

Bond Case Briefs

Municipal Finance Law Since 1971

OPEN MEETINGS - CALIFORNIA

Fowler v. City of Lafayette

Court of Appeal, First District, Division 4, California - February 10, 2020 - Cal.Rptr.3d - 2020 WL 612870 - 20 Cal. Daily Op. Serv. 1074

Landowners' neighbors petitioned for writ of mandate seeking declaratory and injunctive relief against city for allegedly violating Ralph M. Brown Act on open meetings by discussing litigation threat in closed session.

The Superior Court denied petition. Neighbors appealed.

The Court of Appeal held that:

- Applicable statute permitted closed session in response to pending litigation based on statement threatening litigation made by a person outside an open and public meeting;
- City complied with obligation to make a contemporaneous or other record of the statement prior to meeting;
- Litigation threat against city to be discussed in closed session had to be included in agenda packet made available upon request before open meeting; but
- City's violation of Brown Act did not nullify city's approval of project.