

To Mr. Flavio Poehlmann:

The Programs and Projects Committee (“Committee”) of the Alameda County Transportation Commission has received your cease and desist letter dated December 2, 2020, alleging that the following described past action of the Committee violates the Ralph M. Brown Act:

"Knowing that the Quarry Lakes Parkway was going to be on the agenda of upcoming meetings of the ACTC Commission and of the ACTC Programs and Projects Committee (PPC), Commissioner Dutra-Vernaci contacted at least five members of the ACTC PPC on September 21st, 2020 to promote the Quarry Lakes Parkway project (also known as East-West Connector project). The known contacted committee members were Bauters, Saltzman, Haubert, Mei, and Cutter. Including Commissioner Dutra-Vernaci, who is also the Chair of the PPC, this serial meeting included six members of the 11-member PPC, which is more than half of the PPC. This serial meeting was a violation of Sections 54952.2(b)(1) and 54953 of the Brown Act and therefore may invalidate the actions taken by the ACTC Programs and Projects Committee (PPC) on November 9th, 2020 in Agenda Item 5.2."

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Committee hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action as described above.

The Committee 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In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code.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.

Very truly yours

Carol Dutra-Vernaci
Chair of the Programs and Projects Committee