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Subject: Open forum public comment part 1 of 2 emails council meeting 02.17.26 (Governance Failures)
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I. Governance and Quorum Failures on Richmond Boards and Commissions: (separate email 2 of 2 summary of legal issues including applicable laws)

Documented evidence shows that mandated seats on boards and commissions remain vacant for extended periods, preventing quorum (design review board & planning commission). Such dereliction continues to obstruct project approvals and regulatory decision-making, in contravention of the City of Richmond Municipal Code §2.50 et seq., the Ralph M. Brown Act (Cal. Gov. Code §§54950–54963), California Government Code §§54970–54974, and California Government Code §§87200–87203.

Identified Administrative Risk Factors: Required staff levels persistently unmet. Extended vacancies incapacitating voting functions. Development applications and permitting processes stalled, creating risk of arbitrary or selective enforcement in violation of Cal. Gov. Code §§815.6 and 11135. Prolonged inactivity of statutory boards constitutes a structural oversight failure under California Government Code §11340 et seq. and California Code of Civil Procedure §1085. **City missed permit deadlines on the Marina housing project allowing developers to move forward even though plans are not in accordance to city ordinances and permits, contrary to Cal. Gov. Code §§65950–65957 (Permit Streamlining Act) and Cal. Gov. Code §65860. The Grove housing project developer currently requests a preliminary building approval even though Point Richmond to date are still not informed on the expected cost of “Keller Beach sanitary” nor been informed on any homeowner financing liability, implicating disclosure requirements under Cal. Gov. Code §§66014–66016 and constitutional due process protections (U.S. Const. Amend. XIV; Cal. Const. art. I, §7).** This sanitary project can be avoided if the builder is forced to use common practice septic tank solutions. Additionally non of the required EIR and other standard geological surveys have been performed, in violation of the California Environmental Quality Act (Pub. Res. Code §§21000–21189) and Cal. Gov. Code §65302.

-> Failure to halt permitting processes contrary to lawful timelines.

-> Delaying enforcement actions intentionally and willfully (Cal. Gov. Code §§91000–91100; §1222).

-> Creating unequal protection risks depending on political interest and affiliation (Cal. Const. art. I, §7; U.S. Const. Amend. XIV).

-> Shifting covertly decision-making power away from independent boards (Cal. Gov. Code

§1090; §87100).

II. Systemic Governance Deficiencies, Allegations of Political Alignment in Appointment Authority Scrutiny Standard:

City charter states all council members are supposed to control and vote on all appointments to commissions and advisory boards pursuant to the City of Richmond Municipal Charter and Cal. Gov. Code §40605. Mayor **Martinez continues to overstep his powers by erroneously claiming his legislative powers in contravention of Cal. Gov. Code §§36501 and 36801. A related statement on the mayor office page was recently removed on orders of city manager and city attorney. Recently a cluster of crucial police departments related board liaison seats are filled with the outspoken “defund police” aligned and professionally unqualified council C. Jimenez. Effective art commissions were intentionally dissolved by mayor E. Martinez only to be replaced by RPA leadership run non profit organizations like Reimagine Richmond, raising conflict concerns under Cal. Gov. Code §§1090, 1126, and 87100.** And vacancies are intentionally left open or strategically filled in conjunction with the mayor’s vices. These practices create obvious government corruption environments and implicate Cal. Penal Code §424 and Cal. Gov. Code §1222. Failures are across audits, contested permits, board governance records, and public-funding oversight. **It emboldened council Jimenez twice to egregiously ignore council procedures by obstructing and blocking me to speak out against questionable agenda items during the allotted public speaking period, in violation of the Ralph M. Brown Act (Cal. Gov. Code §54954.3). She intentionally motioned a vote before the city clerk could announce public comment speakers in a timely manner, contrary to Cal. Gov. Code §§54953 and 54957.5.** These deficiencies indicate a municipal environment requiring immediate transparency and stronger oversight, particularly regarding appointments and board staffing. Evidence of selective or strategic appointment timing constitute an administrative-law violation under California Government Code §§11400–11425 and 11135, and may warrant relief under Cal. Code Civ. Proc. §§1085 and 1094.5. Failure to maintain diverse board quorums and enforce nonprofit oversight exposes the City to civil liability for selective enforcement or procedural bias under Cal. Gov. Code §§815.2 and 11135, administrative law challenges, including writs of mandate (Cal. Code Civ. Proc. §1085) or claims of arbitrary and capricious conduct. Remedial action must include immediate appointment of qualified and unbiased commission members, verification of nonprofit compliance, adherence to the Ralph M. Brown Act (Cal. Gov. Code §§54950–54963), strict enforcement of CEQA (Pub. Res. Code §§21000–21189), compliance with the Permit Streamlining Act (Cal. Gov. Code §§65950–65957), and enhanced transparency in board operations, or the City risks sustained legal exposure, potential findings by the California State Auditor (Cal. Gov. Code §§8543–8546.5), erosion of statutory authority, and becomes subject for another CA state financial audit cycle.

-> Timeliness of vacancy fillings and unclear nomination authority for appointees (Cal. Gov. Code §36502).

-> Consistency of delays across boards. Correlation of delays with pending projects or decisions.

-> Persistent administrative control weakness. Contested, delayed permitting decisions. Structural capacity gaps in decision-making bodies.

III. Nonprofits receiving public or federal funds:

Failure to adequately disclose fund distribution to non profit organizations located within city limits. City administered funds must comply and can NOT be assigned to public or private schools as requested in consent calendar council agenda 02.17.26 without compliance with Cal. Gov. Code §§53060, 1090, 87100, Education Code §§35160 and 41020, and 2 C.F.R. §200 (Uniform Guidance). Municipal exposure arises when public funds are granted without verifying compliance, including missing audits, unexplained expenditures, or related-party transactions, implicating the California Nonprofit Integrity Act (Corp. Code §§5230–5240), 2 U.S.C. §2001 et seq., and Cal. Gov. Code §§12410.6 and 50075.1. The absence of verification systems increases risk under California Government Code §§1090, 53060, 87100, and 2 C.F.R. §200, and Independent audit requirements (Cal. Nonprofit Integrity Act §§5230–5240; 2 U.S.C. §2001 et seq.). Currently audit committees, internal financial controls and timely financial disclosures and compliance reporting are inconsistent, inadequate or nonexistent, contrary to Cal. Gov. Code §§53891 and 53907. **This additional funding from the Chevron settlement fund was egregiously discussed behind closed doors and intended to be approved without public transparency and without public consultation!**

IV. Risk of federal and state audit findings: Include potential clawback of public funds. **Civil ethics violations** – Moderate risk (Cal. Gov. Code §87100 et seq.). **Administrative compliance violations** – Moderate risk (Cal. Gov. Code §§11135 and 53060). **Governance inefficiency findings** – High risk, undermining statutory obligations for functional, equitable boards under Cal. Gov. Code §§54950 et seq.



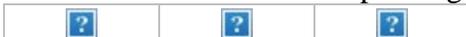
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**I asked a legal expert to draft a short legal brief summing up my statement of observed government shortcomings:
PLEASE READ THE SUMMARY CAREFULLY. (YOU ARE HEREBY PUT ON PUBLIC NOTICE):**

Additional applicable legal exposure may also arise under Cal. Gov. Code §§54960 and 54960.1 providing civil actions to prevent or nullify violations of the Ralph M. Brown Act, and §54959 establishing misdemeanor liability for intentional violations, particularly where public comment was cut off before speakers were called in violation of §54954.3; under the California Public Records Act (Cal. Gov. Code §§7920.000–7931.000) and Cal. Const. art. I, §3(b) guaranteeing constitutional access to public meetings and records; under Cal. Gov. Code §§36505 and 36506 governing mayoral versus council appointment authority in general law cities, §34902 regarding charter city powers, and §37100 concerning ordinance adoption procedures if commissions were dissolved without proper amendment; under Cal. Gov. Code §§53234–53235 (AB 1234) mandating ethics training compliance; under the Political Reform Act (Cal. Gov. Code §§81000–91014), including §§84308 and 82048, as well as §§1125–1129 governing incompatible activities and the common law conflict-of-interest doctrine recognized in *People v. Honig* (1996); under CEQA provisions including Pub. Res. Code §§21081, 21081.6, and 21167, along with Cal. Gov. Code §§65864 et seq., 66473.5, 65583, and 65009 governing development agreements, General Plan consistency, housing element compliance, and judicial review timelines; under the Permit Streamlining Act including Cal. Gov. Code §§65943, 65950–65957, and 65956 establishing deemed approval consequences, and §§66020 and 66022 governing fee protests and challenges; under financial oversight statutes including Cal. Gov. Code §§53895, 12463.1, and 8546.7, the Single Audit Act (31 U.S.C. §§7501–7507), and 2 C.F.R. §200.303 requiring internal controls over federal funds; under 42 U.S.C. §1983 and *Monell v. Department of Social Services* (1978) for potential municipal liability arising from policy or custom, alongside Cal. Gov. Code §§815.6 and 820.2 addressing mandatory duty liability and discretionary immunity; under whistleblower protections including Cal. Labor Code §1102.5 and Cal. Gov. Code §§53296–53299; and, where supported by documented evidence, potential penal exposure under Cal. Penal Code §§86, 424, and 182, with the most structurally significant enforcement mechanisms appearing to be Brown Act nullification (§54960.1), CEQA statute of limitations triggers (§21167), deemed approval consequences under §65956, and Political Reform Act §84308 where campaign contributions intersect with pending permit proceedings.



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WHY HAS THE COUNCIL FAILED TO ADDRESS BELOW ITEMS IN NEW BUSINESS?!
please improve your task list: (generated by Andrew Butt/ architect and former design review board)
Current status of the City of Richmond's General Plan (Richmond, California):

Last Comprehensive General Plan Update

- The Richmond General Plan 2030 was adopted by the City Council on April 25, 2012. This is the city's last full general plan update and serves as Richmond's overarching long-range planning framework, including land use, housing, transportation, community health, environmental goals, and other policy elements.

Elements and Partial Updates Since 2012

- Since the 2012 adoption, certain individual elements — most notably the Housing Element — have been updated to meet state requirements (for example, the 6th Cycle Housing Element covering 2023–2031).
- Other pieces of the plan (such as the Public Safety and Noise Element) are also being revised incrementally as of the most recent public information.

When a New or Major Update Is Required

Under California Government Code:

- Cities are required to periodically update general plans to ensure conformity with state planning law and reflect current conditions. Many cities target roughly every 10–15 years for a comprehensive update, though the statute doesn't prescribe a fixed interval; rather, it requires that plans stay current with state requirements and local conditions.

For Richmond specifically:

- Because the General Plan 2030 was adopted in 2012, many of its projections and policies are nearing the point where a major comprehensive update (beyond piecemeal element updates) is appropriate. Practically, this would mean moving toward a General Plan 2040 or similar in the mid-to-late 2020s — roughly 2025–2030 — based on a typical planning horizon and emerging planning priorities (such as housing, climate resilience, and equity goals). Richmond's current actions updating elements and planning documents reflect preparation for this broader update.

Current Planning Activity

- While a full General Plan overhaul has not yet been formally adopted, the City is actively updating key elements and related policy plans. For example, the Housing Element update process (state-mandated) is underway to cover the 2023–2031 cycle — a critical part of the General Plan framework.

Summary Timeline

- Last comprehensive General Plan: Richmond General Plan 2030, adopted April 25, 2012.
- Next comprehensive update likely due: Mid-to-late 2020s (as state requirements evolve and the plan ages).
- Current updates: Housing Element (2023–2031 cycle) and other individual elements are in progress.