

**MEMORANDUM**

December 15, 2020

**TO:** Alameda CTC Plans and Programs Committee

**FROM:** R. Zachary Wasserman

**RE:** Cease and Desist Letter from Flavio Poehlmann regarding Serial Meeting  
Brown Act violation

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As I believe you know, Flavio Poehlmann has written a Cease and Desist Letter to the Committee and the Commission regarding certain conversations instigated by Commissioner Carol Dutra-Vernaci regarding the Quarry Lakes Project. A copy of that letter is attached to this memo.

The cure for this violation is to report the violation on the record and to commit to not repeating this type of violation. The action before the Committee at this meeting is to approve a letter to Mr. Poehlmann making that commitment on behalf of the Committee. A copy of the form of such a letter is attached to this Memo. Mr. Poehlmann has additionally suggested that the action taken by the Committee at the November meeting is null and void. This issue is really moot at this time since the Commission has already taken final action on the Quarry Lakes Project after recognizing the Commission's Brown Act violation on the record and committing to take action to not make this violation in the future, and the Commission is and was entitled to act on the Quarry Lakes Project without a recommendation from the Committee.

Mr. Poehlmann also asks for a number of other remedies. None of those remedies are required and many of them are beyond the authority and scope of the Alameda CTC. The Commission itself will formally commit to not violating the Serial Meeting provisions of the Brown Act in the future at its meeting in January.