

JUDY ALEXANDER #116515
LAW OFFICE OF JUDY ALEXANDER
2302 Bobcat Trail
Capitola, CA 95010
Telephone: 831-462-1692
Facsimile: 888-475-7134

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Superior Court of California
County of Los Angeles

APR 28 2010

Attorney for Plaintiff FIRST AMENDMENT COALITION

John A. Clarke, Executive Officer/Clerk
By Gina Grider, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

FIRST AMENDMENT COALITION,

Plaintiff,

vs.

LOS ANGELES CITY COUNCIL,

Defendant.

Case No. 10K07733

VERIFIED COMPLAINT FOR
DECLARATORY RELIEF AND
INJUNCTIVE RELIEF FOR VIOLATION
OF RALPH M. BROWN ACT
(CALIFORNIA GOVERNMENT CODE
§54950 et seq.)

BY FAX

1. Plaintiff FIRST AMENDMENT COALITION ("FAC") brings this action for declaratory and injunctive relief. FAC seeks a judicial determination that the following agenda item description, which has appeared on the agenda for 29 of the 37 LOS ANGELES CITY COUNCIL ("LACC") meetings held from February 9, 2010 to April 21, 2010, is not sufficient to meet the standards of California Government Code Section 54954.2¹ and therefore violates both the Ralph M. Brown Act open meeting law ("Brown Act") and Art. I, section 3(b) of the California Constitution:

"CONSIDERATION, DISCUSSION and POSSIBLE ACTIONS addressing the Fiscal Year 2009-10 and 2010-11 budget deficits, City staff and others to report on budget balancing matters and possible closed executive session as it may relate to bargaining instructions relative to negotiations with employees and employee

¹ All code sections cited in this Complaint are to the California Government Code unless otherwise indicated.

1 organizations.” (This agenda item description is referred to hereafter in this
2 complaint as the “Agenda Item Description.”)

3 FAC also seeks a mandatory injunction directing the LACC to place on its agendas in the future
4 only item descriptions sufficient to adequately inform members of the public about the subject
5 matter and potential actions to be considered pursuant to such description, so that members of the
6 public can determine whether to monitor or participate in any particular meeting of the LACC.

7 **THE PARTIES**

8 2. FAC is a California nonprofit public interest organization dedicated to advancing
9 free speech, open and accountable government, and public participation in civic affairs. FAC is
10 an interested person authorized under Section 54960 to bring an action for (a) declaratory relief
11 to determine the applicability of the Brown Act to actions of a local legislative body, and (b)
12 injunctive relief directing the LACC to cease its pattern and practice of using vague and
13 overbroad agenda descriptions.

14 3. LACC is the governing body of the City of Los Angeles (“City”). A city is a
15 local agency under Section 54951, and the governing body of a local agency is a legislative body
16 under Section 54952. Thus, the LACC is a legislative body subject to the Brown Act open
17 meeting laws.

18 **FIRST CAUSE OF ACTION**

19 **DECLARATORY RELIEF**

20 4. Plaintiff re-alleges all allegations previously set forth and incorporates such
21 allegations by this reference.

22 5. The Agenda Item Description appeared for the first time as Item 20 on the agenda
23 for the February 9, 2010 LACC meeting. At that meeting the LACC adopted the following
24 motions:

25 “I MOVE that the City Council hereby RESOLVE to meet in special
26 session every Monday and Thursday beginning at 10 am until further notice to
27 address the FY 09-10 and FY 10-11 budget deficit, to allow for discussions and
28 actions, as appropriate to allow City staff and others to report on budget balancing

1 matters, and to provide for the ability to meet in closed executive session as it
2 may relate to bargaining instructions relative to negotiations with employees and
3 employee organizations.

4 "I FURTHER MOVE that he [sic] City Clerk be instructed to issue
5 Council agendas consistent with, and to implement, the above action, effective
6 February 9, 2010, or soon thereafter as appropriate and feasible."

7 6. The Agenda Item Description then appeared on the agenda for each of the
8 following LACC meetings:

9 February 10. 2010 (Wednesday)

10 February 11. 2010 (Thursday)

11 February 16. 2010 (Tuesday)

12 February 17. 2010 (Wednesday)

13 February 18. 2010 (Thursday)

14 February 22. 2010 (Monday)

15 February 23. 2010 (Tuesday)

16 February 24. 2010 (Wednesday)

17 February 26. 2010 (Friday)

18 March 1. 2010 (Monday)

19 March 2. 2010 (Tuesday)

20 March 3. 2010 (Wednesday)

21 March 4. 2010 (Thursday)

22 March 9. 2010 (Tuesday)

23 March 10. 2010 (Wednesday)

24 March 16. 2010 (Tuesday)

25 March 17. 2010 (Wednesday)

26 March 23. 2010 (Tuesday)

27 March 24. 2010 (Wednesday)

28 March 30. 2010 (Tuesday)

1 March 31, 2010 (Wednesday)

2 April 6, 2010 (Tuesday)

3 April 7, 2010 (Wednesday)

4 April 9, 2010 (Friday)

5 April 13, 2010 (Tuesday)

6 April 14, 2010 (Wednesday)

7 April 20, 2010 (Tuesday)

8 April 21, 2010 (Wednesday)

9 7. At its February 18, 2010 meeting, pursuant to the Agenda Item Description
10 appearing as item 15 on the agenda, the LACC adopted a motion (the "Motion") reiterating its
11 commitment to eliminate 1,000 jobs and instructing City departments and offices to eliminate
12 another 3,000 jobs, all by July 1, 2010 (the "Action"). The Action was a violation of the Brown
13 Act in that the Agenda Item Description failed to inform interested members of the public that
14 the council was contemplating massive layoffs of City employees to address the budget deficits.
15 No members of the public spoke at the February 18, 2010 meeting regarding the Motion, and at
16 least two members of the LACC expressed significant concerns that the Motion was being
17 considered and voted on without notice to or input from the public. On March 16, 2010 FAC
18 delivered to the LACC a letter, a copy of which is attached to this complaint as Exhibit A,
19 demanding that LACC cure and correct this violation of the Brown Act. On April 14, 2010 FAC
20 received a certified letter from the Los Angeles City Attorney, a copy of which is attached to this
21 complaint as Exhibit B, opining that the Agenda Item Description adequately informed the
22 public of the subject under consideration and therefore complied with the requirements of the
23 Brown Act.

24 8. At its March 1, 2010 meeting, pursuant to the Agenda Item Description appearing
25 as item 2 on the agenda, the LACC adopted motions instructing the City's General Managers to
26 report to the LACC with their specific layoff plans, including details such as the number and
27 titles of positions to be eliminated and explanations regarding the resulting reductions in service
28 and other impacts.

1 9. At its March 24, 2010 meeting, pursuant to the Agenda Item Description
2 appearing as item 13 on the agenda, the LACC took action in closed session and reported in open
3 session that it had instructed the City's Chief Administrative Officer to take actions to mitigate
4 the consequences of laying off 4,000 city employees.

5 10. The Agenda Item Description appeared on the agenda for each of 25 additional
6 LACC meetings held from February 9, 2010 to April 21, 2010. At each such meeting the LACC
7 took no action regarding the Agenda Item Description.

8 11. The Agenda Item Description is so broad and vague that it failed to inform
9 interested members of the public that the council was contemplating massive layoffs of City
10 employees to address the budget deficits. The Agenda Item Description also fails to inform
11 interested members of the public about other specific actions the LACC may consider to address
12 the budget deficits. These failures are exacerbated by the fact that the Agenda Item Description
13 has appeared on the agendas for at least 29 LACC meetings, but action was taken at only four of
14 those meetings, making it impossible for an interested member of the public to know when to
15 attend a meeting at which action will be taken.

16 **SECOND CAUSE OF ACTION**

17 **INJUNCTIVE RELIEF**

18 12. Plaintiff re-alleges all allegations previously set forth and incorporates such
19 allegations by this reference.

20 13. The repeated use of the Agenda Item Description demonstrates that the LACC has
21 established a pattern and practice of using vague and inadequate agenda descriptions in an effort
22 to obfuscate the true nature of the matters the LACC intends to discuss and act upon at its
23 meetings. As a result of such pattern and practice and the LACC's assertion that the Agenda
24 Item Description complies with the requirements of the Brown Act, the LACC will likely
25 continue to use vague and inadequate agenda descriptions in violation of the Brown Act.

26 WHEREFORE, plaintiff prays judgment against defendant as follows:
27
28

- 1 a. For a declaration that the Agenda Item Description was and is not sufficient to
2 meet the standards of California Government Code Section 54954.2 and violates
3 both the Brown Act and Art. I, section 3(b) of the California Constitution;
4 b. For a mandatory injunction directing the LACC to place on its agendas in the
5 future only item descriptions sufficient to adequately inform members of the
6 public about the subject matter and potential actions to be considered pursuant to
7 such description, so that members of the public can determine whether to monitor
8 or participate in any particular meeting of the LACC;
9 c. For an award to plaintiff of its attorney's fees pursuant to Government Code
10 section 54960.5;
11 d. For costs of suit; and
12 e. For such other and further relief as the court shall deem just and proper.

13
14 Dated: April 28, 2010.

15 LAW OFFICE OF JUDY ALEXANDER
16 JUDY ALEXANDER #116515
17 2302 Bobcat Trail
18 Soquel, CA 95073

19 By Judy Alexander
20 Judy Alexander
21 Attorney for Plaintiff
22 FIRST AMENDMENT COALITION
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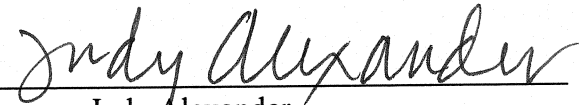
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VERIFICATION

I, JUDY ALEXANDER, am an attorney representing the FIRST AMENDMENT COALITION, plaintiff in the above-entitled action. The plaintiff is not located in the county where my law office is located. Moreover, the facts set forth in the above-entitled complaint are within my knowledge based on my review of the Los Angeles City Council meeting agendas, journals and videos set forth on its website. I have read the foregoing COMPLAINT FOR DECLARATORY RELIEF AND INJUNCTIVE RELIEF FOR VIOLATION OF RALPH M. BROWN ACT and know the contents thereof. The same is true of my own knowledge, except as to those matters which are alleged on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 28th day of April, 2010 at Soquel, California.


Judy Alexander