



OFFICE OF THE  
**DISTRICT ATTORNEY**  
ORANGE COUNTY, CALIFORNIA  

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TODD SPITZER

September 26, 2024

Sonia R. Carvalho, Esq.  
Santa Ana City Attorney  
20 Civic Center Plaza  
Santa Ana, CA 92701

RE: Potential Violations of the Ralph M. Brown Act Related to Members of the Santa Ana City Council

Dear Ms. Carvalho,

In August 2023, the Orange County District Attorney's Office ("OCDA") received complaints that members of the Santa Ana City Council violated the Ralph M. Brown Act. Specifically, it was alleged that several councilmembers held serial meetings related to ongoing negotiations between the Santa Ana Police Department and the Peace Officers Association as well as an upcoming performance evaluation for the former City Manager. It was also alleged that on multiple occasions councilmembers had shared confidential information obtained during closed session meetings with representatives of the Peace Officers Association and members of the public.

As you are aware, the Brown Act promotes government transparency. Of paramount importance to our democratic system of government is the public's right to advance notice of proposed government action as well as the opportunity to observe and participate in legislative proceedings. By the same token, the Brown Act allows closed sessions in limited circumstances with particularized advance notice. When permitted, closed session proceedings are endowed with the privilege of confidentiality. This allows attendees to speak with candor, debate freely, and gather necessary information without risk of public reprobation.

Actions that violate any of the provisions of the Brown Act, either with respect to open meetings or maintaining confidentiality with respect to properly held closed session meetings, undermine public trust and confidence in the legislative process, and transparency "in the conduct of the people's business." (Gov. Code, § 54950.) Violations are of serious concern and may result in criminal and civil prosecution.

In this regard, OCDA is committed to ensuring that local legislative practices comply with all statutory requirements. This inherently includes those provisions within the Ralph M. Brown Act that mandate and guarantee transparency "in the conduct of the people's business." (Gov. Code, § 54950.)

REPLY TO: ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE  
<http://orangecountyda.org/>

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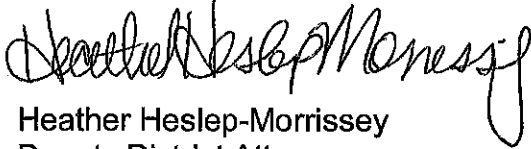
rec'd 10.01.2024

Based on the complaints submitted to our office, we have reviewed the matter and conducted an independent investigation. There was insufficient evidence to substantiate the allegations that serial meetings had occurred or that confidential information had been shared with members of the Peace Officers' Association.

To avoid concerns regarding future Brown Act complaints, we recommend that members undergo supplemental training, particularly with respect to meeting requirements and the disclosure of confidential information. Such training will promote adherence to the Brown Act's provisions, assist in meeting its public policy goals, and maintain public confidence in the City Council.

Your attention to the matter is greatly appreciated. If you have any questions or concerns, please contact me at (714) 347-8762.

Respectfully,

A handwritten signature in black ink, appearing to read "Heather Heslep-Morrissey". The signature is written in a cursive, flowing style with some overlapping letters.

Heather Heslep-Morrissey  
Deputy District Attorney  
Special Prosecutions Unit