and the Authority's initial response dated March 16, 2026.

In your February 25<sup>th</sup> letter, you allege that the following past actions constituted violations of the Brown Act:

- I. Sites Coordination Committee Violated Brown Act by Kicking Out Member of the Public From February 11, 2026 Committee Meeting.
- II. Sites Legislative & Outreach Committee Violates Brown Act by Kicking Member of Public Out of February 12, 2026 Committee Meeting.
- III. The Authority's Standing Committees Additionally Violated the Brown Act by Failing to Comply with the Act's Agenda Description Requirement.

For reasons explained in the Authority's March 16<sup>th</sup> response (copy enclosed), the Authority's Committees did not improperly exclude any member of the public from open session. They excluded all members of the public from *closed* session, as authorized by the Brown Act.

Regarding the agenda items, the case you cite in your letter, *San Diegans for Open Gov't v. City of Oceanside* (4 Cal.App.5th 637), is not analogous. The *San Diegans* Court interpreted the Brown Act by evaluating situations in which legislative bodies took actions on significant matters, such as school closures, without indicating to the public that such

actions were to be considered. As the *San Diegans* Court acknowledge, “it is also clear that so long as notice of the essential nature of the matter an agency will consider has been disclosed in the agency's agenda, technical errors or immaterial omissions will not prevent an agency from acting.” (*San Diegans* at 644, 645.) Without diminishing the importance of also properly noticing discussion items, we note that the Authority’s Committees are advisory only and were therefore not taking any action. Further, the Authority maintains that in the context of each Committee’s jurisdiction, the agenda items were sufficient to provide the public with notice of matters to be discussed during those meetings.

With the foregoing clarifications in mind, and in order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Authority hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action identified in your February 25, 2026, letter as described above, to the extent such actions do in fact constitute Brown Act violations. This clarification is important, as the Authority cannot, for example, unconditionally commit not to exclude members of the public from closed session.

The Authority 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 letter, 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.

Sincerely,

Fritz Durst  
Authority Board Chair

Enclosure

cc: Board of Directors, Sites Project Authority  
Reservoir Committee, Sites Project Authority  
Jerry Brown, Executive Director  
Alan F. Doud, Young Wooldridge, LLP