



COUNTY OF FRESNO

Lisa A. Smittcamp
District Attorney

NEWS RELEASE

FOR IMMEDIATE RELEASE
March 7, 2022

District Attorney Lisa Smittcamp's Response to Email from City Attorney Doug Sloan

In an email dated March 7, 2022, Fresno City Attorney Doug Sloan asked the Fresno County District Attorney to provide a clarifying statement regarding comments made on the 'Sunday Morning Matters' television program. The email specifically referenced comments made about the recently closed investigation over a possible Brown Act violation involving the Fresno City Council.

In response to a question from the program's host to address rumors that the District Attorney had been "put up" to intervening in the Granite Park matters by issuing an investigation letter close in time to the scheduled vote, the District Attorney referenced a phone call between her and the City Attorney. The District Attorney's response to that question, along with her reference to the phone call, was not intended to suggest the City Attorney was the person who lodged a confidential complaint regarding the possible violation.

Although it is our common practice and policy not to confirm or reveal the sources of allegations to our Public Integrity Unit if anonymity is requested, the initial complaint to our office regarding the alleged Brown Act violation did not come from City Attorney Doug Sloan.

The Fresno County District Attorney's Office has an ethical obligation to thoroughly review every complaint and investigate any allegations when the facts and circumstances warrant.

The following is a summary of the initiation of the investigation:

- On June 22, 2021, our Public Integrity Unit received an anonymous complaint regarding an alleged violation of the Brown Act by several City Council members.
- On June 23, 2021, on behalf District Attorney Smittcamp, the Public Integrity Deputy District Attorney sent a letter to City Attorney Doug Sloan and CC'd the entire City Council, City Manager and Mayor about the allegations our office had received and respectively requested that "any vote regarding Granite Park be postponed until our investigation is complete." [See the original letter attached]
- On March 1, 2022, The Fresno County District Attorney's Office released a press release that we will not be pursue criminal charges against City Councilmembers for Brown Act or Municipal Code violations.

In the process of preparing this clarifying statement, we were informed by a local reporter that today's email from the City Attorney to the District Attorney was provided to the media. Without adhering to the City Attorney's own records release protocols and despite the following disclaimer at the foot of the email:

“This e-mail message is intended only for the named addressee(s) and may contain privileged and confidential information that is protected pursuant the attorney-client privilege and the attorney work-product doctrine. Any dissemination, distribution or copying is strictly prohibited. If you received this e-mail message in error, please destroy the message, and notify the sender immediately by replying to this e-mail or by calling Doug Sloan at the number provided above. Thank you.”

Because of this disclaimer, the District Attorney will not further comment on the contents of Mr. Sloan's email outside of this clarifying statement. Dissemination of this email, which was leaked to the media, only adds to our concern about the City Council and the need to “fix their house.”



COUNTY OF FRESNO

Lisa A. Smittcamp
District Attorney

June 23, 2021

Douglas Sloan
City Attorney
City of Fresno
2600 Fresno Street, Room 2031
Fresno, CA 93721

Mr. Sloan,

This office has received allegations of potential law violations by members of the City Council while conducting business for the City of Fresno. These allegations include a potential violation of the Brown Act. Specifically, this allegation involves recent discussions among a majority of Councilmembers concerning forthcoming decisions on Granite Park, a potential violation of Government Code §54953(a).

As you are aware, the Brown Act requires that all meetings of a legislative body of a local agency be open and public. A "meeting", as defined in Government Code §54952.2, means any congregation of a majority of the members of a legislative body at the same time and location, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

This is not the first allegation this office has received pertaining to a potential violation of the Brown Act that has involved Granite Park. We will continue to address these allegations. It is respectfully requested that any vote regarding Granite Park be postponed until our investigation is complete.

Respectfully,

A handwritten signature in blue ink that reads "Lisa Smittcamp". The signature is written in a cursive, flowing style.

Lisa Smittcamp
District Attorney

Cc: Councilmembers Esmeralda Soria, Mike Karbassi, Miguel Arias, Tyler Maxwell, Luis Chavez, Garry Bredefeld, Nelson Esparza; Mayor, Jerry Dyer; City Manager, Thomas Esqueda