

Office of the County Counsel
1025 Escobar Street, 3rd Floor
Martinez, CA 94553

Contra Costa County
Phone: (925) 655-2200
Fax: (925) 655-2263

Date: July 31, 2024

To: Board of Supervisors

From: Thomas L. Geiger, County Counsel 

Re: **August 6, 2024, Closed Session Regarding Threatened Litigation:
Notice Required by *Fowler v. City of Lafayette* (2020) 46 Cal.App.5th 360**

On August 6, 2024, 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 closed session to “confer with, or receive advice from, its legal counsel regarding pending litigation.”

On June 28, 2024, the County received a letter sent on behalf of a County employee claiming retaliation. The letter contains a threat of litigation against the County. The letter was designated as a confidential mediation communication under California Evidence Code section 1115 et seq. 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.