



CITY OF EMERYVILLE

INCORPORATED 1898

OFFICE OF THE CITY ATTORNEY
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EMERYVILLE, CALIFORNIA 94608-3517

TEL: (510) 596-4381 FAX: (510) 596-3724

October 9, 2024

Mr. Brian Donahue



Dear Mr. Donahue,

You have engaged in a pattern of harassing City of Emeryville staff at City Council meetings, at the Emeryville Center of Community Life, and at City-sponsored events. You have also sent incessant emails to staff accusing them of wrongdoing, leveled threats, and acted in an aggressive, hostile, and intimidating manner in both face-to-face interactions and in communications. Your communications are extremely time-consuming and have made Emeryville officials and staff feel threatened and intimidated.

Members of the public have no constitutional right to force the government to listen to their views. (*Minnesota State Bd. for Community Colleges v. Knight* (1984) 465 U.S. 271, 283.) “[T]he First Amendment does not compel the government to respond to speech directed toward it.” (*L.F. v. Lake Washington School District* (9th Cir. 2020) 947 F.3d 621, 626 [holding that the District’s limits on harassing parents’ communications with school employees did not violate the First Amendment].)

To protect our staff from your harassing conduct, the City is instituting the following communication plan for you:

1. Requests for Records

The City has designated a “City Portal” to which you may submit all requests for City records, other than those of the Emeryville Police Department, under the California Public Records Act (Gov. Code § § 7920.000 *et. seq.*) You can access the Portal at: [Forms • Public Records Act Request Form \(emeryville.ca.us\)](#). You may make inquiries for records in the custody of the Emeryville Police Department to that Department.

2. Communication with City Employees

You may submit all other communications or inquiries to City employees through the same portal.

3. Council Meetings

You may continue to attend public meetings of the City Council, but you may communicate to the Council only during the public comment time on the agenda. You may not communicate with City staff before, during, or after Council meetings as it interferes with their ability to carry out their duties during Council meetings.

4. Emeryville Center of Community Life Access

You may access the Emeryville Center of Community Life only during the times open to the general public. You must use the call box located outside of the lobby to gain access to the Center to use facilities or attend events designated open to the general public.

We have informed all employees of this communication plan. Emeryville staff will not respond to any communication from you other than those sent through the designated City portal.

We regret having to restrict your access to staff, but the City of Emeryville values its employees greatly and is determined to protect them from harassing, bullying, and threatening behavior. If you continue to engage in any type of harassment of City Hall or ECCL employees, the City Attorney's Office will consider taking further legal action.

Thank you for your anticipated cooperation.

Sincerely,

John I. Kennedy
City Attorney
City of Emeryville