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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 IN AND FOR THE COUNTY OF SACRAMENTO

12 SACRAMENTO CITY TEACHERS	)	Case No.:
13 ASSOCIATION,)	
14 Petitioner,	)	VERIFIED PETITION FOR WRIT OF
15 v.	)	MANDATE
16 SACRAMENTO CITY UNIFIED SCHOOL	)	[Code Civ. Proc. §1085; Cal. Gov. Code
17 DISTRICT BOARD OF TRUSTEES,	)	§54960.1]
18 Respondent.	)	Hearing Date:
	)	Hearing Time:
	)	Department: TBA
	)	Judge: TBA
	)	Date Action Filed:

19 This is a Petition for a Writ of Mandate pursuant to California Code of Civil Procedure
20 section 1085, brought by Petitioner Sacramento City Teachers Association. This action
21 alleges violations of the Ralph M. Brown Act (“Brown Act”), Government Code § 54950 *et*
22 *seq.*, by the Sacramento City Unified School District Board of Trustees (“Board”) when the
23 Board engaged in discussions regarding general budgetary matters in closed session meetings
24 in February 2019 and then adopted resolutions for layoffs that necessarily relied upon the
25 underlying illegal budget discussions. Petitioner brings the instant action to compel
26 Respondent Board to comply with the legal mandates of the Brown Act by discussing general
27 budgetary matters in open session so that the Board’s deliberations are open to the public and
28 available for public scrutiny and input, as required by the Brown Act, and seeks a ruling from

1 this Court finding resolutions dealing with teacher layoffs, specifically Resolutions 3053,
2 3054, 3055 and 3060, to be void.

3 In February of 2019, including at but not limited to a February 21, 2019 closed session
4 Board meeting, the Board violated the Brown Act when the Board had general discussions of
5 the budget. These discussions were not authorized by any of the agenda items listed on the
6 closed session agenda. The general budget discussions directly related to the later passage in
7 open session of Resolution 3053: Resolution to Eliminate Certificated Employees;
8 Resolution 3054: Of Determination for Tie-Breaking Criteria; and Resolution 3055:
9 (“Skipping Criteria”). Pursuant to the Brown Act, any Board questions about the general
10 budget, as well as answers to those questions and discussions, should have been made in open
11 session where the public could hear the Board’s thoughts and concerns and could have
12 addressed those thoughts and concerns prior to the Board voting to eliminate over 150 teacher
13 positions.

14 When alerted to this violation, through a letter from the Sacramento City Teachers
15 Association delivered to the Board on March 6, 2019, the Board failed to cure or correct the
16 issue by recognizing the February 21, 2019 vote taken as void. As a result of the Board’s
17 actions, the public has been deprived of its right to know the general budgetary concerns the
18 Board considered in passing the above Resolutions, has been denied the opportunity to hear
19 the Board’s deliberations regarding general budgetary matters, and has been denied the
20 opportunity to meaningfully consider and comment on the Resolutions, all in violation of the
21 Brown Act.

22 The Board further violated the Brown Act on March 7, 2019, when it read in seriatim
23 and adopted a Resolution in open session, which again discussed the reduction of employee
24 groups, without any deliberation prior to doing so, indicating that the Board had at some point
25 outside of open session reached a consensus to adopt and read the resolution. Again, the
26 discussion of issues affecting employee layoff outside of an open, agendaized public meeting
27 violated the right of the public to, in the words of the Brown Act, “remain[] informed so that
28 they may retain control over the instruments they have created.” Cal. Gov’t Code § 54950.

1 **PETITION FOR A WRIT OF MANDATE**

2 By this Verified Petition, Petitioner alleges as follows:

3 1. Petitioner Sacramento City Teachers Association (“SCTA”) represents the
4 interests of over 2,500 certificated employees in the Sacramento City Unified School District
5 (“District”).

6 2. SCTA is recognized as the exclusive employee organization representing
7 certificated employees in the District. *See* Gov. Code §§ 3540.1(d) and (e). SCTA is an
8 affiliate organization of the California Teachers Association and the National Education
9 Association. *See* Declaration of Nikki Milevsky in Support of Verified Petition for Writ of
10 Mandate (hereinafter “Milevsky Declaration”), ¶5.

11 3. SCTA brings this action in on its own behalf and in a representative capacity
12 on behalf of its individual members who are injured by the District’s violation of the Brown
13 Act.

14 4. As the exclusive representative, Petitioner SCTA has standing to bring this
15 petition for writ of mandate pursuant to California Government Code section 3543.8 on behalf
16 of its members. Cal. Gov. Code § 3543.8.

17 5. Respondent Sacramento City Unified School District Board of Trustees is, and
18 at all times was, the legislative body of the Sacramento City Unified School District, and is
19 subject to the requirements of the Ralph M. Brown Act. Cal. Gov’t Code §§ 54950 *et seq.*

20 6. The District is located in Sacramento County, California, and is a public school
21 district organized pursuant to and bound by the laws of the State of California, including
22 Government Code sections 54950 *et seq.*

23 7. Government Code section 54950 provides, in relevant part: “In enacting this
24 chapter, the Legislature finds and declares that the public commissions, boards and councils
25 and the other public agencies in this State exist to aid in the conduct of the people’s business.
26 It is the intent of the law that their actions be taken openly and that their deliberations be
27 conducted openly.” Cal. Gov’t Code § 54950.

28 8. Government Code section 54952.2(a) provides, in relevant part: “As used in

1 this chapter, 'meeting' means any congregation of a majority of the members of a legislative
2 body at the same time and location...to hear, discuss, deliberate, or take action on any item
3 that is within the subject matter jurisdiction of the legislative body." Cal. Gov't Code
4 § 54952.2(a).

5 9. Government Code section 54952.2(b)(1) provides: "A majority of the
6 members of a legislative body shall not, outside a meeting authorized by this chapter, use a
7 series of communications of any kind, directly or through intermediaries, to discuss,
8 deliberate, or take action on any item of business that is within the subject matter jurisdiction
9 of the legislative body." Cal. Gov't Code § 54952.2(b).

10 10. Government Code section 54953(a) provides in pertinent part: "All meetings
11 of the legislative body of a local agency shall be open and public, and all persons shall be
12 permitted to attend any meeting of the legislative body of a local agency." Cal. Gov't Code
13 § 54953(a).

14 **BACKGROUND/ORIGIN OF SCTA's CONCERNS REGARDING BOARD**
15 **BUDGET DISCUSSIONS**

16 11. SCTA First Vice President Nikki Milevsky regularly attends and tracks the
17 District's Board meetings. See Milevsky Declaration ¶7.

18 12. The District did not hold any budget subcommittee meeting in June, July,
19 August or September of 2018. The District then held one budget subcommittee meeting in
20 October of 2018. See Milevsky Declaration, ¶8, and Exhibit E thereto.

21 13. Both Nikki Milevsky and John Borsos attended the October 1, 2018 Board
22 budget subcommittee meeting. See Milevsky Declaration, ¶8, and Declaration of John Borsos
23 in Support of Verified Petition for Writ of Mandate, (hereinafter "Borsos Declaration"), ¶9.

24 14. Between May 14, 2018 and the end of the 2018 calendar year, the Budget
25 committee met only one time, on October 1, 2018. See Borsos Declaration ¶8.

26 15. SCTA Executive Director John Borsos attended the Budget Committee on
27 October 1, 2018 after learning from Board President Jessie Ryan via an email to SCTA First
28 Vice-President Nikki Milevsky that the District's response to the District budget that had been

1 rejected by the Sacramento County Office of Education would be discussed there. See Borsos
2 Declaration, ¶9.

3 16. John Borsos was greatly concerned that little discussion of the District's
4 budget response occurred at the October 1, 2018 meeting, and that the Budget Committee
5 members, Jay Hansen, Jessie Ryan, and Michael Minnick, along with Superintendent Jorge
6 Aguilar participated in the meeting without a copy of the District's current budget. See
7 Borsos Declaration, ¶10.

8 17. In that October 1, 2018 budget subcommittee meeting, Mr. Aguilar stated that
9 the school board would be reviewing information over the next 48 hours to accomplish a
10 revised budget to be voted on at the school board's next meeting, Thursday, October 4, 2018.
11 Id.

12 18. John Borsos attended the October 4, 2018 School Board meeting where a
13 budget with substantial revisions was not presented and with little comment the Board
14 submitted a second budget that was subsequently rejected by the Sacramento County Office
15 of Education. See Borsos Declaration ¶11.

16 19. The Board's Budget Subcommittee (now retitled as the, "Fiscal Transparency
17 and Accountability Committee") did not meet again after October 1, 2018 until February 14,
18 2019. See Milevsky Declaration ¶9.

19 20. When the Board Budget Committee (now called the Fiscal Transparency and
20 Accountability Committee) did meet again on February 14, 2019, the Committee ran out of
21 time and never got to an actual discussion of the budget. See Borsos Declaration, ¶¶13-14
22 and Exhibits A and B thereto.

23 21. At that meeting, the subcommittee postponed discussion of Item 9
24 (Introduction of Publicly Available Fiscal and Budget Information); and Item 10 ((District
25 Fiscal Update) from the agenda. Id.

26 22. It was deeply concerning to SCTA Vice President Milevsky and to SCTA
27 Executive Director John Borsos that the Board's Budget Subcommittee only met one time in
28 an eight month period (once in the period including June, 2018 through January, 2019) when

1 the District was publically stating there is a risk of a state takeover due to finances. See
2 Milevsky Declaration, ¶10, Borsos Declaration, ¶12.

3 23. Both Ms. Milevsky and Mr. Borsos were extremely concerned about where the
4 general budget discussions are taking place, and where SCTA, as an interested party
5 representing the majority of the District’s employees, can observe and participate in those
6 discussions, if the Budget subcommittee is not meeting. See Milevsky Declaration, ¶11, and
7 Borsos Declaration, ¶15.

8 24. For that reason, Nikki Milevsky was concerned when she received an email
9 from a Board member (who is now a former Board member), stating that she had a budget
10 session with the School Board on Saturday, September 29, 2018 from 9-1 at the Serna Center.
11 See Milevsky Declaration, ¶12, and Exhibit F thereto.

12 25. Nikki Milevsky emailed Board member Jessie Ryan on Friday, September 28,
13 2019 to inquire as to the closed session September 29, 2018 Board Special Meeting because
14 there was no listing of “budget” on the agenda and the entire meeting was closed session only.
15 See Milevsky Declaration, ¶13, and Exhibit F thereto.

16 26. Ms. Milevsky was concerned about a Brown Act violation based on her
17 understanding that closed sessions are not allowed for discussion of available funds or
18 funding priorities or budget. See Milevsky Declaration, ¶13.

19 27. School Board member Ryan emailed Ms. Milevsky in response and stated that
20 she had conferred with the District’s Legal Counsel and that Board discussion as to budget
21 would be, “...limited to funding priorities covered by Gov. Code 54957.6...[.]” See Milevsky
22 Declaration, ¶14 and A Exhibit F thereto.

23 28. Rather than being reassured, Ms. Milevsky continued to be concerned about
24 the Board discussing the budget in a general closed session. Board member Ryan’s cite to
25 Ms. Milevsky from California Government Code section 54957.6 was not complete in that
26 Board Member Ryan did not include the limitation in the statute that a Board’s discussions of
27 salaries may include discussion of an agency’s available funds, “but only insofar as these
28 discussions related to providing instructions to the agency’s designated representative.” Id.;

1 Cal. Gov't Code § 54957.6.

2 29. Both Ms. Milevsky and SCTA were concerned about whether the Board
3 understood that Government Code section 54957.6 allowed, in closed session, only limited
4 budget discussions for a specific limited purpose. See Milevsky Declaration ¶15 and Borsos
5 Declaration, ¶16.

6 30. Further, SCTA members and the SCUSD school board both approved the
7 current collective bargaining agreement between the parties in December 2017. Borsos
8 Declaration, ¶20.

9 31. In November 2018, the District presented by email its initial proposals to
10 SCTA regarding a successor contract. On or about February 7, 2019, SCTA presented to the
11 School Board as required by the collective bargaining agreement its initial proposals for a
12 successor contract. To date, there have been no meetings between the District and SCTA to
13 negotiate over a successor contract. See Borsos Declaration, ¶21.

14 32. In the experience and observation of SCTA Executive Director John Borsos, it
15 is highly unusual for the school board to hold special, closed session meetings to discuss
16 negotiations, particularly at the earliest stages of negotiations. See Borsos Declaration, ¶21.

17 **DISTRICT RESOLUTIONS 3053, 3054, and 3055 (Employee Layoff)**

18 33. Between January 3, 2019 and February 28, 2019, the Board had eight closed
19 session Board meetings (On January 3, January 17, January 24, January 30, February 7,
20 February 19, February 21, and February 28), which were either unscheduled as to length or
21 scheduled to last at least one and one half hours. Milevsky Declaration, Exhibit B.

22 34. Five of the closed session meetings were Special meetings. In contrast, the
23 board held only four special meetings in all of 2018. All Board agendas are available online
24 at <https://www.scusd.edu/board-meetings>.

25 35. In contrast, the Board held only three open session meetings during January
26 and February of 2019, on January 17, February 7, and February 21. Id.

27 36. The Board officially discussed Board Resolutions 3053, 3054, and 3055 at
28 only one open session meeting, on February 21, 2019, prior to passing all three resolutions at

1 the same meeting. See Curtis Declaration, ¶7.

2 37. Only three of the seven Board members asked any questions about the
3 resolutions. See Recording of District February 21, 2019 Board meeting, available at at
4 <https://www.scusd.edu/board-meetings> by clicking on the February 21st Board meeting
5 symbol and going to minutes 4:11 – 4:35 of the recording; also see Curtis Declaration ¶8.

6 38. The entire official open session discussion of all three resolutions combined on
7 February 21, 2019 took only 24 minutes, and that time included public comment from SCTA
8 Vice-President Nikki Milevsky. Id.

9 39. The Board questioning, between all three resolutions, only took seven minutes.
10 See Curtis Declaration, ¶8.

11 40. In adopting Board Resolutions 3053, 3054 and 3055 the Board approved the
12 reduction of 150 full-time equivalents positions and layoffs of at least 135 teachers. See
13 Milevsky Declaration, Attachment H thereto.

14 41. The Board spent even less time, six minutes, in deciding to pass Board
15 Resolution 3056, which directs the reduction of over 200 classified positions and the
16 termination of over 156 people. See Recording of District February 21, 2019 Board meeting,
17 available at at <https://www.scusd.edu/board-meetings> by clicking on the February 21st Board
18 meeting symbol and going to minutes 4:35 – 4:41 of the recording; also see Curtis
19 Declaration, ¶11.

20 42. Many of the classified employees are preschool teachers, who teach using a
21 permit issued by the California Commission on Teacher Credentialing, and who are SCTA
22 members. Id.

23 43. Between the four Resolutions, the total number of positions the Board voted to
24 reduce that night was over 350 full-time equivalents. If the layoffs are put in place,
25 approximately 300 people will lose their jobs. The board spent only thirty minutes in open
26 session deciding to approve the layoffs of hundreds of employees. Id.

27 44. Nikki Milevsky was informed by a witness who had been in the Board's closed
28 session meetings that during the month of February 2019, the Board engaged in questions and

1 answers regarding the general budget during its closed session meetings. See Milevsky
2 Declaration, ¶18.

3 45. Nikki Milevsky is not sharing the name of her witness at this time due to
4 concern about retaliation against the witness. See Milevsky Declaration, ¶19.

5 46. At about the same time, Executive Director John Borsos was informed by a
6 knowledgeable person who regularly interacts in an official capacity with the school board
7 members, administrators, and other District representatives with responsibility for the creation
8 and adoption of budgets, that the Board was engaging in closed session general budget
9 discussions in February, 2019. See Borsos Declaration, ¶17.

10 47. The Brown Act, in California Government Code section, specifically states
11 that a local agency may not take any action against a person who, nor is it a violation of the
12 Brown act, for a person who was at a closed session meeting to: a) express an opinion about
13 the propriety or legality of actions taken in closed session, and b) as part of that opinion, to
14 disclose the nature and extent of the illegal or potentially illegal action. Cal. Gov't Code
15 § 54963(e).

16 48. Regardless, the District's Board, after receiving SCTA's March 6, 2019 letter
17 (incorrectly dated March 7, 2019), threatened in writing to, "take appropriate action," as to,
18 "information that was unlawfully disclosed out of closed session..." See Declaration of
19 Lesley Beth Curtis in Support of Verified Petition for Writ of Mandate (hereinafter "Curtis
20 Declaration"), ¶3, and Exhibit B thereto.

21 49. SCTA believes that all information that it received was legal and appropriate
22 pursuant to California Government Code section 54963(e). See Milevsky Declaration, ¶21.

23 50. Regardless, out of concern over the District's statements, and concern over
24 retaliation, SCTA is not revealing the name of its source at this time. See Milevsky
25 Declaration, ¶22.

26 51. Similarly, out of concern over the District's statements, and concern over
27 retaliation, John Borsos is not revealing the name of his source at this time. See Borsos
28 Declaration, ¶19.

1 52. During open session of the February 21, 2019 meeting, the Board passed
2 Resolutions 3053: Resolution to Eliminate Certificated Employees; Resolution 3054: Of
3 Determination for Tie-Breaking Criteria; and Resolution 3055: (“Skipping Criteria”), all of
4 which pertained to layoffs of certificated employees in the District. See Milevsky
5 Declaration, ¶25, and Exhibits C and D thereto.

6 53. Attachment A to Resolutions 3053, showing exactly how many full-time
7 equivalent teacher (certificated) positions the District intended to cut, and which types of
8 teaching positions it would cut (i.e. kindergarten versus high school chemistry versus nursing
9 versus physical education) was not available prior to the February 21, 2019 Board meeting
10 and was not included in the online agenda packet. See Milevsky Declaration, ¶27.

11 54. Other than the staff that created Attachment A, no one could have known the
12 size of impact of the intended teacher cuts until seeing Attachment A to Exhibit 3053, which
13 was not available until the actual February 21, 2019 6:00 p.m. Board meeting. Id.

14 55. From the videotape of the meeting, at the open session discussion of Board
15 Resolutions 3053, 3054 and 3055, only three of the seven Board members asked any
16 questions about the resolutions. The entire discussion of all three resolutions combined on
17 February 21, 2019 took only 24 minutes, and that time included a presentation by District
18 Chief Human Resource Services Officer Cancy McArn as well public comment from SCTA
19 Vice-President Nikki Milevsky. See Curtis Declaration, ¶8.

20 56. Open session deliberation among the Board members prior to adopting Board
21 Resolutions 3053, 3054 and 3055 was minimal. See Curtis Declaration, ¶9.

22 57. The discussions of the general budget that occurred during the closed session
23 meetings throughout February relate directly to the passage of Resolutions 3053, 3054, and
24 3055.

25 58. Discussions of budget, and the Board members’ opinion of the budget, directly
26 underlay the decision by the District to reduce teacher staffing.

27 59. The February 21, 2019 Board packet contains materials which state for each
28 Resolution (3053, 3054 and 3055), “Financial Considerations: Budget reductions needed to

1 assist in addressing the District’s declining enrollment, the elimination of certain funds and
2 staffing needs.” See Curtis Declaration, Exhibit E.

3 60. In addition, at the February 7th Board meeting, in open session, Dr. John
4 Quinto presented a fiscal recovery plan (i.e. budget) and stated that the fiscal recovery plan
5 would include reductions in staffing and proper staffing for enrollment which would be
6 discussed at the February 21, 2019 meeting. The comments can be viewed at
7 <https://www.scusd.edu/board-meetings> by clicking on the February 7th Board meeting symbol
8 and going to minutes 2:33 through minutes 2:49 of the recording.

9 61. In addition, also showing that the teacher layoffs approved in Board
10 Resolutions 3053, 3054, and 3055 connect directly to the Board members’ beliefs about the
11 District’s budget, at the March 21, 2019 Board meeting the Board included in its amended
12 March 21, 2091 Agenda Packet, also at <https://www.scusd.edu/board-meetings>, a Fiscal
13 Recovery Plan Update which lists, as Proposed Budget Solutions, saving \$5,100,000 from the
14 teacher layoff resolutions passed on February 21, 2019, titled in that document a “One Stop
15 Staffing Adjustment.” See Curtis Declaration ¶6 and Exhibit D thereto.

16 62. The amount of open session time that the Board spent deliberating Resolutions
17 3053, 3054, and 3053 was paltry compared to the amount of closed session deliberation time
18 in January and February, providing further circumstantial evidence that the Board had to have
19 either not deliberated the three Resolutions beyond 24 minutes total, or deliberated the
20 underpinnings of the layoff at some other time and place.

21 63. On March 6, 2019, Lesley Beth Curtis, attorney for Petitioners, sent a demand
22 letter to the District, identifying the alleged Brown Act violations, and demanded that the
23 District cure and correct the violation by recognizing the passage of Resolutions 3053, 3054,
24 and 3055 as void. See Curtis Declaration, ¶2, and Exhibit A thereto.

25 64. On March 11, 2019, Dulcinea Grantham, attorney for the District, responded to
26 the letter, rejecting the demand to cure or correct. Ms. Grantham’s letter pointed out incorrect
27 meeting dates that were used in the March 6 demand letter. See Curtis Declaration, ¶3, and
28 Exhibit B thereto.

1 65. In response to Ms. Grantham’s letter, Ms. Curtis provided a revised letter to
2 the Board, including the corrected dates, on March 15, 2019. The letter provided Ms.
3 Grantham with a timeframe to inform Ms. Curtis of whether the revised letter changed the
4 Board’s position on rejecting SCTA’s demands. See Curtis Declaration, ¶4 and Exhibit C
5 thereto.

6 66. Ms. Grantham responded in writing on March 23, 2019, confirming the
7 District’s continued refusal to cure. See Curtis Declaration, ¶12, and Exhibit G thereto.

8 **DISTRICT RESOLUTION 3060**

9 67. Petitioners witnessed what appears to be a further violation of the Brown Act
10 at the March 7, 2019 Board meeting.

11 68. At that meeting, the Board “presented” Board Resolution number 3060, titled
12 on the Agenda as a “Special Presentation,” which concerned the Fiscal Solvency Plan and
13 budgetary matters. The Special Presentation can be observed at [https://www.scusd.edu/board-](https://www.scusd.edu/board-education-meeting/board-education-meeting-53)
14 [education-meeting/board-education-meeting-53](https://www.scusd.edu/board-education-meeting/board-education-meeting-53).

15 69. Board Resolution was not available until the 6:00 p.m. March 7, 2019 Board
16 meeting. See Curtis Declaration, ¶13, and Exhibit H thereto.

17 70. District Counsel Dulcinea Grantham in her March 23, 2019 letter, asserts that,
18 “The Board members did not receive the Resolution 3060 until the same time as it was shared
19 with the public at the time of beginning open session at the March 7, 2019, board meeting.”
20 See Curtis Declaration, Exhibit G.

21 71. The Board “presented” Resolution 3060 by taking turns reading paragraphs of
22 the brand new Resolution aloud, in serial style. See [https://www.scusd.edu/board-education-](https://www.scusd.edu/board-education-meeting/board-education-meeting-53)
23 [meeting/board-education-meeting-53](https://www.scusd.edu/board-education-meeting/board-education-meeting-53).

24 72. After reading the Resolution, Board President Ryan provided a statement
25 regarding the Resolution, clearly speaking on behalf of the entire Board and not attempting to
26 facilitate any type of discussion. President Ryan then noted that there was no public comment
27 and asked for someone else to move to adopt the resolution. Board Vice President Woo then
28 moved to adopt the Resolution. The entire presentation took less than 13 minutes, with over

1 10 minutes of the time used to read the Resolution itself aloud. See
2 <https://www.scusd.edu/board-education-meeting/board-education-meeting-53>.

3 73. District Counsel asserts that the Board had never seen the Resolution prior to
4 the beginning of the March 7, 2019 open session meeting, and that there was no discussion of
5 the substance of 3060 in closed session. See Curtis Declaration Exhibit G.

6 74. District Counsel is asserting that elected officials would emerge into open
7 session and read to the public (with the Board taking turns reading paragraphs of the
8 Resolution aloud), without any prior discussion or debate, a Resolution, written by an
9 anonymous District staff person, which the entire Board had never seen, and then immediately
10 adopt that Resolution.

11 75. In a clear contraction, however, District Counsel also asserts, “The Board
12 Members who had previously requested the specific issues be addressed chose to read the
13 corresponding portion and determined that such would be an appropriate method of
14 presenting the proposed Resolution to the public and lead the vote on Resolution 3060.” See
15 Curtis Declaration Exhibit G.

16 76. If the Board members did not see Resolution 3060 until the beginning of the
17 March 7, 2019 Board meeting, and did not discuss the Resolution or its substance in closed
18 session, it would have been impossible for the Board members to decide ahead of the
19 presentation who would read which paragraphs and why.

20 77. The Board failed to have any open-session substantive deliberations regarding
21 what this Resolution was, the substance of the Resolution, and whether or not to adopt it.

22 78. Resolution 3060 was labeled on the agenda as a “Special Presentation,”
23 indicating Board Resolution 3060 was a fait-accomplis to the public.

24 79. Board Resolution was directly related to both budget and certificated layoffs,
25 and therefore to the previously challenged Resolutions 3053, 3054 and 3055.

26 80. Board Resolution 3060 includes the statement, “Whereas, any cuts made to
27 save our schools from a takeover will be based on parity relative to each bargaining unit’s size
28 and cost to the District.” See Exhibit J to Curtis Declaration.

1 81. Board Resolution therefore concerns the layoff of certificated employees in the
2 District.

3 82. On March 14, 2019 Counsel for SCTA delivered a second cure letter pursuant
4 to Government Code section 54960.1 to the Board regarding the passage of Resolution 3060.
5 See Curtis Declaration Exhibit F.

6 83. On March 23, 2019, Counsel for the District delivered a letter to Counsel for
7 SCTA communicating the District's refusal to cure or correct the passage of Resolution 3060.
8 See Exhibit G to Curtis Declaration.

9 **EXHAUSTION AND BENEFICIAL INTEREST**

10 84. Petitioner has sought to resolve these matters without success. Counsel for the
11 SCTA, Lesley Beth Curtis, did have a conversation with the attorney for the District, Dulcinea
12 Grantham, on Wednesday, March 20, 2019, about the Brown Act issues. They had a
13 conversation protected by California Evidence Code section 1152, after which SCTA
14 concluded that they could not settle this matter at this time. Curtis Declaration, ¶5.

15 85. Petitioners have no plain, speedy or adequate remedy in the course of ordinary
16 law unless this Court grants the requested Writ of Mandate to require the Board to find the
17 passage of Resolutions 3053, 3054, 3055, and 3060 void.

18 86. Petitioners have complied with the requirements of California Government
19 Code section 54960.1 by delivering cure and correct letters to the Board on March 6 and
20 March 14, 2019.

21 87. Petitioners have complied with the requirements of California Government
22 Code section 54960.1 by receiving letters from the Board refusing any cure dated March 11,
23 2019 and March 23, 2019 and by filing this Petition within fifteen days of the receipt of those
24 letters. Cal. Gov't Code § 54960.1(c)(4).

25 88. Petitioners are entitled to a judicial determination that the Ralph M. Brown Act
26 was applicable to the Board's discussions during the February and March meetings and that
27 the discussions regarding general budgetary matters were conducted in closed session in
28 violation of section 54953.

1 89. Pursuant to California Code of Civil Procedure sections 526 and 1085, and
2 Government Code section 54960.1, this Court has jurisdiction to issue a writ of mandate and
3 grant relief to invalidate the Board's February 21, 2019 passage of Resolutions 3053, 3054,
4 and 3055 as well as the March 7, 2019 passage of Resolution 3060.

5 90. Venue is proper in this Court because the cause of action alleged in this
6 Petition arose in Sacramento County.

7 91. SCTA has a substantial interest in obtaining the Board's compliance with the
8 regulations governing open deliberations and accessibility of the public to the deliberations of
9 its Board and elected officials. (Gov. Code § 54950 *et seq.*). The Board's failure to abide by
10 these regulations impacts the ability of its members to address the Board with their questions
11 or concerns and directly affects the employment and livelihood of SCTA members and of
12 approximately 300 employees. See Milevsky Declaration, 6.

13 92. As the general budget discussions, which lead to the passage of Resolutions
14 3053, 3054, 3055 and 3060, occurred illegally in closed session, the passage of these
15 Resolutions is void.

16 93. Government Code section 54960.1 provides, in pertinent part: "[A]ny
17 interested person may commence an action by mandamus or injunction for the purpose of
18 obtaining a judicial determination that an action taken by a legislative body of a local agency
19 in violation of Section 54953...is null and void under this section."

20 94. Petitioner does not have any administrative remedies to exhaust for this
21 Petition.

22 95. Petitioner has exhausted any and all administrative remedies prior to filing this
23 action.

24 96. Petitioner has not engaged in any delay that has prejudiced the District. To the
25 contrary, SCTA notified the District in writing of its belief in the illegality of the layoff
26 resolutions prior to March 15, 2019 so that the District could cure the passage of the layoff
27 resolutions prior to March 15th if it chose to.


28 97. The Board chose not to rehear and repass those resolutions.

1 applicable statute;

2 4. This Court grant such other relief as may be just and proper.

3 Dated: March 23, 2019.

LANGENKAMP, CURTIS & PRICE, LLP

4
5 
6 By: LESLEY BETH CURTIS
Attorney for Petitioners

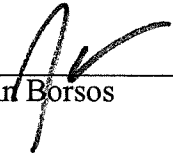
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VERIFICATION

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I, John Borsos, hereby declare under penalty of perjury that I read the attached Verified
Petition for Writ of Mandate, I know the contents thereof to be true and correct.

Executed at Sacramento, California on March 25, 2019.



John Borsos