

Special City Council Meeting Agenda



September 12, 2024

6:00 PM

City of Turlock Yosemite Room
156 S. Broadway, Turlock, California

Mayor
Amy Bublak

Council Members

Kevin Bixel **Rebecka Monez**
Cassandra Abram **Pam Franco** (Vice Mayor)

City Manager
Gary R. Hampton
City Clerk
Julie Christel
City Attorney
George A. Petrulakis

SPEAKER CARDS: To accommodate those wishing to address the Council and allow for staff follow-up, speaker cards are available for any agenda item or any other topic delivered under Public Comment. Please fill out and provide the Comment Card to the City Clerk or Police Officer.

NOTICE REGARDING NON-ENGLISH SPEAKERS: The Turlock City Council meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

EQUAL ACCESS POLICY: If you have a disability which affects your access to public facilities or services, please contact the City Clerk's Office at (209) 668-5540. The City is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the City to process and respond to your request.

NOTICE: Pursuant to California Government Code Section 54954.3(a), members of the public may directly address the legislative body concerning any item that has been described for Council consideration in this notice for this special meeting before or during consideration of that item. Members of the public will be allowed three (3) minutes for comments.

AGENDA PACKETS: Prior to the City Council meeting, a complete Agenda Packet is available for review on the City's website at www.cityofturlock.org and in the City Clerk's Office at 156 S. Broadway, Suite 230, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Council after distribution of the Agenda Packet are also available for public inspection in the City Clerk's Office. Such documents may be available on the City's website subject to staff's ability to post the documents before the meeting.

1. **CALL TO ORDER**
2. **SALUTE TO THE FLAG**
3. **ROLL CALL AND DECLARATION OF CONFLICTS**
4. **CLOSED SESSION**

**CITY OF TURLOCK
CITY COUNCIL
SPECIAL MEETING AGENDA
Thursday, September 12, 2024**

- A. Conference with Legal Counsel - Initiation of Litigation, Cal. Gov't Code 54956.9(d)(4) "For the purposes of this section, litigation shall be considered pending when any of the following circumstances exist...Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation."
Potential Cases: One (1)

5. **REPORTS FROM CLOSED SESSION**

6. **BRIEFING (INFORMATIONAL ONLY)**

- A. Update on 1617 Colorado Avenue Project (Werner)

7. **ACTION ITEMS**

- A. Discussion and potential direction to City Attorney regarding breach of closed session confidentiality requirements (Petrulakis)

Recommended Action: Discussion and potential direction to City Attorney regarding breach of closed session confidentiality requirements

8. **PUBLIC PARTICIPATION**

Pursuant to California Government Code Section 54954.3(a), this is the time set aside for members of the public to directly address the City Council limited to items described in the notice for this meeting. You will be allowed three (3) minutes for your comments. Pursuant to California Government Code Section 54954.2(a)(3), no action or discussion may be undertaken on any item not appearing on the posted agenda, except that the City Council, or its staff, may briefly respond to comments or questions from members of the public, provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda.

9. **ADJOURNMENT**

The foregoing meeting is hereby called by Mayor Amy Bublak at the above mentioned date and time pursuant to California Government Code 54956.

The foregoing meeting is hereby called by Mayor Amy Bublak at the above mentioned date and time pursuant to California Government Code §54956.



AMY BUBLAK, Mayor

City Council Staff Report

September 12, 2024



From: Adrienne Werner, Development Services Director

Prepared by: Adrienne Werner, Development Services Director

Agendized by: Gary R. Hampton, Acting City Manager

1. ACTION RECOMMENDED:

No action recommended.

2. SYNOPSIS:

Discussion of Conditional Use Permits 79-14 and 81-10 and current building permits for the property at 1617 Colorado Avenue.

3. DISCUSSION OF ISSUE:

Local governments hold the authority to implement planning and land use regulations aimed at safeguarding the public health, safety, and welfare of our community. This authority, derived from the "police power," allows us to adopt and enforce zoning regulations, provided they are consistent with state laws. This police power is fundamental to the zoning authority of cities.

California code reiterates the Constitutional police powers of cities to enact zoning regulations, but has little to say about Conditional Use Permits (CUPs) in particular. California Government Code Section 65850(a) which states:

"The legislative body of any county or city may, pursuant to this chapter, adopt ordinances that do any of the following:

(a) Regulate the use of buildings, structures, and land as between industry, business, residences, open space, including agriculture, recreation, enjoyment of scenic beauty, use of natural resources, and other purposes...."

The approval of a conditional use permit is an administrative, quasi-judicial action. It does not involve a change in zoning but rather allows a specific change in the uses permitted on a particular property. Conditional use permits do not establish new codes, regulations, or policies. Instead, a conditional use permit applies the provisions of the zoning ordinance and its standards to the specific set of circumstances which characterize the proposed land use.

Conditional use permits run with the land not the applicant. In other words, since an adult residential care facility had been approved in 1979, the property is approved for an adult residential care facility, regardless of the owner or operator.

1617 Colorado Avenue History

On August 17, 1979, Turlock Guest Home submitted a Conditional Use Permit application, CUP 79-14, to expand the existing residential care facility by adding 12 beds. This addition brought the total bed count up to 39 beds. The minutes from the August 17, 1979 Planning Commission acknowledge the addition is an expansion of an existing non-conforming use. The Planning Commission granted the CUP on September 13, 1979.

On May 13, 1981, Turlock Guest Home submitted a Conditional Use Permit application, CUP 81-10, to construct a new 2-story 50 bed residential care facility behind the existing 39-bed single-story residential care facility. An existing residence would be removed to accommodate the new two-story building. The Planning Commission granted the CUP on May 28, 1981.

On November 12, 1981, Turlock Guest Home submitted a Conditional Use Permit Application, CUP 81-21, to develop the property at 1029 E. Hawkeye Avenue for employee parking for the Residential Care Facility at 1617 Colorado. The Planning Commission granted the CUP on November 30, 1981.

Zoning Verification

In April 2023, the Planning Division staff was contacted by Mr. Kregg Miller requesting entitlements (planning permits) for 1613, 1617 Colorado Avenue and 1029 E. Hawkeye Avenue. Staff provided Mr. Miller with copies of CUP 79-14, 81-10, and 81-21.

The Planning Division was contacted by Ashley Breakfield with Farella Braun + Martel requesting zoning verification for 1617 Colorado. The Planning Division has a Zoning Verification form that details the information that will be provided, for a fee, in a Zoning Verification letter. The form was provided to Ms. Breakfield. The Planning Division did not receive the request for zoning verification.

In November 2023 the Planning Division received an application for a Zoning Certificate application from AHS Turlock Operating, LLC for an adult residential care facility at 1617 Colorado Avenue. The Turlock Municipal Code (TMC) Section 9-5-202 states that *“a zoning certificate shall be required prior to commencement of any new business use or change of ownership upon application for a business license.”*

As part of the zoning certificate process, planning staff researches the previous uses and land use entitlements on the property to ensure the proposed use is allowed in the zoning district and determine what planning permitting process is required. Research of the property brought up Conditional Use Permits 79-14, 81-10, and 81-21. Because the 1979 and 1981 conditional use permits were granted permitting the expansions of the existing residential care facility, and CUPs run with the land, no additional Planning approvals were required. Because of the existing CUPs for the residential care facility, AHS Turlock Operating, LLC was not required to obtain prior approval from the Planning Commission to operate a residential care facility or submit plans for improvements to the facility or the property.

Building Permits

Beginning in October 2023 several building permits and fire permits were received for review and issuance. The table below details the date the application was received, the date the building permit was issued, and the date the permit was completed (signed off).

Date Received	Permit #	Description	Date Issued	Completed (Finaled)
10/3/23	BP#23-1057	Replacement of 9 electrical sub panels	10/5/23	2/23/24
10/5/23	BP#23-1068	Interior upgrades & exterior site accessibility improvements	4/29/24	
11/9/23	BP#23-1196	HVAC change out of 3 roof mounted units	11/9/23	4/10/24
11/9/23	BP#23-1197	Re-roof	11/14/23	3/4/24
*11/13/23	BP#23-1205	Care facility kitchen remodel	1/29/24	
12/11/23	FP#23-1322	Fire sprinkler – hood suppression	1/9/24	
12/20/23	FP#24-0047	Fire alarm	1/10/24	
**8/15/24	BP#24-0991	HVAC change out 6 units	9/4/24	
7/5/24				

*The cover page of the building plans for the kitchen remodel (BP#23-1205) state the plans are under the 2022 California Building Code and note the existing and proposed occupancy as:

Existing Occupancy: R-2.1 Occupancy, Residential Care Facility
Proposed Occupancies: R-2.1 Occupancy. No Change Proposed to Occupancy

The information provided regarding the scope of work was complete and did not elicit concern during the plan check process. All permits proceeded through the plan check and inspection process.

On January 19, 2024, the Chief Building official and building staff met with Sindy Crisostomo, the project manager, to discuss plan check comments on the kitchen remodel (BP# 23-1205). The plan check comments were addressed and the plans continued through the plan check process.

On March 29, 2024, the Chief Building office and building staff met again with Sindy Crisostomo to discuss BP# 23-1068 to discuss the plan check comments and the ADA upgrades. The plan check comments were addressed and the ADA upgrades were resolved. The plans continued through the plan check process.

Improvement plans were received by the Engineering Division on July 5, 2024 for the installation of a fire hydrant and backflow preventer. Plan check comments were returned to the project’s engineer on September 9, 2024.

Inspections on the various permits began in January 2024. On August 8, 2024, the contractor called to schedule a final inspection for BP#s 23-1068 and 23-1205 for Friday,

August 9, 2024. There were several items that needed to be corrected before a final and occupancy could be issue.

******One of the items the inspector noted were new A/C condensers had been installed on the 2-story building without obtaining a building permit. The building inspector provided the contractor with a list of the items that needed to be corrected including the requirement to obtain a permit for the new A/C condensers. A building permit for the new A/C condensers was received on August 15, 2024 and issued on September 4, 2024. A final inspection for the A/C condensers has not been called in.

The contractor called for another inspection on August 30, 2024 for Tuesday, September 2nd. Because of the Labor Day holiday and staffing the inspection was rolled over to Wednesday, September 3rd. An updated correction punch list was provided to the contractor. As of September 11, 2024, no other inspections have been called in.

What is remaining? Once all of the items the building inspector identified on his September 4, 2024 punch list and the fire hydrant and backflow preventer have been installed and accepted by the City of Turlock, the building permit can be signed off and a Certificate of Occupancy issued.

4. BASIS FOR RECOMMENDATION:

No recommendation at this time.

5. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: None

6. STAFF RECOMMENDATION:

None at this time.

7. CITY MANAGER'S COMMENTS:

None at this time.

8. ENVIRONMENTAL DETERMINATION:

This action is not subject to the provisions of the California Environmental Quality Act in accordance with Section 15378(b) of the CEQA Guidelines. The action involves the Awarding Request for Bid (RFB) 24-003 which included multiple proposals from multiple vendors for the chemicals necessary to provide the City of Turlock businesses and residents with fresh and clean drinking water provided by the Stanislaus Regional Water Authority Water Treatment Plant (SRWA). This action will not result in direct or indirect physical changes in the environment.

9. ALTERNATIVES:

10. ATTACHMENTS:

None.

City Council Staff Report

September 12, 2024



From: George A. Petrulakis, City Attorney

Prepared by: George A. Petrulakis, City Attorney

Agendized by: Gary Hampton, Acting City Manager

1. ACTION RECOMMENDED:

Based upon the Mayor's request to bring this matter to the City Council for deliberation, the Council should review the materials presented, deliberate and determine whether it believes a breach of the confidentiality requirement for closed session items occurred as to item 14.C on the July 9, 2024 City Council meeting agenda. If the City Council determines that a breach of the confidentiality requirement occurred, it may direct the City Attorney to return to a City Council meeting with one or more of the corrective actions or remedies discussed in this staff report or different, appropriate actions. It may also choose to direct no action.

2. SYNOPSIS:

The Mayor and City Attorney were presented with written information via emails of an alleged breach of the confidentiality requirement of a closed session matter at the July 9, 2024 City Council meeting. The Mayor has requested that the City Attorney provide to the City Council for consideration the pertinent written information received as to the matter and also present to the City Council its options in the matter should the Council choose to undertake any corrective actions or remedies.

3. DISCUSSION OF ISSUE:

Background

The City Council held a closed session on July 9, 2024 pursuant to Government Code Section 54956.9(d)(4) regarding potentially initiating litigation. The matter was item 14.C on the City Council agenda for that meeting. After the closed session, it was reported out that the Council had authorized, in the discretion of the City Attorney, the initiation of litigation and that the particulars of any litigation would be available upon inquiry once any case had been filed and served. The potential defendants and real parties in interest were not disclosed.

In the weekdays following the City Council meeting, the following events occurred. The City Attorney returned a telephone call from Councilmember Franco. In that discussion, Councilmember Franco reported that Mr. Ron Bridegroom had called her with concerns

that the confidentiality of a closed session at the July 9th council meeting matter related to 1617 Colorado Avenue had been compromised by one of her colleagues. According to Councilmember Franco, the specific councilmember was not identified by Mr. Bridegroom.

On July 11th, the City Attorney held a telephone conversation with Mr. Bridegroom about the incident where Mr. Bridegroom was asked and answered various questions about the matter. In addition, an email exchange ensued between Mr. Bridegroom and Ms. Debra Hall-Koftinow. The Mayor and City Attorney were copied on various emails between the two individuals. The email exchange is attached as Attachment 1. The email exchange was made available for review by the members of the City Council and Councilmember Bixel was provided a copy of the exchange on July 26, 2024.

On August 8, 2024, the Mayor emailed Councilmember Bixel providing him the opportunity to address the matter. Councilmember Bixel replied to the Mayor on August 13, 2024. Copies of those emails are attached as Attachment "2". Those emails were provided via email by the City Attorney to the other three members of the City Council on September 9, 2024.

On August 14, 2024, the City Attorney emailed Mr. Bridegroom and Ms. Hall-Koftinow informing them that the review of the matter was being completed and inviting them to provide any additional information, including under penalty of perjury if they so chose. Although no substantive replies were received, Ms. Hall-Koftinow did reply with a message that should the City Attorney like to communicate with Supervisor Withrow or Supervisor Chiesa about the group meeting, "please reach out to them."

Subsequently, the Mayor requested that the City Attorney prepare a staff report for the September 12th special meeting of the City Council outlining options for City Council action should the Council determine that the confidentiality of a closed session had been compromised.

The Incident

As noted above, the City Council held a closed session on July 9, 2024 authorizing the initiation of litigation. On the morning of July 10, 2024, Councilmember Bixel, Ms. Hall-Koftinow and Mr. Bridegroom traveled together to Modesto to meet with Stanislaus County Supervisors Vito Chiesa and Terry Withrow about the facility at 1617 Colorado Avenue which has been of high public interest in the community. During the trip to the meeting, Mr. Bridegroom believes various matters of a confidential nature that arose in closed session were disclosed by Councilmember Bixel. Ms. Hall-Koftinow has a divergent view of the relevant conversations and does not believe any closed session matters were disclosed. In addition, Councilmember Bixel has provided his recollection of the matter in the aforementioned email response to the Mayor.

Legal Considerations.

The Ralph M. Brown Act, commonly referred to as the Brown Act, is California's open meeting law. The intent of the Brown Act is to have the public's business conducted openly and in public. California Government Code §§54950 et seq. Various matters may be undertaken in closed session where there is a countervailing public interest, for example, in avoiding the revelation of confidential information. Examples of closed session items are labor negotiations, employee performance evaluations, and potential litigation faced or potentially initiated by a local agency.

Confidential session matters are confidential and may not be disclosed. Under California Government Code §54963(a), "(a) person may not disclose confidential information that has been acquired by being present in a closed session . . . to a person not entitled to receive it, unless the legislative body authorized disclosure of that confidential information." The statute defines "confidential information" as "a communication made in closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter." California Government Code §54963(b). Government Code §54963 is attached in Attachment "3".

The Turlock Municipal Code has adopted a confidentiality disclosure provision similar to Government Code Section 54963(a). Under the pertinent provisions of the municipal code:

No person in attendance at a closed or executive session of the City Council of the City of Turlock shall release, disclose or discuss, in any manner or form, or cause to be released, disclosed or discussed, any item, information or document reviewed, discussed or acted upon in closed or executive session . . . unless (1) prior written authorization of the City Council is obtained pursuant to this Chapter. . .

Turlock Municipal Code §2-1-103(a).

Such authorization is provided ". . . upon a majority vote of the City Council members. . ." that were present in the closed session where the matter was discussed or acted upon. Turlock Municipal Code §2-1-103(b). Turlock Municipal Code Section §2-1-103 is attached in Attachment "3".

There is little case law or other reported legal authority on Section 54963 that elucidates the matter before the City Council, especially as to remedies for a violation of the confidentiality mandate. Because of the lack of reported legal authority, the City Attorney consulted with former Stockton City Attorney John Luebberke, conducted web-based searches for analogous situations, and reviewed pertinent secondary sources from organizations such as the Institute for Local Government and the California League of California Cities.

What is presented below is a list of possible actions that might be taken by the City Council should it determine that a breach of the confidentiality of the closed session occurred. An attempt was made to list the possible actions from most to least severe. The Turlock Municipal Code and Brown Act both list possible corrective actions and remedies. Generally, violations of the confidentiality mandate under the Act “. . . may be addressed by the use of such remedies as are currently available by law. . .” Government Code §54963(c). Subsection (c) then provides an illustrative but not exhaustive list of such possible remedies in that it states the list includes, but is not limited to what is suggested in the subsection.

Possible corrective actions or remedies include:

Infraction/Misdemeanor. The Turlock Municipal Code purports to make violation of the confidentiality requirement punishable as an infraction (or even a misdemeanor) under the general penalty provisions of the code. Turlock Municipal Code §2-1-103(d) & §1-2-01. While a somewhat complex issue, this penalty is likely preempted by state law which limits criminal penalties under the Brown Act to particular circumstances that do not include the violation of the confidentiality requirement for closed session confidential information. A California Attorney General opinion explained the pre-emption by the state legislature of city efforts to criminalize Brown Act violations that were not made criminal by the state. 76 Ops. Cal. Atty. Gen. 289. The opinion concluded that a city could not adopt an ordinance making it a misdemeanor for a person to disclose the substance of any discussion held during a closed session unless so authorized by the city council Id. at 289. 293. Based upon this authority and its legal theory, it is highly unlikely that Turlock Municipal Code §2-1-103(d) is enforceable as an infraction or a misdemeanor.

Referral to Grand Jury. The City Council may refer to the “grand jury” a member of the council who has willfully disclosed confidential information in violation of Section 54963. California Government Code §54963(c)(3). Grand jury matters are addressed in California Penal Code §§888-939.91. Such a referral would be made by resolution of a council majority implementing the Stanislaus County Grand Jury process. See <https://www.stanislaus.courts.ca.gov/divisions/grand-jury>.

Injunctive Relief. The City Council may seek “(i)njunctive relief to prevent the disclosure of confidential information prohibited by” Section 54963. California Government Code §54963(c)(1). There is generally a high bar for a court to grant injunctive relief so this approach does not appear appropriate for the matter at hand.

Reprimand/Censure. A common remedy in similar situations is a written reprimand or resolution of censure adopted by a city council. While not listed as one of the options in Government Code §54963(c), it is allowed since the list in that subsection is illustrative and not exhaustive. It was the most common corrective action or remedy found in web-based searches. Such an approach would be made by resolution of a council majority.

Employee Discipline. While employee discipline is a listed remedy in the state statute (Government Code §54963(c)(2)), it does not appear suited to the matter at hand. If the matter involved the City Manager, City Attorney or other employees of the City,

subsection (c)(2) allowing for employee discipline would fit the situation. However, the statute creates a distinction between “employee” and “member of the legislative body” so this approach does not appear to apply to the situation before the City Council.

Other. As noted above, the possible corrective actions and remedies listed in Government Code §54963(c) are not exhaustive so the City Council could develop other remedies. An example would be an expression of the Council’s desire that an individual deemed to have violated the confidentiality requirement attend additional Brown Act training on closed session procedures in addition to that required by AB 1234. This could be accomplished either by motion or resolution.

Additional Review. The City Council could also request that the City Attorney’s Office conduct additional research on the matter to determine if there are other approaches available. This type of matter seems to be handled differently by various local agencies so there are no doubt additional examples to be found.

4. BASIS FOR RECOMMENDATION:

The recommendation implements the Mayor’s direction that the pertinent written information to the matter be provided to the City Council for consideration and the options for City Council action be presented to the City Council with the opportunity for the Council to provide direction to the City Attorney.

5. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal impact limited to expenditure of staff time. Depending on the action taken by the City Council, additional work on this matter could limit the number of projects that could be addressed by the City Attorney’s Office under the budget of the office.

6. STAFF RECOMMENDATION:

The City Attorney recommends that the City Council discuss and deliberate on the matter presented and determine if it wishes to direct the City Attorney to prepare and bring back to the City Council any corrective measures in the matter.

7. ENVIRONMENTAL DETERMINATION:

N/A

8. ALTERNATIVES:

The alternatives are presented in the "Discussion" portion of the staff report and range from the City Council directing the City Attorney to prepare one or more corrective actions in the matter to taking no action on the matter.

9. ATTACHMENTS:

1. Hall-Koftinow/Bridegroom Email Exchange
2. Mayor Bublak's Email to Councilmember Bixel and His Response
3. Legal Authority

ATTACHMENT 1

George Petrulakis

From: Debra Hall-Kofternow <dhallkofternow@gmail.com>
Sent: Thursday, July 11, 2024 11:25 PM
To: George Petrulakis
Cc: Amy Bublak; Ron Bridegroom
Subject: Meeting with Terry Withrow 920 15th St July 10, 2024

Meeting with Terry Withrow and Vito Chiesa on Wednesday, July 10, 2024.

Here are the facts:

I have a long standing friendship with Terry Withrow. He reached out to me to communicate perceived misinformation regarding Alamo Health and my concerns with the county.

I invited Mike Schmidt and Ron Bridegroom. Mike could not attend, at the last minute which opened up an invitation to include my elected council representative Kevin Bixel. Ron Bridegroom did attend along with Kevin Bixel at my invitation.

Prior to the meeting, I informed the Mayor I would be attending this meeting with Terry and Vito.

Nothing was said regarding "closed session" pertaining to the council meeting during our discussion at 920 15th St. in Modesto, Ca. It is public record that a closed session occurred and the council gave a brief review of that at the end of the July 10th meeting.

Sincerely,

Debbie Hall-Kofternow

When you judge others, you do not define them; you define yourself. **Earl Nightingale**

George Petrulakis

From: rlbivs@as.net
Sent: Friday, July 12, 2024 4:54 AM
To: Debra Hall-Kofternow
Cc: George Petrulakis; Amy Bublak
Subject: Re: Meeting with Terry Withrow 920 15th St July 10, 2024

I forgot to include that during our drive to the meeting in Modesto that the "individual" also told us that it would cost the city \$50 million. I assumed that would be what A&A Health would sue for loss income, which I pointed out at the last council meeting could be as much as \$32 million over 5 years, plus probably lawyer fees, etc.

And for the record, I went to significant efforts to not identify the "individual" by name or district number or sex even after I found out that the individual had contacted George and thus had been "identified".

To me what the individual did could have (but probably did not) had significant negative efforts of the city to stop this project and protect our children which is not acceptable.

Sigh

Ron Bridegroom

--- Original message ---

Subject: Meeting with Terry Withrow 920 15th St July 10, 2024
From: Debra Hall-Kofternow <dhallkofternow@gmail.com>
To: George Petrulakis <george@petrulakis.com>
Cc: Amy Bublak <ABublak@turlock.ca.us>, Ron Bridegroom <rlbivs@as.net>
Date: Thursday, 07/11/2024 23:25

Meeting with Terry Withrow and Vito Chiesa on Wednesday, July 10, 2024.

Here are the facts:

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George Petrulakis

From: Debra Hall-Kofternow <dhallkofternow@gmail.com>
Sent: Friday, July 12, 2024 5:49 AM
To: rlbivs@as.net
Cc: George Petrulakis; Amy Bublak
Subject: Re: Meeting with Terry Withrow 920 15th St July 10, 2024

Ron states "I know that Debbie is upset":

Correct, and disappointed in reading detailed continued perceptions of a car conversation.

Ron states "Vito suggesting the Police Chief could have access to the HIMS data of the consumers placed at the facility":

This came from the medical experience of council person Bixel. He wisely suggested accountability with a system of measurement IF Alamo was to open. I have not heard anyone, from the county, discuss methodology for accountability with this high risk population until I brought the subject up and Kevin enhanced the discussion with his insight. I strongly disagree with Ron Bridegroom that "It was probably not the best idea for the individual to go to the meeting in Modesto". In my opinion, Friday July 12, the one person who should have not been in the meeting is Ron Bridegroom. Kevin Bixel did not reveal anything to the board of supervisors (or to Ron and myself), on July 10, pertaining to the closed session on July 9th that is not public record.

Ron states: "Telling Debbie and I what the individual did just prior to the meeting risked either of us revealing that information to Vito and Terry (I do not recall the individual asking us to not tell anyone about "we are screwed"). Since we also have been the main drivers of information about this situation on social media it risked me posting about "how the council had given up because we are screwed" immediately after getting back home".

I never heard Kevin say "the council had given up or that we are screwed". My disappointment in Ron Bridegroom communicating, his perception, with Pam Franco and the city attorney after our meeting has blown up with city attorney phone conversations and inappropriate e-mails.

Ron: "Given the BOS are effectively allies with A&A Health and the city attorney is authorized to file a lawsuit against A&A Health why would any council member speak independently to an ally of A&A Health? To me that is not wise and potentially could undermine the city's efforts.

Ron Bridegroom was willing to converse privately with the CEO of A&A, July 10th, during and after our meeting with Terry and Vito. Kevin, as far as I know, has not had private conversations with the CEO of A&A.

Sincerely,
Debbie

When you judge others, you do not define them; you define yourself. Earl Nightingale

On Jul 12, 2024, at 4:53 AM, rlbivs@as.net wrote:

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To: George Petrulakis <george@petrulakis.com>

Cc: Amy Bublak <ABublak@turlock.ca.us>, Ron Bridegroom <rlbivs@as.net>

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George Petrulakis

From: rbivs@as.net
Sent: Friday, July 12, 2024 10:41 AM
To: Debra Hall-Koftinow
Cc: George Petrulakis; Amy Bublak
Subject: Re: Meeting with Terry Withrow 920 15th St July 10, 2024

Debbie stated "My disappointment in Ron Bridegroom communicating, his perception, with Pam Franco and the city attorney after our meeting has blown up with city attorney phone conversations and inappropriate e-mails."

What emails are you referring to?

To my knowledge, there were no emails UNTIL your email of late last night.

You had told me in long phone conversations Wed that you had no problem with me calling Pam and telling her what I did.

You told me that you did not understand what Bixel was doing as, using your words, it was contradictory to tell us in the car, "we are screwed" and then tell me the council authorized George to threaten a lawsuit to scare A&A and then to see that he voted for the filing of a lawsuit.

You have completely changed your story and did so after I called and told you that George had called me.

You expressed that George calling me upset you. You said hearing lawyers getting involved upset you and then said another call was coming in and you needed to take it -- and I thought you said it was Kevin and that was the end of the call.

Bixel told us about the lawyer George brought to speak in closed session and that according to him we are basically screwed and that what Amy said in the video contributed to this as it was discriminating against certain people.

Bixel also mentioned the cost to the city would be \$50 million.

None of this information should have been told to us, none of this information was publicly available information.

You and I talked about these very facts after the meeting inside your house and later that afternoon during a phone conversation when I told you I had called Pam and told her about the meeting and what Bixel had told us. During the phone conversation you specifically said you had no problem with me telling Pam what I did. The next day when George called me and I told you about that was when your story changed and changed significantly.

I am very sorry to see that.

I am willing to place my hand on the Bible and to testify to this

Finally, I do believe it was Vito who suggested that possibly the Police Chief could view the HIMS data.

Ron Bridegroom

--- Original message ---

Subject: Re: Meeting with Terry Withrow 920 15th St July 10, 2024

From: Debra Hall-Kofternow <dhallkofternow@gmail.com>

To: <rlbivs@as.net>

Cc: George Petrulakis <george@petrulakis.com>, Amy Bublak <ABublak@turlock.ca.us>

Date: Friday, 07/12/2024 05:48

Ron states "I know that Debbie is upset":

Correct, and disappointed in reading detailed continued perceptions of a car conversation.

Ron states "Vito suggesting the Police Chief could have access to the HIMS data of the consumers placed at the facility":

This came from the medical experience of council person Bixel. He wisely suggested accountability with a system of measurement IF Alamo was to open. I have not heard anyone, from the county, discuss methodology for accountability with this high risk population until I brought the subject up and Kevin enhanced the discussion with his insight.

I strongly disagree with Ron Bridegroom that "It was probably not the best idea for the individual to go to the meeting in Modesto". In my opinion, Friday July 12, the one person who should have not been in the meeting is Ron Bridegroom.

Kevin Bixel did not reveal anything to the board of supervisors (or to Ron and myself), on July 10, pertaining to the closed session on July 9th that is not public record.

Ron states: "Telling Debbie and I what the individual did just prior to the meeting risked either of us revealing that information to Vito and Terry (I do not recall the individual asking us to not tell anyone about "we are screwed"). Since we also have been the main drivers of information about this situation on social media it risked me posting about "how the council had given up because we are screwed" immediately after getting back home".

I never heard Kevin say "the council had given up or that we are screwed". My disappointment in Ron Bridegroom communicating, his perception, with Pam Franco and the city attorney after our meeting has blown up with city attorney phone conversations and inappropriate e-mails.

Ron: "Given the BOS are effectively allies with A&A Health and the city attorney is authorized to file a lawsuit against A&A Health why would any council member speak independently to an ally of A&A Health? To me that is not wise and potentially could undermine the city's efforts.

Ron Bridegroom was willing to converse privately with the CEO of A&A, July 10th, during and after our meeting with Terry and Vito. Kevin, as far as I know, has not had private conversations with the CEO of A&A.

Sincerely,
Debbie

When you judge others, you do not define them; you define yourself. Earl Nightingale

On Jul 12, 2024, at 4:53 AM, rlbivs@as.net wrote:

I forgot to include that during our drive to the meeting in Modesto that the "individual" also told us that it would cost the city \$50 million. I assumed that would be what A&A Health would sue for loss income, which I pointed out at the last council meeting could be as much as \$32 million over 5 years, plus probably lawyer fees, etc.

And for the record, I went to significant efforts to not identify the "individual" by name or district number or sex even after I found out that the individual had contacted George and thus had been "identified".

To me what the individual did could have (but probably did not) had significant negative effects of the city to stop this project and protect our children which is not acceptable.

Sigh

Ron Bridegroom

--- Original message ---

Subject: Meeting with Terry Withrow 920 15th St July 10, 2024

From: Debra Hall-Kofternow <dhallkofternow@gmail.com>

To: George Petrolakis <george@petrolakis.com>

Cc: Amy Bublak <ABublak@turlock.ca.us>, Ron Bridegroom <rlbivs@as.net>

Date: Thursday, 07/11/2024 23:25

Meeting with Terry Withrow and Vito Chiesa on Wednesday, July 10, 2024.

Here are the facts:

I have a long standing friendship with Terry Withrow. He reached out to me to communicate perceived misinformation regarding Alamo Health and my concerns with the county.

I invited Mike Schmidt and Ron Bridegroom. Mike could not attend, at the last minute which opened up an invitation to include my elected council representative Kevin Bixel. Ron Bridegroom did attend along with Kevin Bixel at my invitation.

Prior to the meeting, I informed the Mayor I would be attending this meeting with Terry and Vito.

Nothing was said regarding "closed session" pertaining to the council meeting during our discussion at 920 15th St. in Modesto, Ca. It is public record that a closed session occurred and the council gave a brief review of that at the end of the July 10th meeting.

Sincerely,

Debbie Hall-Kofternow

When you judge others, you do not define them; you define yourself. Earl

Nightingale

George Petrulakis

From: rbivs@as.net
Sent: Friday, July 12, 2024 7:34 PM
To: George Petrulakis; Amy Bublak
Subject: Fwd: Re: Meeting with Terry Withrow 920 15th St July 10, 2024
Attachments: Debbie_PM_K-Bixel.png; Debbie_PM_K-Bixel-01.png

Here is some proof of what I said in the email response below.

In that email I stated: "You expressed that George calling me upset you. You said hearing lawyers getting involved upset you and then said another call was coming in and you needed to take it -- and I thought you said it was Kevin and that was the end of the call."

This referred to George's call to me on Thursday and my subsequent call to Debbie a bit later on Thursday afternoon.

I have attached a screen shot of a PM exchange with Debbie later Thursday evening where I asked her if there was "any feedback from Kevin" and she responded stating that he was at work (how would she know that?) and that evidently she had emailed him that "No he was working all day. I am sure once he opens his e-mail the explosion will occur. I wanted him to know I did not hear him reveal anything within our meeting that was confidential."

According to the time stamps it was about an hour after Debbie sent me the PM that she evidently sent her email to George and Amy.

I was watching a movie and did not see the email till later and after some thought I decided that I had to document for the record what I had told Pam and George earlier on Wed and Thursday since what Debbie stated was NOT true and Debbie was effectively telling the City Attorney and City Mayor that I was a liar.

I have worked extremely hard for a number of years to be truthful, to be as accurate on the facts as I can and have sacrificed a lot informing the public of what is going on at city hall. Debbie has described me as a "gift" to our city and when people have suggested that I run for council or mayor she has stated that no one can do what Ron does and we need him being the watchdog on the city and council that he is.

Therefore, someone who I had trusted going to the City Attorney and Mayor and effectively calling me a liar is not acceptable.

I will note that in the email Debbie sent she refers to this blowing up with inappropriate emails. The only email that I know of that had been sent at that time is the one Debbie had sent to the three of us and one she had sent to Bixel.

I would also point out that George read from a prepared statement at the close of the city council meeting. Nowhere in that statement or in the Agenda did it mention "Alamo Health" or "A&A Health".

We could guess this is what it was but George took specific steps to NOT name who/what the suit was against which indicated to me that not naming Alamo Health directly right now was important.

When Kevin told me that it was against Alamo Health to scare them this was information that should not have been disclosed. This also could have been gleaned from his statements in the car when we were going to the meeting with Vito and Terry when he talked about the lawyer George brought to speak to the council, how we were screwed and how "Amy screwed up" from the beginning with the video talking about the people who would be placed at the facility.

How much damage would have been done to the city's chances to stop this madness at 1617 Colorado if I had gone on SaveTurlock and NextDoor and stated what the city was doing was trying to "scare" Alamo Health. They would immediately know that they could disregard anything George was saying.

How much damage could I have done if I posted that a council member told us "we are screwed" and that "Amy screwed up", etc.?

Even though I knew this information I did NOT reveal that in my post on SaveTurlock.

I believe this information should not have been revealed to Debbie and I by Bixel. If I am wrong then tell me so and why and then I guess I will owe people an apology.

Debbie's "story" changed 180 degrees the moment I told her that George had called me. She expressed anger over lawyers getting involved and then she ended the conversation, like I have consistently said, because, I thought she said, Kevin was calling or texting her and her pm to me seems to confirm this.

Then this madness started.

Debbie also made this illogical statement which I believe shows how desperate she is, for whatever reason: "Ron Bridegroom was willing to converse privately with the CEO of A&A, July 10th, during and after our meeting with Terry and Vito. Kevin, as far as I know, has not had private conversations with the CEO of A&A. "

This is a total misrepresentation of what was proposed. It would NOT be a private meeting. I would be the contact point for a meeting with other Turlock residents such as Debbie just as she was the contact point for the meeting with Vito and Terry where she invited me and another person and then Bixel to that meeting.

It is completely two different things for a private citizen to meet with the CEO of Alamo Health to challenge her with the description of the consumers at the Turlock facility in the contract with the county and her own Indeed Help Wanted Ads, both which I had quoted and

talked about extensively at the meeting, and a COUNCIL member meeting or talking with the CEO of a company he knew the city was in the process of suing.

Her statement is IMO another attempt to discredit and smear me.

I am also attaching the text message Terry Withrow sent to Debbie that started all of this.

I also remember Debbie being upset over a text message from Mayor Amy asking her (I do not remember the exact words except for the two letters at the end) something "like who talked about closed session -- C or K". I remember Debbie being upset about that text and saying she would not respond to it and did not want to be a snitch.

I apologize to George, and the Turlock tax payer, for the additional work and cost of this stupidity. I remember George telling me in our phone call that it had been a tough week.

Sincerely, Ron Bridegroom

--- Original message ---

Subject: Re: Meeting with Terry Withrow 920 15th St July 10, 2024

From: <rlbivs@as.net>

To: Debra Hall-Kofternow <dhallkofternow@gmail.com>

Cc: George Petrulakis <george@petrulakis.com>, Amy Bublak <ABublak@turlock.ca.us>

Date: Friday, 07/12/2024 10:41

Debbie stated "My disappointment in Ron Bridegroom communicating, his perception, with Pam Franco and the city attorney after our meeting has blown up with city attorney phone conversations and inappropriate e-mails."

What emails are you referring to?

To my knowledge, there were no emails UNTIL your email of late last night.

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You told me that you did not understand what Bixel was doing as, using your words, it was contradictory to tell us in the car, "we are screwed" and then tell me the council authorized George to threaten a lawsuit to scare A&A and then to see that he voted for the filing of a lawsuit.

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I am willing to place my hand on the Bible and to testify to this

Finally, I do believe it was Vito who suggested that possibly the Police Chief could view the HIMS data.

Ron Bridegroom

--- Original message ---

Subject: Re: Meeting with Terry Withrow 920 15th St July 10, 2024

From: Debra Hall-Koftinow <dhallkoftinow@gmail.com>

To: <rlbivs@as.net>

Cc: George Petrulakis <george@petrulakis.com>, Amy Bublak <ABublak@turlock.ca.us>

Date: Friday, 07/12/2024 05:48

Ron states "I know that Debbie is upset":

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accountability with this high risk population until I brought the subject up and Kevin enhanced the discussion with his insight.

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Sincerely,
Debbie

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Nightingale**

| On Jul 12, 2024, at 4:53 AM, rlbivs@as.net wrote:

I forgot to include that during our drive to the meeting in Modesto that the "individual" also told us that it would cost the city \$50 million. I assumed that would be what A&A Health would sue for loss income, which I pointed out at the last council meeting could be as much as \$32 million over 5 years, plus probably lawyer fees, etc.

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To me what the individual did could have (but probably did not) had significant negative effects of the city to stop this project and protect our children which is not acceptable.

Sigh

Ron Bridegroom

7:52 PM

Debbie, any feedback from Kevin?

7:54 PM

No he was working all day. I am sure once he opens his e-mail the explosion will occur. I wanted him to know I did not hear him reveal anything within our meeting that was confidential.



← Debbie Koftinow



Wednesday, Jul 3 • 10:30 AM

This came from Terry Withrow this morning;

Debbie, hope everything is going ok with you and the kids. Would you have some time to sit down and talk with me about the Turlock facility on Colorado ? A lot of misinformation/lies coming out of Turlock city council that I'd like to clarify, maybe I could get Vito to join us, maybe later next week ??

Wow!

I guess your post are reaching Modesto

Monday • 11:54 AM

George Petrulakis

From: Debra Hall-Kofternow <dhallkofternow@gmail.com>
Sent: Friday, July 12, 2024 8:10 PM
To: George Petrulakis
Cc: Ron Bridegroom
Subject: Re: your emails

George,

There is no possibility of me reaching out to the Mayor, Ron Bridegroom or Pam Franco on this matter. Ron Bridegroom has his statement in several e-mails to you and I have mine.

Sincerely,
Debbie

When you judge others, you do not define them; you define yourself. **Earl Nightingale**

On Jul 12, 2024, at 10:54 AM, George Petrulakis <george@petrulakis.com> wrote:

Thank you both for your emails. I've asked the mayor not to engage with either of you on this matter until I take some time to review all the information.

George

George A. Petrulakis
Attorney At Law
Petrulakis Law & Advocacy, APC
1104 12th Street
Modesto, California 95354

(209) 522-0500 ext. 1 - office
(209) 522-0700 – facsimile

Mailing Address:
Post Office Box 92
Modesto, California 95353-0092

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APC of the transmission error at george@petrulakis.com or (209) 522-0500, extension 1.
Thank you for your attention to this matter.

George Petrulakis

From: Debra Hall-Kofternow <dhallofternow@gmail.com>
Sent: Saturday, July 13, 2024 5:55 AM
To: George Petrulakis
Subject: Re: your emails

George,

My apologies for mistakenly sending several e-mails with two needed corrections. I can spell "several" and the date of the council meeting was July 9th not 10th.

Last, I honestly believe each on our city council has the best intentions for our community. I have deep respect for Pam Franco. I do not believe she would compromise the city. Mr. Bridegroom has his detailed opinion of a conversation with Kevin Bixel and myself along with SEVERAL board of supervisors and since he can provide his version of recited information I acknowledge he discussed "closed session" regarding July 9, 2024 with council member Franco (July 10, 2024, landline conversation between Mr. Bridegroom and council member Franco) that she too be advised not to discuss anything further on this matter with Mr. Bridegroom or myself.

Sincerely,

Debbie

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On Jul 12, 2024, at 8:10 PM, Debra Hall-Kofternow <dhallofternow@gmail.com> wrote:

you

George Petoulakis

From: George Petoulakis
Sent: Friday, July 12, 2024 10:55 AM
To: Ron Bridegroom; Debra Hall-Kofternow
Subject: your emails

Thank you both for your emails. I've asked the mayor not to engage with either of you on this matter until I take some time to review all the information.

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George A. Petoulakis
Attorney At Law
Petoulakis Law & Advocacy, APC
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George Petrulakis

From: rlbivs@as.net
Sent: Friday, July 19, 2024 12:31 PM
To: George Petrulakis
Subject: Re: your emails

George, any update about this matter?

Ron Bridegroom

On Friday 07/12/2024 at 10:54, George Petrulakis wrote:

Thank you both for your emails. I've asked the mayor not to engage with either of you on this matter until I take some time to review all the information.

George

George A. Petrulakis
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Petrulakis Law & Advocacy, APC
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George Petrulakis

From: George Petrulakis
Sent: Tuesday, July 23, 2024 12:05 PM
To: rlbivs@as.net
Subject: RE: your emails

Still under review. George

From: rlbivs@as.net <rlbivs@as.net>
Sent: Friday, July 19, 2024 12:31 PM
To: George Petrulakis <george@petrulakis.com>
Subject: Re: your emails

George, any update about this matter?

Ron Bridegroom

On Friday 07/12/2024 at 10:54, George Petrulakis wrote:

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George

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ATTACHMENT 2

From: [Amy Bublak](#)
To: [Kevin Bixel](#)
Subject: Email request
Date: Thursday, August 8, 2024 1:42:31 PM

Council member Bixel,

Please provide me with a memorandum addressing the events discussed in the Hall-Koafinow/Bridegroom email exchanges that were sent or copied to George and me. George mentioned you have a copy. Given the importance of maintaining closed session confidentiality, I believe it's crucial for you to share your perspective on these matters, including the travel in the car, the meeting with county supervisors, and any other relevant information.

This memorandum will be shared with the Councilmembers in a Brown Act-compliant manner to ensure everyone is equally informed. Please note that the memorandum, like the emails, will not be a confidential document.

If you have any questions, feel free to reach out to George or me.

Thank you,
Amy

George Petrulakis

From: kevin bixel <kevinbixel@gmail.com>
Sent: Tuesday, August 13, 2024 10:45 AM
To: Amy Bublak; Reagan Wilson; George Petrulakis
Subject: Response to request

Dear Amy,

I am responding to your request to address the events surrounding the meeting with Stanislaus County Supervisors and the car ride that included Mr. Bridegroom and Ms. Koftinow to and from Turlock to that meeting. It is my understanding that Supervisor Withrow invited Ms. Koftinow to a meeting in Modesto on July 10, 2024, to discuss the 1617 Colorado Project. That meeting was also attended by Supervisor Chiesa. Ms. Koftinow invited me to the meeting and she and I along with Mr. Bridegroom rode together to that meeting.

As you can see from the numerous emails between Ms. Koftinow and Mr. Bridegroom there is a difference in opinion of what was said during that drive. My recollection of events is as follows. I remember that following the Closed Session on July 23, 2024, the City Attorney announced that the City was pursuing legal action against the Alamo Project. In retrospect, I now realize that he did not specify who the legal action was regarding. It was my misunderstanding of that announcement that led to me sharing anything inappropriate from the closed session, believing that it was now a public matter.

During that ride we discussed where I viewed the City's position to be in this matter. That position, which I have shared publicly many times, was that we were likely in a "no win" situation. I shared that view long before the closed session. While I have no recollection saying anything like the Mayor had "screwed this up", I can assure you that would be completely out of character for me. I have shared with the City Manager and others in the past that I believed us to be "out over our skis" on the issue.

It was never my intent to create any controversy on this or any other issue for the City. I attended the meeting hoping I could learn facts that could help the Council come to a positive solution for all of our constituents. In closing, I have not spoken to either Mr. Bridegroom nor Ms. Koftinow since I have been made aware of this issue.

Sincerely,

Kevin

ATTACHMENT 3

2-1-03 Meetings: Closed Session: Confidentiality: Authorization: Definition: Violation: Penalty.

(a) No person in attendance at a closed or executive session of the City Council of the City of Turlock shall release, disclose or discuss, in any manner or form, or cause to be released, disclosed or discussed, any item, information or document reviewed, discussed or acted upon in closed or executive session of the City Council of the City of Turlock unless

- (1) prior written authorization of the City Council is obtained pursuant this Chapter; or
- (2) the information is made public by reason of an appeal and transfer of jurisdiction to a court of law; or
- (3) the individual or agent therefor making such release or disclosure is the individual or party that is the subject of the closed or executive session.

(b) Authorization. Authorization to release, disclose or discuss any closed or executive session item, information or document outside of closed or executive session shall be granted only upon a majority vote of the City Council members present in the closed or executive session where the item, information or document was discussed or acted upon.

(c) Definition. For the purposes of this section, "Closed or Executive Session" shall mean and include any meeting of the City Council not open to the public and held pursuant to California Government Code Sections 54956.7 et seq or any amendment thereto, which includes, but is not limited to, the following:

- (1) License applications; rehabilitated criminals (California Government Code Section 54956.7);
- (2) Real property transactions (California Government Code Section 54956.8);
- (3) Pending litigation (California Government Code Section 54956.9(a));
- (4) Potential litigation (California Government Code Section 54956.9(b)(1); 54956.9(c));
- (5) Insurance pooling; tort liability losses; public liability losses; workers' compensation liability (California Government Code Section 54956.95);
- (6) Personnel hearing to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against such employee (California Government Code Section 54957);
- (7) Salaries, salary schedules or fringe benefits (California Government Code Section 54957.6).

(d) Penalty for Violation. Violation of this section is punishable as provided in Turlock Municipal Code Section 1-2-01.

(771-CS, Added, 04/09/1992)

Cal Gov Code § 54963

Deering's California Codes are current through the 2024 Regular Session Ch 210

Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 50000–50049) > Title 5 Local Agencies (Divs. 1 — 5) > Division 2 Cities, Counties, and Other Agencies (Pts. 1 — 3) > Part 1 Powers and Duties Common to Cities, Counties, and Other Agencies (Chs. 1 — 14) > Chapter 9 Meetings (§§ 54950 — 54963)

§ 54963. Disclosure of confidential information acquired in closed session prohibited; Disciplinary action for violation

- (a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by [Section 54956.7](#), [54956.8](#), [54956.86](#), [54956.87](#), [54956.9](#), [54957](#), [54957.6](#), [54957.8](#), or [54957.10](#) to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.
- (b) For purposes of this section, “confidential information” means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.
- (c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:
- (1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.
 - (2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.
 - (3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grand jury.
- (d) Disciplinary action pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.
- (e) A local agency may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:
- (1) Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by a legislative body of a local agency or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by a legislative body of a local agency.
 - (2) Expressing an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.
 - (3) Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.
- (f) Nothing in this section shall be construed to prohibit disclosures under the whistleblower statutes contained in [Section 1102.5 of the Labor Code](#) or Article 4.5 (commencing with [Section 53296](#)) of Chapter 2 of this code.

History

Added *Stats 2002 ch 1119 § 1 (AB 1945)*.

Annotations

Research References & Practice Aids

Treatises:

Cal. Forms Pleading & Practice (Matthew Bender) ch 470B "Public Agency Meetings".

Hierarchy Notes:

Cal Gov Code Title 5, Div. 2

Cal Gov Code Title 5, Div. 2, Pt. 1, Ch. 9

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