

From: Mark Allen [REDACTED]

Sent: Monday, June 1, 2026 3:25 PM

To: Distrib- City Clerk <city.clerk@cityofsanrafael.org>; Mayor Kate <kate.colin@cityofsanrafael.org>; Maika Llorens Gulati <maika@cityofsanrafael.org>; Eli Hill <Eli.Hill@cityofsanrafael.org>; Maribeth Bushey <maribeth.bushey@cityofsanrafael.org>; Rachel Kertz <rachel.kertz@cityofsanrafael.org>

Subject: Written Public Comment — Agenda Item 4b (Brown Act Updates and SB 707 Implementation); Reservation of Rights re: Pending Appeal A175323

Dear City Clerk and Honorable Members of the City Council,

I submit this written public comment for inclusion in the administrative record of the regular meeting of June 1, 2026, in connection with Agenda Item 4b (Brown Act Updates and Teleconferencing Provisions; Resolution Authorizing Hybrid City Council Meetings and Adopting Related Policies to Implement Senate Bill 707).

I welcome the City's implementation of Senate Bill 707 and its adoption of updated Brown Act compliance policies. I write to place on the administrative record that the adequacy of the City's prior compliance with Government Code section 54954.2 (agenda-notice requirements) and the broader Ralph M. Brown Act framework is the subject of pending appellate proceedings.

Allen v. City of San Rafael, Court of Appeal Case No. A175323 (Marin County Superior Court Case No. CV0005691), is an active appeal pending before the First Appellate District. The appeal addresses, among other issues, the sufficiency under Government Code section 54954.2 of the City's agenda notice for an ordinance amendment in which the agenda recited an amendment to San Rafael Municipal Code section 19.50 (camping in parks) while the operative changes also included substantive amendments to section 19.20 (camping on non-park public property). The Court of Appeal granted Appellant's unopposed Motion to Augment the Record on Appeal by order dated May 29, 2026. Respondent's brief is due by June 11, 2026.

I respectfully object that the agenda-notice deficiencies at issue in A175323 reflect a broader pattern of Brown Act compliance concerns that have continued through subsequent City Council actions, including in connection with the 350 Merrydale Road project, Ordinance No. 2057, and related camping ordinance amendments. I expressly reserve all rights, claims, and arguments under the Ralph M. Brown Act, including under Government Code sections 54954.2, 54956.8, 54956.9, and 54957.5, for present and future challenges to City Council actions affecting these matters.

I further note that the policies the Council is adopting tonight under SB 707 — including the Multilingual Agendas and Participation Policy and the Disruptive Behavior in Public Meetings Policy — will themselves become part of the City's Brown Act compliance framework subject to appellate review in the event of future challenges. I respectfully request that the City implement these policies in a manner consistent with the agenda-notice substance requirements of section 54954.2 and the open-meeting principles of the Brown Act.

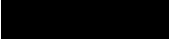
Reservation. I expressly reserve all rights, claims, and arguments under the Ralph M. Brown Act, the California Environmental Quality Act, the California Public Records Act, and applicable California and federal constitutional, statutory, and decisional law. The objections set forth above are intended to ensure that the administrative record reflects fair notice to the City of the specific Brown Act concerns identified and to preserve all such concerns for future administrative and judicial review.

I request that this written comment be included in full in the administrative record for the meeting of June 1, 2026.

Thank you for your attention to these concerns.

Mark Allen

Appellant in pro per, Court of Appeal Case No. A175323

 San Rafael, CA 94912