



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL AGENDA

Contact: 831.620.2000 www.ci.carmel.ca.us

Mayor Dale Byrne
Councilmembers Jeff Baron, Hans Buder, Bob Delves, and
Alissandra Dramov

All meetings are held in the City Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th Avenues

Special Meeting

Tuesday, September 1, 2026

3:30 PM

HYBRID MEETING ATTENDANCE OPTIONS

This meeting will be held in person and via teleconference ("hybrid"). The public is welcome to attend the meeting in person or remotely via Zoom, however, the meeting will proceed as normal even if there are technical difficulties accessing Zoom. The City will do its best to resolve any technical issues as quickly as possible. To view or listen to the meeting from home, you may also watch the live stream on the City's YouTube page at: <https://www.youtube.com/@CityofCarmelbytheSea/streams>. To participate in the meeting via Zoom, copy and paste the link below into your browser.

<https://ci-carmel-ca-us.zoom.us/j/86986722919>

Webinar ID: 869 8672 2919

Passcode: 392594

Dial in: (253) 215-8782

HOW TO OFFER PUBLIC COMMENT

The public may give public comment at this meeting in person, or use the Zoom teleconference module, provided that there is access to Zoom during the meeting. Zoom comments will be taken after the in-person comments. The public can also email comments to cityclerk@ci.carmel.ca.us. Comments must be received at least 2 hours before the meeting in order to be provided to the legislative body. Comments received after that time and up to the beginning of the meeting will be made part of the record.

PUBLIC COMMENT GUIDELINES FOR SPECIAL MEETINGS

During Special City Council Meetings, public comments are permitted on items listed on the agenda. After each item on the agenda is introduced, the Mayor will invite public comment on that item. Each speaker has 3 minutes to speak unless otherwise adjusted by the Mayor. While stating your name is optional, it helps to identify speakers in the meeting minutes. Remote or in-person participants who do not comply with the requirements of the Brown Act will be muted.

CALL TO ORDER AND ROLL CALL - 3:30 PM

ORDERS OF BUSINESS

Orders of Business are agenda items that require City Council discussion, debate, direction to staff, and/or action.

- 1) Discussion of Letter from Vinz Koller Received August 29, 2026 and request for direction from City Council

ADJOURNMENT

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, Harrison Memorial Library, located on the NE corner of Ocean Avenue and Lincoln Street, the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage (<http://www.ci.carmel.ca.us>) in accordance with applicable legal requirements.

CORRESPONDENCE RECEIVED AFTER THE POSTING OF THE AGENDA

Any correspondence or supplemental materials related to items on this agenda that are received after the agenda has been posted will be distributed to the City Council and made available for public review at City Hall (Monte Verde Street between Ocean and Seventh Avenues) during regular business hours. Written comments emailed to the City Clerk will not be read aloud, but will be posted online with the related agenda at: <https://carmelbytheseaca.portal.civicclerk.com/>.

SPECIAL NOTICES TO PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).



CITY OF CARMEL-BY-THE-SEA
City Council
Staff Report

September 1, 2026
ORDERS OF BUSINESS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Brian Pierik, City Attorney

APPROVED BY: Brandon Swanson, Acting City Administrator

SUBJECT: Discussion of Letter from Vinz Koller Received August 29, 2026
and request for direction from City Council

RECOMMENDATION:

1. Motion confirming that the Draft Recruiting Brochure for the City Administrator Position and the Draft Recruiting Timeline will be subject to revisions during deliberations by the City Council following public input during the Regular City Council as scheduled on September 1, 2026.
2. Motion authorizing the City Attorney to respond to the Letter from Vinz Koller consistent with the discussion in this Staff Report.

BACKGROUND / SUMMARY:

On August 24, 2026, there was a closed session of the City Council on the subject of Public Employee Appointment for the position of City Administrator.

The closed session was authorized by Government Code Section 54957 which allows closed sessions for the subject of considering the appointment of a public employee.

Prior to the closed session, there was a discussion about the subject of the closed session. Acting Assistant City Administrator Marisa Bermudez confirmed that there would be public input on the recruiting process to be held at the Regular City Council meeting on September 1, 2026. In fact, the Agenda Packet for the September 1, 2026 City Council meeting was released on August 26, 2026 which includes a Staff Report by Marisa Bermudez on the following subject:

“Receive an update regarding the status of the City Administrator recruitment; provide direction to staff regarding the recruitment process, schedule, and next steps; and consider adoption of Resolution 2026-067 establishing a revised salary range for the City Administrator position.”

There are four Attachments to the Staff Report for September 1, 2026 which are all available for Council questions, public input and Council direction following public input including:

1. Resolution 2026-067
2. CA salary survey
3. Revised City Administrator Recruitment Timeline
4. City Administrator Brochure - Draft

Prior to going into closed session on August 24, 2026, the City Attorney recommended that the Council not make any decisions and to defer those decisions until after community input at the City Council meeting scheduled for September 1, 2026.

On August 29, 2026, the City received a letter from Vinz Koller which is **Attachment 1**. Mr. Koller takes the position that the closed session on the topic of working with the City’s recruiter and staff to develop a recruiting brochure at the closed session on August 24, 2026, was a violation of the Brown Act.

There is legal support for the closed session held on August 24, 2026. Further, there was no action taken by the City Council in the closed session on August 24, 2026 as the contents of the Draft Recruiting Brochure and the Draft Timeline are subject to revisions following public input at the September 1, 2026 City Council meeting. However, in order to avoid any issues on this subject, the recommendations are:

1. Motion confirming that the Draft Recruiting Brochure for the City Administrator Position and the Draft Recruiting Timeline will be subject to revisions during deliberations by the City Council following public input during the Regular City Council as scheduled on September 1, 2026.
2. Motion authorizing the City Attorney to respond to the Letter from Vinz Koller consistent with the discussion in this Staff Report.

FISCAL IMPACT:

None

PRIOR CITY COUNCIL ACTION:

August 24, 2026 Closed Session by City Council.

ATTACHMENTS:

1. Letter From Vinz Koller regarding Aug. 24, 2026 Closed Session

Mayor Dale Byrne and Members of the City Council
 City of Carmel-by-the-Sea
 Monte Verde Street between Ocean and Seventh Avenues
 Carmel-by-the-Sea, California 93921

August 28, 2026

Re: Brown Act Cure or Correct Demand
 cc: City Clerk & City Attorney

Dear Mayor Byrne and Members of the City Council:

This document serves to formally demand that the City Council cure or correct August 24, 2026 agenda item: "Closed Session Pursuant to Government Code Section 54957- Public Employee Appointment - Title: City Administrator."

Government Code section 54960.1 allows the Council 30 days to respond to this demand. However, the Council should act as promptly as possible so that the recruitment can resume without delay, without compounding the violation further, and without risking the legitimacy of subsequent recruitment actions.

Government Code Section 54950 declares that the people's business must be conducted openly so the public may remain informed and retain control over the institutions it has created. Selecting a City Administrator is perhaps the Council's most consequential action in shaping the institution of city government.

Government Code Section 54953 requires all meetings of a legislative body to be open and public unless a separate statutory exception applies.

Government Code section 54957 provides this statutory exception. It permits a closed session to consider the appointment or employment of a specific individual.

However, this exception does not authorize a closed session to establish the recruitment process, formulate general qualifications and selection criteria, determine City priorities, or direct the presentation format of such topics, as in a recruitment brochure. As stated by the Acting Assistant City Administrator in the City's August 21 VLOG and reiterated just prior to the August 24 closed session, the purpose of the closed session was just that: to work with the City's recruiter and staff to develop a recruitment brochure in private for later public review. Therefore, the convening of this closed session on this topic is a violation of the Brown Act.

Similarly, presenting any resulting drafts at a later public meeting exacerbates rather than corrects the violation. Allowing public comment after the Council has privately addressed the issues and directed staff runs counter to allowing the public to observe and comment during the Council's deliberations. Public ratification cannot substitute for public deliberation.

Accordingly, pursuant to **Government Code section 54960.1**, the City Council must cure or correct the challenged action, including by:

1. Rescinding all collective directions and understandings reached during the August 24 closed session;
2. Restoring the recruitment process to the position it occupied immediately before the August 24 closed session;
3. Prohibiting the presentation or dissemination of any product that was developed in or after the closed meeting, such as procedures, recommendations, criteria, or documents;
4. Placing the recruitment process, criteria, and brochure on the agenda of a properly noticed open meeting, with all relevant discussion materials made available to the public in advance;
5. Receiving public comment before deliberating or providing staff direction;
6. Resuming recruitment, screening, and candidate-selection activity only after this proper public consideration has occurred.
7. Preserving any all documents and communications concerning the August 24 closed session and the recruitment brochure, including agendas, staff reports, drafts, councilmember and consultant communications, notes, minutes, and recordings.

Government Code section 54960.1(c)(2) requires that the Council must, within 30 days after receiving this demand, respond to this document in writing to either describe the actions taken to cure or correct the violation or the decision not to do so. But again, the Council should act promptly to resume recruitment without further compromise or delay.

Sincerely,

Vinz Koller