

**From:** [Tod Hickman](#)  
**To:** [City Clerk](#); [Marilyn Ezzy Ashcraft](#); [Tony Daysog](#); [Tracy Jensen](#); [Michele Pryor](#); [Greg Boller](#); [Yibin Shen](#)  
**Cc:** [Estela Villagrana](#); [Shelby S](#)  
**Subject:** [EXTERNAL] PUBLIC COMMENT for tomorrow's CC closed session item 4-B 2026-6059 -Greenway Golf litigation  
**Date:** Monday, June 1, 2026 8:38:41 PM

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Mayor and Council Members,

Consider this statement and attached forwarded email from Ms. Sheehan as my public comment for tomorrow nights closed session agenda item 4-B regarding Greenway Golf litigation.

It appears that Ms. Sheehan has nailed the facts and violations of law by the City of Alameda in relation to this case. Furthermore, I find it particularly disturbing to see many of the same tactics used against Steeltown Winery, LLC DBA Building 43 Winery, coming out in trial testimony as well as the apparent theme of racism always so present within the City of Alameda.

The Mayor's testimony, under oath at trial, shows just how obvious the retaliatory motive is, including her admission that there were no lease violations, among other things.

Almost as disturbing is the role Mr. Boller, a Deputy Alameda County DA and elected Alameda City Council Member, continues to participate in, with relation to all of the City's violations of Regulation and Law.

Respectfully,

Tod Hickman  
510 872-1710

----- Forwarded message -----

From: **Shelby S** <[sheehan.shelby@gmail.com](mailto:sheehan.shelby@gmail.com)>  
Date: Mon, Jun 1, 2026 at 2:13 PM  
Subject: public comment for tomorrow's CC closed session item 4-B 2026-6059 -Greenway Golf litigation  
To: City Clerk <[clerk@alamedaca.gov](mailto:clerk@alamedaca.gov)>

**RE: Ongoing Brown Act Omissions and Decisive Votes Cast by Conflicted-Office Member – *City of Alameda v. Greenway Golf*, Case No. 22CV011964**

Mayor and Councilmembers,

This written comment serves as another formal objection to the City of Alameda's

ongoing pattern of non-compliant closed-session reporting regarding the active *Greenway Golf* trial [1.21].

1. The Core Contradiction: A Formal Vote Means You Did More Than Give "Direction"  
The City's post-closed-session announcements continue to record formal roll-call votes while claiming the only action taken was that "*Council provided direction to the City Attorney.*" This is a flat-out legal and logical contradiction. Under California law, a city council does not need to call for a formal, recorded roll-call vote just to issue routine, passive guidance or direction to its legal team. It is my understanding that "Direction" is delivered informally without a vote, even if it is to reject a settlement offer.

On the other hand, the moment this Council calls a formal roll-call vote and records individual "Ayes" and "Nays," you are taking a binding, collective legal action. You cannot use an informal placeholder phrase like "gave direction" to permanently hide a formal council resolution from the public. Either your record-keeping is completely wrong, or you are actively violating the Brown Act to avoid public oversight.

The public has an absolute statutory right to know the substance of any formal action approved. You cannot use a phrase meant for informal guidance to hide a formal, binding decision. Because a formal vote represents a definitive action, Government Code Section 54957.1 strictly mandates that you must report out the factual substance of that action.

## 2. The Conflict of Interest and Decisive Vote

This transparency failure is compounded because these hidden actions are being decided by an incompatible officeholder. Councilmember Greg Boller is a sitting Assistant District Attorney for Alameda County. Under California's doctrine of Incompatible Offices (Government Code Section 1099), any material vote he casts on proprietary city matters is subject to judicial nullity.

During last week's closed session, the council recorded a split vote on this trial item, meaning Councilmember Boller cast the decisive, tie-breaking vote to pass a hidden directive. Hiding a split, decisive vote behind the phrase "provided direction" actively evades public fiscal oversight on an action that is subject to being rendered completely void by a court of law.

## 3. Formal Demand

In this case, because you have been recording the taking of a formal vote, that means a binding council resolution was approved under Government Code Section 54957.1. If that is the case, you are legally mandated to report out the actual factual substance of that vote. Therefore, the post-session report that Council took a formal vote to "give direction" is a violation of the Brown Act that requires correction.

Accordingly, this is a formal demand that the City Council immediately instruct the City Clerk to amend the public minutes for both last week's meeting and tonight's meeting to explicitly state the actual, factual substance of the actions approved by

those formal votes.

Refs:

- [California Government Code Section 54957.1](#)
- California Government Code Section 1099 (Incompatible Offices)
- [First Amendment Coalition Guide on Closed Session Decisions](#)
- AALRR Briefing on Brown Act Confidentiality Limitations
- [Oakland City Attorney](#) Legal Framework for Reporting Out Votes.

Shelby

510-435-9263

"The righteousness of the oppressed will not go unheard"

**From:** [Shelby S](#)  
**To:** [City Clerk](#)  
**Subject:** [EXTERNAL] public comment for tomorrow's CC closed session item 4-B 2026-6059 -Greenway Golf litigation  
**Date:** Monday, June 1, 2026 2:14:21 PM

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**RE: Ongoing Brown Act Omissions and Decisive Votes Cast by Conflicted-Office Member – *City of Alameda v. Greenway Golf*, Case No. 22CV011964**

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Shelby  
510-435-9263

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