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 Superior Court of California
 County of Los Angeles

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

THE SILVERSTEIN LAW FIRM, APC
 215 North Marengo Avenue, 3rd Floor
 Pasadena, CA 91101-1504

12 **GEORGE ABRAHAMS, an individual;**

13 **Petitioner,**

14 **vs.**

15 **CITY OF LOS ANGELES, a municipal**
 16 **corporation; the CITY OF LOS ANGELES**
 17 **CITY COUNCIL; and DOES 1 through 10,**
 18 **inclusive;**

19 **Respondents.**

Case No. BS 166164

VERIFIED PETITION FOR WRIT OF
MANDAMUS AND COMPLAINT
FOR DECLARATORY RELIEF

[Code Civ. Proc. §§ 1060, 1085;
 Govt. Code § 54950 et seq.,
 Los Angeles City Council Rule 77]

12/13/2018

CLICASE: BS166164
 LER/DEF#: _____
 RECEIPT #: CCHS24880010
 DATE PAID: 12/13/18 01:35 PM
 PAYMENT: \$435.00
 RECEIVED: 310
 CHECK: \$435.00
 CASH: \$0.00
 CHANGE: \$0.00
 CRD: \$0.00

ORIGINAL

PETITION FOR WRIT OF MANDAMUS AND COMPLAINT FOR DECLARATORY RELIEF

1 3. Petitioner is informed and believes that those proposed amendments were
2 first made public on September 29, 2016 as an agenda item for a revised special meeting of
3 the City Council’s Rules, Elections, Intergovernmental Relations and Neighborhoods
4 Committee (“Rules Committee”). In 48 hours or less, without allowing input from the
5 City’s Neighborhood Councils, the City Council violated its own rules, which, among other
6 things, require separate explanation of each amendment, and prohibit amendment of the
7 rules in a single meeting. The City Council then immediately adopted the amendments to
8 its public participation rules.

9 4. The City Council’s new speaking rules create a two-class system of public
10 participation. Multiple-item speakers will be called to the podium, one after another, but
11 lumped together as an “undesirable” group to speak at the outset of the meeting on items of
12 business they have asked to speak on, up to a maximum of three items. Then, the rest of
13 the City Council meeting will proceed and speakers who requested to speak on only one
14 item will be allowed to provide public testimony at the appropriate time, as and when those
15 specific items of business are considered by the City Council. Thus, the testimony of
16 single-item speakers will be considered in direct conjunction with the substantive item then
17 before and under consideration by the City Council. By contrast, the testimony of
18 multiple-item speakers will not be considered in direct conjunction with the substantive
19 items before the City Council, when and as those specific items of business are considered
20 by the City Council. In the City Council meetings since adoption of this new rule, it is not
21 unusual to see City Council members leaving the Council Chambers for a break, or up from
22 their seats so that almost no one is listening to the testimony of the multiple-item speakers.
23 Petitioner is informed and believes, and based thereon alleges, that these rule amendments
24 result in segregating, and facilitating the ignoring of, the testimony from multiple-item
25 speakers, and deprive the City Council, other speakers on specific items of business, and
26 the general public from the benefit of hearing and considering the testimony of multiple-
27 item speakers on the actual items of business under consideration, when those items of
28 business are actually under consideration. By detaching multiple-item speakers from the

1 14. In enacting the Brown Act, the California Legislature found and declared
2 that “the public commissions, boards and councils and the other public agencies in this
3 State exist to aid in the conduct of the people’s business.” Govt. Code § 54950.

4 15. The Brown Act requires that discussion items be placed on public agendas,
5 as well as items which may be the subject of an action by the body. The purpose of
6 describing each agenda item is to alert the public to topics under consideration so that
7 members of the public may decide whether to monitor or participate in the meeting.

8 16. The Brown Act defines “legislative body” to mean: “(a) The governing
9 body of a local agency or any other local body created by state or federal statute. . . .”
10 Govt. Code § 54952. The City through its constituent bodies, commissions and agencies –
11 including but not limited to the City Council and its Committees, including the Rules
12 Committee – are “local agencies” subject to the Brown Act.

13 17. At least 72 hours prior to a “regular meeting,” public agencies must prepare
14 and post an agenda containing a brief general description of each item to be transacted or
15 discussed at the meeting. Govt. Code §§ 54954, 54954.2(a)(1). The purpose of describing
16 each agenda item is to alert the public to topics or proposed actions under consideration so
17 that members of the public may decide whether to monitor or participate in the meeting.

18 18. At least 24 hours prior to a “special meeting,” public agencies must prepare
19 and post an agenda specifying the time and place of the special meeting and the business to
20 be transacted or discussed. Govt. Code § 54956. The purposes of the call and notice
21 requirements include to alert the public to topics or actions under consideration so that
22 members of the public may decide whether to monitor or participate in the meeting.

23 19. Govt. Code § 54954.3(a) sets forth differing sets of rules for when public
24 comment must be permitted depending on whether the meeting is a regular meeting or a
25 special meeting. That section states in pertinent part:

26 “Every agenda for regular meetings shall provide an
27 opportunity for members of the public to directly address the
28 legislative body on any item of interest to the public, before

1 or during the legislative body's consideration of the item, that
2 is within the subject matter jurisdiction of the legislative
3 body, provided that no action shall be taken on any item not
4 appearing on the agenda unless the action is otherwise
5 authorized by subdivision (b) of Section 54954.2. **However,**
6 **the agenda need not provide an opportunity for members**
7 **of the public to address the legislative body on any item**
8 **that has already been considered by a committee,**
9 **composed exclusively of members of the legislative body,**
10 **at a public meeting wherein all interested members of the**
11 **public were afforded the opportunity to address the**
12 **committee on the item, before or during the committee's**
13 **consideration of the item, unless the item has been**
14 **substantially changed since the committee heard the item,**
15 **as determined by the legislative body. Every notice for a**
16 **special meeting shall provide an opportunity for members**
17 **of the public to directly address the legislative body**
18 **concerning any item that has been described in the notice**
19 **for the meeting before or during consideration of that**
20 **item."** (Emphasis added.)

21 20. If a committee of a city council meets the definitional requirements of Govt.
22 Code § 54954.3, and if all persons who desired to speak at the committee level are
23 permitted to speak at the committee level on a particular item, when the same item of
24 business comes before the full city council **at a regular meeting**, no opportunity for public
25 comment on the item is required. Petitioner is informed and believes, and based thereon
26 alleges, that as organized under the Los Angeles City Council Rules, the City Council's
27 committees meet the definitional requirements of Govt. Code § 54954.3, and hence, if
28 public comment is allowed at the committee level of Los Angeles City Council for

1 everyone who desired to speak, the City Council is not per se required to allow (although it
2 still should) public comment on the same item if it is noticed on a regular City Council
3 meeting agenda (and the item has not been substantially changed by an amending motion
4 or other similar change). Petitioner is informed and believes, and based thereon alleges,
5 that the Los Angeles City Council Rules are organized for the purpose of conducting public
6 comment at the committee level so that, when items of business come before the City
7 Council, vast portions of the full City Council meeting agenda can be adopted on a single
8 consent-type vote for all items of business listed on its regular meeting agenda as “Items
9 for Which Public Hearing Has Been Held.”

10 21. However, Govt. Code § 54954.3 sets forth a different rule if an item of
11 business is scheduled to be heard at a special meeting of a public agency. By its express
12 language, when a public agency places an item of business on a **special meeting** agenda,
13 the public agency is required to permit every person who wishes to speak to be heard,
14 regardless of whether or not the City afforded an opportunity for public comment on the
15 same item at the committee level.

16 22. Petitioner is informed and believes, and based thereon alleges, that the Los
17 Angeles City Council has for many years scheduled regular and special meetings at or
18 during the same time. When the City conducts a regular and special meeting at the same
19 gathering of City Councilmembers, the President and Clerk take actions that purport to
20 temporarily suspend the regular meeting; they “open” the special meeting, conduct the
21 special meeting business, and then adjourn the special meeting to return to the regular
22 meeting. Over the years, the City Council President, the City Clerk, and the City Attorney
23 have overseen a process by which, at the same physical gathering of City Councilmembers,
24 regular and special meetings are conducted during the same sitting.

25 23. Petitioner is informed and believes, and based thereon alleges, that the City
26 has developed a pattern and practice of treating all items of business at a combined regular
27 and special meeting as if they are like regular meeting items that do not require allowing
28 public comment if an opportunity to comment was afforded at the committee level. The

1 City's pattern and practice of denying persons wishing to speak on an item of business at
2 the full City Council meeting when the item appears on a special meeting agenda
3 systematically deprives members of the public of their statutory and constitutional right to
4 participate in the City's decision making process at special meetings.

5 24. Pursuant to Los Angeles City Charter Section 242, the City Council is
6 empowered to adopt rules for the conduct of its business. The City Council has a
7 mandatory duty to comply with its duly adopted City Council Rules, which specify various
8 procedural prerequisites before a City Council action may be considered valid. An item of
9 business approved in violation of the City Council's rules is a failure to proceed in
10 accordance with law as authorized under City Charter Section 242, and any action taken
11 pursuant to actions that violate the City Council's rules are null and void.

12 GENERAL ALLEGATIONS

13 25. On or about Tuesday, September 27, 2016, an agenda for a special meeting of
14 the Rules Committee scheduled for September 30, 2016, 9:00 A.M. was posted by the City
15 Clerk. Items 1-4 were listed on that agenda. None of these items concerned a proposed set
16 of amendments to the City Council Rules.

17 26. City Council file records show a motion to adopt proposed amendments to
18 the City Council Rules was first submitted to the City Clerk on September 28, 2016. The
19 motion to amend the City Council Rules was made by Council President Herb Wesson, and
20 Councilmembers Mitchell Englander and Nury Martinez. The motion, in its entirety, as
21 submitted to the City Clerk and placed in the City Council File, reads: "I MOVE, pursuant
22 to Rule 77, that the Council adopt the attached changes to the Rules of the Los Angeles
23 City Council."

24 27. The "attached changes" to the motion were clean, re-written versions of
25 seven City Council Rules – without showing the proposed strikeouts or additions in a
26 redlined format. Any person seeking to know or understand the nature of the proposed
27 amendments would have to do the following: They would have to go the City Council file
28 to obtain the "attached changes" to the City Council Rules. They would have to know how

1 to find the City Council's existing Rules online or at the City Clerk's office. They would
2 have to place the two versions side-by-side to conduct a comparison of the two documents
3 in order to identify language of the original City Council Rules deleted and identify
4 language added.

5 28. This new motion was referred by the City Clerk to the Rules Committee on
6 the same day. When a new item of business or motion is filed with the City Clerk, the City
7 Clerk prepares a Referral Memo documenting the receipt of the new item of business and
8 the City Council Committee to which the item was assigned. The City Clerk subsequently
9 publishes on its website all referrals of City business. Such Referral Memos are typically
10 published for public viewing one or two days after the referral is made. By subscribing to
11 notification of Referral Memos, members of the public can normally receive a preview of
12 business on its way to City Council committees and the full City Council.

13 29. City Council file records show that on September 28, 2016, this particular
14 item of business was not only received and referred to the Rules Committee on the same
15 day, but it was also scheduled by the City Clerk for the Rules Committee agenda.

16 Petitioner is informed and believes, and based thereon alleges, that even though the City
17 Clerk scheduled the amendment of the City Council Rules item on September 28, 2016, the
18 posting of notice to the public did not occur until the next day, just prior to the 24-hour
19 deadline for a special meeting notice.

20 30. Petitioner is informed and believes, and based thereon alleges, that on
21 September 29, 2016, prior to 9:00 a.m., a revised agenda for the original special meeting of
22 the Rules Committee was posted by the City Clerk. Item Nos. 1-4 from the original special
23 meeting were still listed on the revised special meeting agenda. However, apparently, Item
24 Nos. 5, 6 and 7 were added to the special meeting agenda. These last-minute additions to
25 the meeting agenda included a notation on the revised special meeting agenda that stated:
26 "Revised to add Item Nos. 5, 6, and 7." Item No. 5 was an item to consider proposed
27 amendments to the City Council Rules.

28

1 34. Also on the morning of September 29, 2016 at approximately 9:13 a.m., the
2 City Clerk posted on the City's website a special meeting agenda for the Los Angeles City
3 Council for September 30, 2016 at 10:15 a.m. The scheduled time of the special meeting
4 overlapped with when the City Council would already be present in City Council
5 Chambers for its regular meeting of the same date.

6 35. The City Council Special Meeting Agenda related to the amendments of the
7 City Council Rules (Item No. 25) read as follows:



AGENDA
LOS ANGELES CITY COUNCIL

Called by the Council President
SPECIAL COUNCIL MEETING
Friday, September 30, 2016 at 10:15 AM

**OR AS SOON THEREAFTER AS COUNCIL
RECESSES ITS REGULAR MEETING**

JOHN FERRARO COUNCIL CHAMBER
ROOM 340, CITY HALL
200 NORTH SPRING STREET, LOS ANGELES, CA 90012

TIME LIMIT FILE - OCTOBER 1, 2016

(LAST DAY FOR COUNCIL ACTION - SEPTEMBER 30, 2016)

16 ITEM NO. (25)
17 16-1104

18 CONSIDERATION OF MOTION (WESSON - KREKORIAN FOR ENGLANDER - MARTINEZ -
19 BLUMENFIELD) relative to proposed amendments to City Council Rules; specifically Council Rule Numbers
20 7, 8, 11, 12, 22, 62, and 63.

21 (Pursuant to Council Rule Number 77, an affirmative vote of two-thirds of all members of the Council
22 shall be necessary to amend these Rules. Each proposed Rule amendment shall be presented to the
23 Council and then laid over one week before it can be adopted.)

24 (Rules, Elections, Intergovernmental Relations, and Neighborhoods Committee report to be submitted
25 in Council. If a public hearing is not held in Committee, an opportunity for public comment will be
26 provided.)

27 (Click on the above hyperlink or go to: <http://www.lacouncilfile.com> for background documents.)

28 41. Unlike the Rules Committee Agenda, the City Council special meeting
agenda informed the public of the content of Council Rule No. 77 by quoting it in its
entirety: "An affirmative vote of two-thirds of all members of the Council shall be
necessary to amend these Rules. Each proposed Rule amendment shall be presented to the
Council and then laid over one week before it can be adopted." Rule 77 mandates three
important democratic acts before a proposed amendment of the rules is valid. First, the

1 vote in favor of the proposed amendment must be by a two-thirds affirmative vote of the
2 City Council members. Second, each Rule proposed for amendment must be presented to
3 the City Council. Third, no proposed amendment can be immediately adopted, but instead
4 the proposals for amendment of the Rules must be “laid over” or held for one week and
5 then subsequently considered for final approval by City Council.

6 42. Neither the Rules Committee revised special meeting agenda, nor the City
7 Council special meeting agenda, followed the mandate of City Council Rule No. 77 that
8 “[e]ach proposed Rule amendment shall be presented to the Council.” This part of Rule
9 No. 77 is a public transparency requirement that each one of the seven proposed Rule
10 amendments be listed in the meeting agendas, and presented to the City Council. In order
11 to be consistent with the Brown Act and Rule No. 77, the City was required to provide a
12 brief description of each Rule amendment.

13 43. Additionally, the City Council special meeting agenda also makes this
14 statement in connection with the special meeting agenda Item No. 25: “Rules, Elections,
15 Intergovernmental Relations, and Neighborhoods Committee report to be submitted in
16 Council. If a public hearing is not held in Committee, an opportunity for public comment
17 will be provided.” This statement contradicts the mandate of Govt. Code § 54954.3(a),
18 which requires that “Every notice for a special meeting shall provide an opportunity for
19 members of the public to directly address the legislative body concerning any item that has
20 been described in the notice for the meeting before or during consideration of that item.”
21 In no way is the right to comment on special meeting items of business limited by whether
22 or not an opportunity was afforded to comment at a committee meeting.

23 44. On September 30, 2016, Rules Committee Chair and City Council President
24 Herb Wesson called the Rules Committee meeting to order. After the Clerk read the text of
25 the agenda item, Mr. Wesson instructed the Clerk to “read the amendment.” Reading from
26 a piece of paper, the Clerk read proposed new language for City Council Rule No. 8. There
27 was no explanation of who made the proposed amendment or whether it had been available
28 the day before when the revised special meeting agenda was posted by the City Clerk such

1 that notice of action on a proposed amendment could have been given to the public and
2 made available for review.

3 45. Thereafter, Chairman Wesson called public speakers. Petitioner and a few
4 other concerned members of the public who happened to learn of the proposed Rule
5 amendments, despite approximately only 24 hours' posted notice, submitted public speaker
6 cards requesting to speak at the Rules Committee on Item No. 5. Chairman Wesson gave
7 each speaker an insulting one minute to try to articulate objections.

8 46. The first speaker was Douglas Haines. Mr. Haines pointed out to Chairman
9 Wesson that the revised special meeting agenda for the Rules Committee violated the
10 Brown Act because it failed to inform the public of the substance of the proposed Rule
11 amendments – what they would accomplish. Mr. Haines noted that the public would have
12 no idea whether it wanted to attend the meeting to monitor or participate simply based
13 upon an agenda item listing a series of City Council Rule numbers. Furthermore, Mr.
14 Haines specifically warned the Chairman, and read the portion of Govt. Code § 54954.3
15 mandating that when the item would go to the full City Council, Mr. Wesson was required
16 to permit all persons who wished to speak on the item at a special meeting to do so.

17 47. Other speakers pointed out practical problems with trying to implement the
18 proposed changes. At least two members of City Neighborhood Councils objected that
19 they had been completely deprived of the opportunity to know of such significant changes
20 to the City Council's public participation rules. As a result, no City Neighborhood
21 Councils could file Community Impact Reports objecting to the proposed actions.

22 48. After permitting these one-minute objections, and without a single
23 commenter supporting the proposed action, Chairman Wesson declared that the proposed
24 amendments to the City Council Rules, including the proposed amending motion to City
25 Council Rule No. 8, was "adopted without objection."

26 49. Just minutes after the Rules Committee adjourned in City Council
27 Chambers, in the same "Temple of Democracy," the City Council convened its meeting at
28 10:00 a.m. Many of the nine public speakers, including Petitioner, submitted cards

1 requesting to speak on special meeting Item No. 25. Council President Herb Wesson, after
2 having been read the Brown Act special meeting speaking law just minutes before in the
3 Rules Committee meeting, and therefore with specific knowledge and apparent intent to
4 deprive these members of the public of their statutory right to speak at the City Council's
5 special meeting, did not call any of the speakers to the podium to allow them to speak on
6 Item No. 25. As now saved into the City Council File No. 16-1104, each of the speaker
7 cards was marked with a "DNS" notation, which presumably designates "Did Not Speak".

8 50. The special meeting of the City Council on September 30, 2016 was called
9 into session at 1:35:15 in the video located at:

10 http://lacity.granicus.com/MediaPlayer.php?view_id=130&clip_id=16227.

11 51. Consideration of Item No. 25 of the special meeting began at time marker
12 1:36:10. The video shows that no speakers were called by President Herb Wesson.
13 Instead, President Wesson declared that he "moved" that the City Council would vote to
14 "suspend the rules." He did not ask for a second. He did not ask if any City Council
15 members wished to speak on his motion to suspend the rules. President Wesson then
16 opened the roll, closed the roll, and tabulated vote. In the few seconds of time President
17 Wesson allowed between the opening of the voting roll and the closing of the voting roll,
18 there was no time for City Council members to affirmatively touch "Yes" on their voting
19 screens. The suspension of the rules was displayed to the public as approved unanimously.
20 The suspension vote is at time marker 1:36:29.

21 52. Immediately after voting to "suspend the rules," which included Rule No.
22 77, Item No. 25 of the special meeting was taken up. President Wesson again did not ask if
23 any City Council members wished to speak on the proposed amendments. President
24 Wesson then opened the roll, closed the roll, and tabulated vote. In the few seconds of time
25 President Wesson allowed between the opening of the voting roll and the closing of the
26 voting roll, there was no time for City Council members to affirmatively touch "Yes" on
27 their voting screens. Thus, the vote to approve all of the amendments in a single vote was
28 displayed to the public as approved unanimously at time marker 1:36:41.

1 issued under the authority of Govt. Code § 54956.

2 59. For each item of business on a special meeting agenda, it is not relevant that
3 an opportunity to speak was afforded to the public at a committee meeting. The wording of
4 Govt. Code § 54954.3(a) expresses the Legislature's intent that public comment may only
5 be denied at a regular meeting of the legislative body when an opportunity for public
6 comment was afforded at a qualifying committee of the same legislative body.

7 60. On September 30, 2016, Chairman Wesson of the Rules Committee was put
8 on specific notice by Douglas Haines that if the item to amend the City Council Rules went
9 to the City Council meeting as a special meeting item later that day, then the City and
10 President Wesson were obligated under Govt. Code § 54954.3(a) to afford an opportunity
11 to every person desiring to speak at the full City Council meeting to speak on the item to
12 amend the City Council Rules.

13 61. Petitioner is informed and believes, and based thereon alleges, that the City
14 Council and City Council President Wesson are well aware that full City Council meetings,
15 which are broadcast over the City's governmental cable television channel and live-
16 streamed over the City's website, are monitored by approximately 30,000 to 40,000
17 viewers, including but not limited to members of the press who monitor City Council
18 meetings for newsworthy stories. Petitioner is informed and believes, and based thereon
19 alleges, that the City Council and City Council President Wesson knew or had reason to
20 know that if they allowed persons seeking to comment on the proposed amendments to the
21 City Council Rules on public participation to speak, that could have ignited a public outcry
22 over the differential, two-tier, discriminatory treatment of public speakers based upon the
23 content and/or nature of their anticipated public comments.

24 62. Petitioner is informed and believes, and based thereon alleges, that City
25 Council President Herb Wesson was on specific notice of the mandatory duty incumbent
26 upon himself and the City Council to allow speakers to provide comment on Item No. 25 of
27 the September 30, 2016 special meeting, yet he went to the full City Council meeting that
28 day with knowledge and intent to deprive Petitioner and other persons like Petitioner of an

1 opportunity to speak on the item. Petitioner is informed and believes, and based thereon
2 alleges, that this action was taken to suppress public comment and dissent, and to deprive
3 members of the public of knowing about the substantive impact of the proposed City
4 Council Rule amendments.

5 63. As a direct and proximate cause of the actions of the City and its City
6 Council, members of the public attending the City Council meeting in person, those who
7 were listening to the City Council meeting on the City's cable television channel or online
8 live broadcast, and other City Councilmembers themselves as the decision makers, were
9 deprived of information concerning the constitutional and other legal infirmities of the
10 amendments to the City Council Rules, all in violation of Govt. Code § 54954.3(a).

11 64. The City and City Council's actions in this matter are not "complete,
12 faithful, or uninterrupted compliance" with the mandates of the Brown Act. The City and
13 City Council have failed to proceed in the manner required by law.

14 65. Petitioner is entitled to a declaration that the City and its City Council,
15 including City Council President Herb Wesson, violated the Brown Act public speaking
16 rights of Petitioner and persons similarly situated by actions they took at the September 30,
17 2016 special meeting related to Item No. 25, and by their deprivation of the
18 constitutionally- and statutorily-protected public participation rights of the persons who
19 sought to speak.

20 66. Pursuant to Govt. Code §§ 54960 and/or 54960.2, Petitioner is entitled to all
21 relief authorized, including a permanent injunction barring the City and its officials from
22 conducting further City Council or City Council Committee special meetings at which
23 persons submitting requests to speak on items of business listed on the special meeting
24 agenda are denied their statutory and constitutional rights to speak and participate in the
25 City's democratic decision making process.

26
27
28

SECOND CAUSE OF ACTION

(Violation of Govt. Code § 54956;

Vague Agenda Description Deprived Public of Information To Which Entitled)

67. Petitioner realleges and incorporates herein by reference the allegations of Paragraphs 1 through 66, inclusive, of this petition and complaint.

68. Govt. Code § 54956 imposes a mandatory duty upon the City to provide a brief description of each item of business to be transacted at a special meeting of the legislative body called by the presiding officer.

69. In addition, City Council Rule 77 imposes a mandatory duty upon the City Council to consider each Rule amendment to be presented to the City Council, and as such, Rule 77 requires the agenda item for proposed City Council Rule amendments to include a brief description of each proposed Rule amendment.

70. The revised special meeting agenda posted by the City on or about September 29, 2016 for the September 30, 2016 Rules Committee meeting contained a fatally flawed, vague agenda description for Item No. 5 related to the proposed amendments to seven separate City Council Rules. It violated Govt. Code § 54956.

71. The special meeting agenda posted by the City on or about September 29, 2016 for the September 30, 2016 City Council meeting contained a fatally flawed, vague agenda description for Item No. 25 related to the proposed amendments to seven separate City Council Rules. It violated Govt. Code § 54956.

72. Once a Petitioner establishes that a violation of Govt. Code §§ 54953, 54954.2, 54954.6, 54956, or 54956.5 has occurred, prejudice under § 54960.1 to Petitioner and the public interest is presumed by the Legislature.

73. In addition to the allegation of the prior paragraph, Petitioner and other persons were prejudicially harmed by the City's multiple violations of Govt. Code § 54956, including when both the Rules Committee and the City Council prepared and posted special meeting agendas with unlawfully vague and facially deficient agenda item descriptions, and by the City Council's refusal to permit them to speak at the City

1 Council's special meeting.

2 74. The City and City Council's actions as described in this matter are not
3 "complete, faithful, or uninterrupted compliance" with the mandates of the Brown Act, and
4 as a result, the City and City Council have failed to proceed in the manner required by law.

5 75. Petitioner is entitled to the issuance of a writ of mandate invalidating the
6 actions approving the amendments to the City Council Rules adopted on September 30,
7 2016 by both the Rules Committee and the City Council.

8

9

PRAYER

10 WHEREFORE, Petitioner prays for judgment as follows:

11 **On the First Cause of Action:**

12 1. For a declaration by this Court that the City and the City Council violated
13 the Brown Act at the September 30, 2016 special meeting when persons submitting
14 requests to speak on Item No. 25 related to proposed amendments to the City Council
15 Rules were denied their statutory and constitutional rights to speak

16 2. For a permanent injunction barring the Los Angeles City Council and its
17 Committees from conducting special meetings without permitting all persons who wish to
18 speak on any item of business on the special meeting agenda to be heard.

19 **On the Second Cause of Action:**

20 3. For a writ of mandamus by this Court that the City and the City Council
21 violated the Brown Act in its improper noticing and agendizing in connection with its
22 Rules Committee meeting on September 30, 2016 and the City Council meeting on
23 September 30, 2016, and declaring null and void all actions on Item No. 5 taken at the
24 Rules Committee revised special meeting on September 30, 2016, and all actions on Item
25 No. 25 taken at the City Council special meeting.

26 **On All Causes of Action:**

27 4. For attorney fees, including pursuant to Government Code Section 54960.5
28 and Code of Civil Procedure Section 1021.5.

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- 5. For costs of suit; and
- 6. For such other and further relief as the Court may deem just and proper.

DATED: December 12, 2016

THE SILVERSTEIN LAW FIRM, APC

By: 

ROBERT P. SILVERSTEIN
DANIEL E. WRIGHT
Attorneys for Petitioner
GEORGE ABRAHAMS

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VERIFICATION

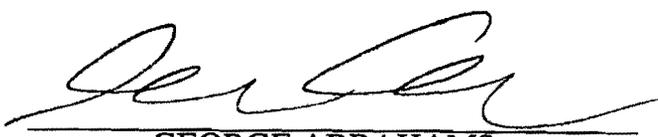
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:

I, GEORGE ABRAHAMS, declare as follows:

I am authorized to make this verification on behalf of myself as an individual
Petitioner in this action.

I have read the foregoing Petition for Writ of Mandamus and Complaint for
Declaratory Relief and am familiar with its contents. The same is true of my own
knowledge, except as to those matters which are therein stated 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 at Los Angeles, California, on the 12th day of
December, 2016.


GEORGE ABRAHAMS

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