



City of East Palo Alto

Office of the City Attorney

VIA E-Mail (ravneelchaudhary@gmail.com)

September 24, 2025

Mr. Ravneel Chaudhary
135 Gardenia Way
East Palo Alto, CA 94303

Re: Brown Act Complaint, dated September 16, 2025

Dear Mr. Chaudhary:

I write to address the above-captioned matter. First off, the City thanks you for your engagement and appreciates your desire to keep local government fair, transparent, and meaningful.

I, do, however, want to state up front that the City Attorney's Office does not believe a violation of the Brown Act has occurred, for the reasons set forth below. Please know that this letter is no way intended to offer an opinion as to the agenda item giving rise to your email. With that, please allow me to address the issues raised in your email to our Office, dated September 16, 2025, which is attached hereto as **Attachment 1** (Cure and Correct Letter, dated September 16, 2025).

1. Public Comment Time Limits – Gov. Code § 54954.3

Your letter takes issue with the Mayor's limitations on public speakers. The Brown Act allows for the adoption of reasonable time-place-manner regulations. In fact, the section you cite states just that: the "legislative body may adopt reasonable regulates...limiting the total amount of time allocated for public testimony on particular issues **and** for each individual speaker." *See* Cal. Gov. Code 54954.3 (emphasis added). This very point is underscored in the *Ribakoff v. City of Long Beach* case that you cited to us ("[T]he Brown Act expressly permits legislative bodies of local agencies to adopt reasonable time limitations on public testimony"). Most significantly, *Ribakoff* acknowledges the reason the Legislature amended the Brown Act in 1986 to limit public speakers: the Legislature "validated enactment of limits on public speakers so that the business of government could function".

The facts show that the Mayor did just that. Pursuant to Resolution No. 67-2024 (Sec. 8B), the "chair" (here: the Mayor) has the authority to impose "equitable time limits on speakers." She did this in three ways. First, she limited the total amount of time for public comment on the item

by setting a cutoff to allow time for Council deliberation at around 6:45 p.m., after having announced that the Council had a hard stop time of 6:50 p.m. to allow time for staff to convene another meeting (regular meeting of the Rent Board). Second, she limited speakers to one (1) minute each to ensure the Council heard from as many speakers as possible. Third, and finally, she asked her fellow councilmembers to keep their remarks brief, which struck a balance between having a speedy meeting while respecting their right to deliberate while complying with the rules of parliamentary procedure concerning limiting debate.

2. Speaker Slip and Zoom Participation Procedure – Gov. Code § 54954.3(a)

Contrary to your assertion, the City does not have an established procedure for whether online speakers versus in-chambers speakers are to be heard first. Neither the Brown Act nor the Government Code you cite addresses the topic. Indeed, doing so would unnecessarily hamper the Mayor's ability to coordinate the proceedings in the most efficient manner. For example, if an online speaker is not responding (as often happens), or an in-person speaker does not come to the podium, the Mayor can pivot to recognize an in-chambers speaker to keep the proceedings moving. Having a rule that requires all in-chambers speakers to go first (or the converse) would unduly hinder this flexible approach. There was therefore no actionable inconsistency in how the Mayor recognized speakers for public comment on this item.

3. Zoom Participation Restrictions – Gov. Code § 54953

You assert that the Mayor limited online speakers to five (5) individuals. To correct the record, the Mayor did not state that there would only be five (5) online speakers. As noted above, the Mayor has authority under the City's own local rules, to establish reasonable and equitable time-place-manner restrictions, including limits for total public comment time on an agenda item. The Mayor invoked this authority and set a total time limit for public comment on this item with a cut off at 6:45 p.m. While it is possible the end result was that a certain number of online speakers was limited, that is very different than the Mayor stating we will only hear from "X" number of speakers, which she simply did not do.

4. Scheduling and Agenda Management – Gov. Code § 54954.2

You assert that the Council intentionally set the meeting date to preclude public comment. Not true. The meeting was originally scheduled for Monday, September 8, 2025. However, it was rescheduled because you alleged a violation of the Brown Act (as the agenda was not posted to the bulletin board at City Hall). The City acknowledged this mistake and re-agendized the meeting for the next day (Tuesday of the same week), a date that did not have any time restrictions. However, one or more councilmembers were not available on that date, so staff set the meeting the very next day (Wednesday of the same week). There are no restrictions on when a Council can set meetings,

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except that the amount of notice provided (72 hours for regular meetings and 24 hours for special meetings, as was true for the Wednesday September 10 meeting), including Gov. Code § 54954.2. Our Office is aware of no evidence that this meeting was set to avoid public comment.

5. Predetermination and Brown Act Violation – Gov. Code §§ 54952.2, 54954.2

You argue that the Council predetermined an outcome and thereby violated the Brown Act. As evidence, you cite the following:

- Staff report recommendation from Mayor Barragan and Vice Mayor Dinan explicitly recommending censure and removal, including detailed sanctions and procedural instructions.
- Councilmember Lincoln's statement in the agenda packet, which strongly supports the censure before the meeting.
- Formal resolution, which pre-defined hearing procedures and sanctions, including removal from all Council-appointed committees until November 2026, and authorized the Mayor to limit public comment and councilmember participation.

None of the foregoing pieces of evidence prove either that the decision of the Council on September 10, 2025, was predetermined or a violation of the Brown Act.

The facts you cite to are simply evidence that there was process for getting the item (Consideration of Censure of Councilmember Carlos Romero) on the agenda and such process was followed in a manner that complies with applicable law (Brown Act). Such an endeavor requires some level of coordination or individual contacts between the Mayor and staff, but the Brown Act allows for such "individual contacts". First, the agenda report was written by staff, not the Mayor, although she was consulted to ensure factual accuracy and to ensure she understood how to run the proceedings. Second, the agenda report set out a procedure to conduct the censure proceeding as is a common practice. This was published ahead so that the public knew what to expect, which is also the same reason why I was asked to describe it on the record during the proceeding. Third, the resolution was published not to signal a predetermined outcome, but instead for the sake of transparency and to give notice to Councilmember Romero of the charges against him.

Finally, the Brown Act prohibits councilmembers (outside of a public meeting) from "discuss[ing], deliberat[ing], or tak[ing] action on any item that is within the subject matter jurisdiction of the legislative body" and since Councilmember Lincoln's communication is the only communication we're aware of, we cannot state definitively, without more, whether a Brown Act violation has occurred. Indeed, this type of communication was benign as it was in no way secretive (i.e., it was published alongside the agenda with other materials) and was simply an impact statement issued by a councilmember who was the target of the derogatory comments.

In conclusion, we respect your right (and that of others) to address the Council and to meaningfully participate in public meetings. But we ask that you assist the City in putting this matter behind us and look forward toward opportunities to enhance public engagement while optimizing meeting efficiency.

CITY OF EAST PALO ALTO
CITY ATTORNEY'S OFFICE



John D. Lê
City Attorney

cc: Melvin E. Gaines, City Manager

Attachment(s):

1. Cure and Correct Letter, dated September 16, 2025.

To: Mr. Ravneel Chaudhary
Re: Brown Act Complaint, dated September 16, 2025

Attachment 1: Cure and Correct Letter, dated September 16, 2025



Dear Mayor Barragan, Vice Mayor Dinan, Members of the City Council, City Attorney Le, City Manager Gaines, and City Clerk Colin,

1. Introduction

I am a resident of the City of East Palo Alto and hereby submit this formal complaint pursuant to the Ralph M. Brown Act (California Government Code § 54950 et seq.). This email serves as notice of multiple violations that occurred during the City Council special meeting held on September 10, 2025, and as a demand to cure and correct those violations under Government Code § 54960.1.

2. Meeting Details and Context

- The meeting began at 5:30 PM and included other business before addressing the agenda item concerning the censure and removal of Councilmember Carlos Romero from all regional boards.
- The special meeting was originally scheduled for Monday but was rescheduled to Wednesday due to a Brown Act posting violation. The agenda was not posted physically and was only available online.
- The meeting was scheduled immediately prior to a Rent Board meeting, creating a hard stop at 7:00 PM and severely limiting public comment on this significant agenda item.
- Over dozens of members of the public attended intending to speak in person and on Zoom.
- Based on the Mayor's introduction, public statements by Vice Mayor Dinan, Councilmember Lincoln, and the staff report included in the agenda packet, it appears that at least three councilmembers had already determined their positions prior to the meeting.
- The scheduling and conduct of the meeting gave the appearance that the hearing and vote were a formality, denying the public meaningful opportunity for input.
- The council could have scheduled this item at a regular council meeting or later in the week, avoiding overlap with another commission/board meeting, and providing more time for public comment.

3. Specific Violations Observed

(a) Public Comment Time Limits – Gov. Code § 54954.3

- The Mayor initially announced only 10 minutes for all public comment, later extended to 20 minutes, which remained insufficient.
- Many residents who submitted slips according to procedure or tried to raise their hands on Zoom were unable to speak.

(b) Speaker Slip and Zoom Participation Procedure – Gov. Code § 54954.3(a)

- Normally, in-person speakers are called first, followed by Zoom participants.
- During this meeting, public comment was handled inconsistently. Initially, the Mayor planned to give Zoom participants priority, limiting in-person speakers.
- The Mayor also stopped accepting additional speaker slips to cap participation.
- Several residents who submitted slips before the cutoff were never given an opportunity to speak.
- This inconsistent, arbitrary, and time-limited process, only partially corrected due to public protest, denied members of the public their right to comment on a significant agenda item.

(c) Zoom Participation Restrictions – Gov. Code § 54953

- Remote participation was limited to only five Zoom speakers for this agenda item, and this cap was set well before the council reached the item on the agenda.
- This arbitrary limitation prevented members of the public from exercising their right to comment remotely and effectively silenced seniors, people with disabilities, and parents who rely on Zoom for participation.

(d) Scheduling and Agenda Management – Gov. Code § 54954.2

- The agenda item was scheduled at a time and in a sequence that predictably restricted public participation, following other business and with a hard stop for the Rent Board meeting.
- The council could have scheduled this item at a regular council meeting or later in the week to allow adequate time for public comment.

4. Predetermination and Brown Act Violation – Gov. Code §§ 54952.2, 54954.2

- The Brown Act prohibits councils from making decisions in advance of a public meeting, except as allowed for closed session deliberations.
- Evidence of predetermination includes:
 - Staff report recommendation from Mayor Barragan and Vice Mayor Dinan explicitly recommending censure and removal, including detailed sanctions and procedural instructions.

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- Councilmember Lincoln's statement in the agenda packet, which strongly supports the censure before the meeting.
- Formal resolution, which pre-defined hearing procedures and sanctions, including removal from all Council-appointed committees until November 2026, and authorized the Mayor to limit public comment and councilmember participation.
- These combined actions indicate that at least three councilmembers had effectively predetermined their votes, undermining the purpose of the Brown Act and denying meaningful public participation.

5. Requested Remedies

Pursuant to my rights under the Brown Act, I request that the City Council:

1. Cure and correct the potential violation by rescinding or readdressing the council action regarding the censure and removal of Council Member Romero from regional boards, with adequate public comment opportunity.
2. Amend procedures to ensure that all residents who submit speaker slips are called to speak and that remote participants are treated equally.
3. Provide a written response within 30 days detailing the steps the council will take to cure and prevent future violations.

Supporting documentation, including the agenda, staff report, Councilmember Lincoln's statement, and the resolution, is publicly available and can be provided upon request.

6. Conclusion

These steps are necessary to ensure the City Council complies with the Ralph M. Brown Act and upholds the principles of transparency, fairness, and meaningful public participation. The actions taken during the September 10 special meeting clearly violated the spirit of the Brown Act.

Respectfully,
Ravneel Chaudhary
Resident, City of East Palo Alto

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