



**Office of the County Counsel
Contra Costa County**

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Date: August 5, 2026

To: Board of Supervisors

From: Thomas L. Geiger, County Counsel

A handwritten signature in blue ink, appearing to be "TB", is written next to the "From:" line.

Re: **August 11, 2026, Closed Session Regarding Threatened Litigation –
Notice Required by *Fowler v. City of Lafayette* (2020) 46 Cal.App.5th 360**

On August 11, 2026, the Board of Supervisors will meet in closed session to confer with legal counsel about a written threat of litigation, pursuant to Government Code section 54956.9(a). This provision of the Brown Act authorizes local agencies to meet in in closed session to “confer with, or receive advice from, its legal counsel regarding pending litigation.”

On July 6, 2026, the County received a written demand letter that contains a threat of litigation against the County. The demand letter was designated as a confidential settlement communication under California Evidence Code sections 1152 and 1154. The County therefore cannot publicly disclose the confidential contents of the letter. This public notice of threatened litigation, provided in accordance with *Fowler v. City of Lafayette* (2020) 46 Cal.App.5th 360, in no way constitutes a waiver of the attorney-client privilege or any other legal privilege that may attach to the County's communications or work product regarding this threatened litigation.