



OFFICE OF THE DISTRICT ATTORNEY
MARIN COUNTY, CALIFORNIA

*Prevention * Prosecution * Protection*

Edward S. Berberian
District Attorney

Barry G. Borden
ASSISTANT DISTRICT
ATTORNEY

May 12, 2015

Robert J. French
CHIEF INSPECTOR

Fagen, Friedman & Fulfroast
Attention Mark Williams
700 Washington St. Suite 205
Oakland, CA 94607

Peggy M. Toth
CHIEF, FINANCE
AND ADMINISTRATION

Re: Brown Act Complaint Against the Ross Valley School District
DI15000031

Dear Mr. Williams,

This letter is to notify you that my investigation of the Brown Act complaint filed against the Ross Valley School District by Conn Hickey is complete. I reviewed the complaint filed by Conn Hickey along with your response for the district. I interviewed Superintendent Bagley and reviewed the law as it applied to the complaint.

I have determined that the school board did not violate the Brown Act in complaints One through Four. The district did violate the Brown Act concerning complaint Five concerning the District's Facilities Executive Committee.

The district board properly noticed the closed sessions dealing with real property that being the lease discussions concerning Deer Park School and the negotiations with the Fairfax/San Anselmo Children's Center. There was public comments and open meeting votes on the issue. I had no evidence that there were improper discussions during the closed sessions or at any time during the process. There was public comments and assumptions made but this is not evidence that would create a violation.

As to complaint Five I have determined and you are in agreement that the District's Facilities Executive Committee is a standing committee and subject to the Brown Act. I would direct the district to follow the Brown Act when this committee meets.

I presented my findings to Assistant District Attorney Barry Borden who concurred with my findings.

*

* (date)

Page 2

Please share this letter with Superintendent Bagley and the board.

Very truly yours,

Michael P. McBride

Michael P. McBride, Supervising Inspector

EDWARD S. BERBERIAN

DISTRICT ATTORNEY