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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT
15 UNLIMITED JURISDICTION

16
17 COUNCILMEMBER MARK RIDLEY-
THOMAS,

18 Plaintiff,

19
20 vs.

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23 LOS ANGELES CITY CONTROLLER RON
GALPERIN & CITY OF LOS ANGELES,

24 Defendants.
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Case No. **22STCV24328**
Assigned To:

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

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COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff Councilmember Mark Ridley-Thomas files this lawsuit to rectify Controller Ron Galperin’s unauthorized, unlawful and politicized decision to terminate his salary and benefits following his suspension from the City Council after he was indicted on unrelated federal charges. Councilmember Ridley-Thomas has denied any wrongdoing, and now seeks declaratory and injunctive relief establishing that Mr. Galperin and the City of Los Angeles (“Defendants”) violated the City Charter by depriving him of his salary and benefits without any legal authority supporting that decision. Defendants’ illegal action was wrong then, it remains wrong now, and only an order from this Court will undo such a flagrant abuse of authority.

I. INTRODUCTION

1. In October 2021, the Los Angeles City Council voted to suspend Councilmember Ridley-Thomas (“Councilmember Ridley-Thomas”) in light of charges stemming from alleged activities during Councilmember Ridley-Thomas’s time on the Los Angeles County Board of Supervisors. The City Council did not suspend Councilmember Ridley-Thomas without pay, and the City Council acknowledges that he is still a Councilmember even while temporarily suspended.

2. Controller Ron Galperin (“Mr. Galperin”) seized upon the City Council’s suspension of Councilmember Ridley-Thomas for his own political gain. Mere weeks before Mr. Galperin announced his candidacy for California State Controller, Mr. Galperin unilaterally terminated Councilmember Ridley-Thomas’s salary and benefits, posting the unlawful action as “campaign news” on his website.

3. Not only did Mr. Galperin take this unilateral action to further his own political interests, but he did so without any authorization in the City Charter. His carefully enumerated and prescribed duties under the Charter do not include authority to terminate salary and benefits. Mr. Galperin thus exceeded the scope of his enumerated powers.

4. Constrained by Mr. Galperin’s ultra vires actions and City Charter laws prohibiting him from obtaining compensation from other sources as a councilmember, Councilmember Ridley-Thomas, who has maintained his innocence from the outset, has been unable to earn a salary while

1 he is fighting a legal battle that threatens his reputation and career. His trial was initially scheduled
2 for August 2022 but on July 5, 2022, his trial was delayed until November 2022.

3 **II. PARTIES**

4 5. Councilmember Ridley-Thomas, the Plaintiff, is a life-long resident of Los Angeles
5 with a long and distinguished record of public service at both the local and state levels. He was first
6 elected to public office in 1991 and previously served on the Los Angeles City Council for nearly a
7 dozen years representing District 8, departing as Council President pro tempore. He later served
8 two terms in the California State Assembly, where he chaired the Jobs, Economic Development,
9 and Economy Committee and chaired the Assembly Democratic Caucus.

10 6. He then went on to serve as representative for the 26th District in the California State
11 Senate, where he chaired the Senate's Committee on Business, Professions and Economic
12 Development. While in the Senate, he served as Chair of the California Legislative Black Caucus
13 in 2008 and led the Caucus in unprecedented levels of cooperation and collaboration with
14 counterparts in the Latino and Asian-Pacific Islander Legislative Caucuses.

15 7. Councilmember Ridley-Thomas was then elected by overwhelming majority in
16 2008, and reelected in 2012 and 2016 to the Second District seat on the Los Angeles County Board
17 of Supervisors.

18 8. In November 2020, he returned to the Los Angeles City Council after winning with
19 over sixty percent of the votes to serve as Councilmember for District 10 of the City of Los Angeles.

20 9. Defendant Ron Galperin is the Controller for the City of Los Angeles. He is the
21 paymaster, auditor and chief accounting officer for the City of Los Angeles, and his duties include
22 managing the City's payroll and spending.

23 10. Mr. Galperin's current term ends on December 31, 2022. He ran for election to
24 become California's state controller but lost in the Democratic primary race in June 2022.

25 11. Defendant City of Los Angeles is a municipal corporation and charter city governed
26 by the California Constitution and the Los Angeles City Charter.

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1 **III. JURISDICTION AND VENUE**

2 12. This Court has jurisdiction over this action pursuant to California Constitution art.
3 VI, § 10 and California Code of Civil Procedure § 410.10.

4 13. Venue is proper in the County of Los Angeles pursuant to Code Civ. Proc. §§ 393,
5 394(a). Defendants’ principal place of business and the acts and omissions at issue in this Complaint
6 occurred in the County of Los Angeles.

7 **IV. STATEMENT OF FACTS**

8 **A. The City Council Did Not Suspend Ridley-Thomas Without Pay**

9 14. On October 13, 2021, Councilmember Ridley-Thomas was indicted over alleged acts
10 that purportedly occurred while he was a member of the Los Angeles County Board of Supervisors.
11 He denies the charges and is preparing for trial scheduled in November 2022.

12 15. Despite his offer to continue his duties as Councilmember while stepping back from
13 full Council and Committee meetings so as to allow the Council to conduct its business with minimal
14 distractions, Los Angeles City Council President Nury Martinez moved on October 19, 2021, to
15 immediately suspend Councilmember Ridley-Thomas from the office of Councilmember of District
16 10 pursuant to Los Angeles City Charter Section 211. A true and correct copy of the motion is
17 attached hereto and marked as **Exhibit 1**.

18 16. Section 211 describes the vacancy left by the suspension as “temporary,” but the
19 motion did not specify when Councilmember Ridley-Thomas’s suspension would end.

20 17. On October 20, 2021, the City Council passed the motion, resulting in the suspension
21 of Councilmember Ridley-Thomas. He was not allowed to vote on the motion or even attend the
22 proceeding. A true and correct copy of the official action from City Council is attached hereto and
23 marked as **Exhibit 2**.

24 18. The passed motion did not authorize the City Controller or anyone else to terminate
25 Councilmember Ridley-Thomas’s salary for any part of his suspension. It also did not permanently
26 remove him from his position as Councilmember.

27 19. Indeed, as explained in an October 29, 2022, letter from City Clerk Holly L. Wolcott
28 to Councilmember Ridley-Thomas, “[a] suspended Councilmember *retains his or her title* but is

1 for all other purposes a member of the public.” (emphasis added). In effect, then, he is on a kind
2 of administrative leave without pay. A true and correct copy of Ms. Wolcott’s letter is attached
3 hereto and marked as **Exhibit 3**.

4 20. Councilmember Ridley-Thomas has been barred from obtaining outside employment
5 during his suspension. Pursuant to City Charter Section 218, “members of the Council shall devote
6 their entire time to duties related to their offices. They shall not receive any compensation, including
7 honoraria, for their services other than that provided in this section, except that which may be
8 provided for their serving on governmental entities where payment is authorized for other
9 governmental officers or employees serving in that capacity.” *See also Ethics Handbook for City*
10 *Officials*, Los Angeles City Ethics Commission (Jan. 2021).

11 **B. City Controller Ron Galperin’s Unilateral Action Terminating Pay**

12 21. On October 19, 2021, Mr. Galperin made an announcement in relation to Ms.
13 Martinez’s then-pending motion to suspend Councilmember Ridley-Thomas. A true and correct
14 copy of Mr. Galperin’s press release is attached hereto and marked as **Exhibit 4**.

15 22. Instead of stating that he would ask the City Council for authority to terminate
16 Councilmember Ridley-Thomas’s pay if they suspended him, Mr. Galperin stated in his press
17 release—issued before the Council’s vote—that he “intend[ed] to use [his] authority as Controller
18 and Paymaster of the City of Los Angeles to cease [Councilmember Ridley-Thomas’s] salary
19 payments and benefits in accordance with the City Charter.”

20 23. On October 20, 2021, Mr. Galperin issued another press release following the City
21 Council’s vote to suspend Councilmember Ridley-Thomas. A true and correct copy of Mr.
22 Galperin’s press release regarding the termination of salary and benefits is attached hereto and
23 marked as **Exhibit 5**.

24 24. In relevant part, Mr. Galperin stated in the press release that: “In accordance with the
25 City Charter, [he was] exercising [his] authority as L.A. City Controller to suspend Ridley-Thomas’s
26 salary and benefits effective October 21, 2021” pursuant to City Charter section 218.

27 25. Upon information and belief, Mr. Galperin acted unilaterally to terminate
28 Councilmember Ridley-Thomas’s compensation in order to further his own political ambitions,

1 using Councilmember Ridley-Thomas’s suspension from City Council as fodder for his own
2 campaign.

3 26. On January 6, 2022, Mr. Galperin announced that he would be running for election
4 to become the California State Controller.

5 27. On Mr. Galperin’s campaign website, he listed as “campaign news” his
6 announcements related to Councilmember Ridley-Thomas’s suspended pay. A true and correct
7 copy of page 2 of Mr. Galperin’s “campaign news” section is attached hereto and marked as **Exhibit**
8 **6**.

9 28. The corresponding links on his “campaign news” section for the aforementioned
10 announcements lead to newsclips, available at <https://www.youtube.com/watch?v=qJS3suRkexs>
11 and <https://www.youtube.com/watch?v=IZ08kQqA6IU>. These YouTube videos were uploaded by
12 the “L.A. Controller.”

13 29. Counsel for Councilmember Ridley-Thomas sent a letter to Mr. Galperin on
14 February 7, 2022, addressing the unlawful termination of Councilmember Ridley-Thomas’s salary
15 and benefits. A true and correct copy of the letter is attached hereto and marked as **Exhibit 7**.

16 30. Mr. Galperin’s response on February 14, 2022, merely referred the issue to the City
17 Attorney’s office. A true and correct copy of the letter is attached hereto and marked as **Exhibit 8**.

18 31. As of the filing of this case, neither Mr. Galperin nor the City Attorney’s office have
19 responded substantively to the letter.

20 **C. The City Controller’s Payroll Role Is Limited**

21 32. Mr. Galperin’s role as the City Controller is governed by the Los Angeles City
22 Charter and other applicable laws.

23 33. The City Charter can only be amended by a vote of the people after a duly executed
24 election. Cal. Const. art. XI, § 3.

25 34. The operative City Charter became effective in July 2000. It sets forth the authorities
26 and duties of the City Controller and other officers of the City.

27 35. City Charter Section 218(a), which is the provision Mr. Galperin had cited in
28 terminating Councilmember Ridley-Thomas’s pay, concerns the compensation of Councilmembers.

1 It does not grant the Controller the right to revoke or suspend a Councilmember’s salary. Attached
2 as **Appendix 1** are excerpts of the City Charter sections mentioned in this Complaint.

3 36. Sections 260–266 of the City Charter enumerate the Controller’s specific duties and
4 powers. None of these sections grant the Controller the right to revoke or suspend a
5 Councilmember’s salary either.

6 37. Section 261 in particular lists eleven specific “Powers and Duties” granted to the
7 Controller. The specificity of that list forecloses the possibility that the City intended the Controller
8 to have any form of “implied” revocation powers.

9 38. Had Mr. Galperin been authorized to suspend or terminate the salary of an elected
10 official, even in response to a resolution by the City Council, it would have been specified within
11 the City Charter’s enumerated authority.

12 39. Mr. Galperin accordingly exceeded the bounds of his authority granted by the City
13 Charter when terminating Councilmember Ridley-Thomas’s salary and benefits. Nowhere in the
14 City Charter is he authorized to determine who is or is not entitled to receive a salary and benefits.

15 40. In fact, the City Charter specifies that police officers and firefighters may continue
16 to receive salary and benefits until after any allegations of wrongdoing have been investigated and
17 adjudicated. *See* L.A., Cal., City Charter §§ 1060, 1070 (1999).

18 41. Mr. Galperin’s actions, without any basis in the City Charter and in violation of
19 fundamental due process principles, is contrary to law, punitive and pernicious.

20 **FIRST CAUSE OF ACTION**

21 **(DECLARATORY AND INJUNCTIVE RELIEF)**

22 42. Councilmember Ridley-Thomas incorporates and alleges the allegations in
23 paragraphs 1–41 inclusive, as if fully set forth herein.

24 43. An actual and present controversy exists between Councilmember Ridley-Thomas
25 and Defendants concerning the authority of Mr. Galperin to terminate Councilmember Ridley-
26 Thomas’s salary and benefits while temporarily suspended from City Council.

27 44. Councilmember Ridley-Thomas believes that Defendants acted in violation of the
28 City Charter when doing so.

1 45. A judicial declaration is therefore necessary and appropriate to determine the legality
2 of Defendants' actions in terminating Councilmember Ridley-Thomas's salary and benefits without
3 authorization from City Council while Councilmember Ridley-Thomas is temporarily suspended
4 from City Council.

5 46. Plaintiff has no plain, speedy, or adequate remedy at law other than the relief
6 requested herein.

7 47. Plaintiff is entitled to injunctive relief requiring Defendants to comply with their
8 legal duties as alleged herein.

9 **V. PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff Mark Ridley-Thomas prays that:

- 11 a. As to the First Cause of Action, a declaratory judgment that Defendants' termination
- 12 of Councilmember Ridley-Thomas's salary and benefits while temporarily
- 13 suspended from City Council without authorization from City Council was unlawful;
- 14 b. As to the First Cause of Action, declaratory and/or injunctive relief to prevent
- 15 Defendants from violating the City Charter;
- 16 c. For attorneys' fees and litigation expenses pursuant to Code Civ. Proc. § 1021.5; and
- 17 d. For costs of this proceeding, and for such other and further relief as this court deems
- 18 just and proper.

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1 DATED: July 28, 2022

2 By: Crystal Nix-Hines

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Mark Ridley-Thomas

1 APPENDIX 1

2 Los Angeles City Charter – Selected Sections

3 Sec. 218. Compensation of Elected Officers and Limitation on Outside Activities.

4 (a) **Compensation.** The Mayor, City Attorney, Controller and members of the Council shall receive
5 compensation for their services only as provided in this section and shall not receive any other
6 compensation for those services.

7 (1) *Salaries.* Members of the City Council shall be paid a salary equal to that prescribed by
8 law for judges of the Municipal Court of the Los Angeles Judicial District or its successor in
9 the event that court is dissolved or reconstituted.

10 The Controller shall be paid a salary that is 10% more than that of a Council member. The
11 City Attorney shall be paid a salary that is 20% more than that of a Council member. The
12 Mayor shall be paid a salary that is 30% more than that of a Council member.

13 The Controller shall be responsible for ascertaining the salary of Municipal Court judges and
14 for setting and adjusting the salaries of elected officers in accordance with this section.
15 Salaries shall be paid in bi-weekly increments unless the Council, by ordinance, prescribes
16 otherwise.

17 (2) *Other Benefits.* The Council may, by ordinance, subject to referendum as specified in
18 Article IV of the Charter, confer benefits other than salary upon elected officers as additional
19 compensation for their services. However, benefits from the Los Angeles City Employees'
20 Retirement System may not be provided for elected officers that would exceed benefits
21 generally provided to members of the System who are non-represented officers or employees
22 of the City or, if there are no non-represented officers or employees, that would exceed
23 benefits generally provided to other members of the System.

24 (3) *Operative Date of Changes in Salaries.* The salaries of elected officers shall be adjusted
25 in the manner provided in this section upon the effective date of any change in the salaries
26 of Municipal Court judges.

27 (b) **Restrictions on Outside Activities.** The Mayor, City Attorney, Controller, and members of
28 the Council shall devote their entire time to duties related to their offices. They shall not receive any
compensation, including honoraria, for their services other than that provided in this section, except
that which may be provided for their serving on governmental entities where payment is authorized
for other governmental officers or employees serving in that capacity.

Sec. 260. Auditor and General Accountant.

The Controller shall be the auditor and general accountant of the City and shall exercise a general
supervision over the accounts of all offices, departments, boards and employees of the City charged
in any manner with the receipt, collection or disbursement of the money of the City. The Controller
shall be elected as provided in Section 202.

Sec. 261. Powers and Duties.

The Controller shall:

1 (a) appoint assistants, deputies, clerks and other persons as the Council shall prescribe by
2 ordinance;

3 (b) prescribe the method of keeping all accounts of the offices, departments, boards or
4 employees of the City in accordance with generally accepted accounting principles, except
5 that any change of the system of accounting shall first be authorized by the Council;

6 (c) regularly review the accounting practices of offices and departments and upon finding
7 serious failings in accounting practices, be empowered to take charge of the accounting
8 function, and thereafter assist the office or department in implementing appropriate
9 accounting standards and practices;

10 (d) maintain a complete set of accounts which shall be deemed the official books and
11 accounts of the City, which shall show at all times the financial condition of the City, the
12 state of each fund, including funds of departments responsible for managing their own funds,
13 the source from which all money was derived and for what purposes all money has been
14 expended;

15 (e) in compliance with generally accepted government auditing standards, audit all
16 departments and offices of the City, including proprietary departments, where any City funds
17 are either received or expended; be entitled to obtain access to all department records and
18 personnel in order to carry out this function; establish an auditing cycle to ensure that the
19 performance, programs and activities of every department are audited on a regular basis, and
20 promptly provide completed audit reports to the Mayor, Council, and City Attorney and
21 make those reports available to the public;

22 (f) maintain a reconciliation between the accounts in all offices and departments with the
23 accounts in the Controller's office, and from time to time, verify the condition of all City
24 funds in the City Treasury, and report to the Mayor and Council thereon;

25 (g) allocate among the several respective funds all public money at any time in the City
26 Treasury not otherwise specifically allocated and appropriated by law or ordinance, and
27 promptly notify the Treasurer of the allocation or appropriation;

28 (h) report to the Mayor and Council, at times established by law, the condition of each fund,
and make other reports as the Mayor or Council requests;

(i) maintain each fund on a parity with its obligations at all times by transferring from the
Reserve Fund as a loan to any fund which may become depleted through tardy receipt of
revenues, and upon receipt of revenues sufficient to make an allocation as will restore each
fund to parity, retransfer the amount of the loan to the Reserve Fund;

(j) monitor the level of debt incurred by the City and report periodically to the Mayor and
Council on City debt; and

(k) conduct performance audits of all departments and may conduct performance audits of
City programs, including suggesting plans for the improvement and management of the
revenues and expenditures of the City. Nothing in this subsection shall preclude the Mayor
or Council from conducting management studies or other review of departmental operations.

Sec. 262. Approval of Demands on Treasury.

(a) The Controller shall, prior to approval of any demand, make inspection as to the quality,
quantity and condition of services, labor, materials, supplies or equipment received by any office or

1 department of the City, and approve before payment all demands drawn upon the Treasury if the
2 Controller has adequate evidence that:

3 (1) the demand has been approved by every board, officer or employee whose approval is
4 required by the Charter or ordinance;

5 (2) the goods or services have been provided, except that advance payment may be
6 authorized by ordinance for specified categories of goods and services;

7 (3) the payment is lawful;

8 (4) the appropriation for the goods or services has been made;

9 (5) the prices charged are reasonable;

10 (6) the quantity, quality and prices correspond with the original specifications, orders or
11 contracts; and

12 (7) any additional criteria established by ordinance have been satisfied.

13 (b) Notwithstanding subsection (a), the Controller shall delegate to the various offices and
14 departments the duties of inspection of goods and services and approval of demands, in accordance
15 with methods for inspection and approval established by the Controller, but the Controller may
16 suspend the authority delegated pursuant to this subsection upon a finding of abuse of that authority
17 or on a determination that the office or department lacks adequate controls to exercise that authority
18 properly. In the event of suspension of the authority delegated pursuant to this subsection, the
19 Controller shall assist the office or department to achieve adequate controls and standards prior to
20 reinstatement of that authority to the office or department.

21 (c) The Controller shall withhold approval of any demand, in whole or in part, if there is a question
22 as to whether it is improper, illegal, or unauthorized, and immediately file a report with the Mayor
23 and Council stating the objections to the demand. The Council shall promptly consider the report
24 and may overrule or sustain the objections of the Controller.

25 (d) The Controller shall keep a record of all demands on the Treasury approved by the Controller
26 and of all demands to which objections have been made and overruled.

27 Sec. 263. Approval of Expenses of Controller.

28 All demands for the expenses of the office of the Controller shall, before payment, be presented to
the Mayor, who shall have the same powers as to approval or disapproval as are exercised by the
Controller in the case of other demands. The action of the Mayor shall be subject to review by the
Council.

Sec. 264. Reduction of Demand on Treasury.

No demand upon the Treasury shall be allowed by the Controller in favor of any person or entity
indebted to the City without first deducting the amount of the indebtedness, to the extent permitted
by law.

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Sec. 265. Payment of Bonds.

Nothing in this Article shall be construed as interfering with or preventing the payment by the Treasurer of principal and interest on bonds payable by the City in accordance with the California Constitution, laws and ordinances authorizing the issuance and payment of those bonds.

Sec. 266. Periodic Surveys of Proprietary Departments.

(a) The Controller, Council and Mayor shall jointly cause, at least once in every five years, an industrial, economic and administrative survey to be made of the business and property of each of the Harbor, Water and Power and Airports Departments and shall select an independent qualified industrial engineer or organization specializing in such surveys to conduct the survey. The cost of each survey shall be paid for from the funds of the surveyed department.

(b) Each survey shall be made in consultation with the Mayor and City Council to ascertain if the surveyed department is operating in the most efficient and economical manner.

(c) A copy of the report of each survey shall be transmitted to the Mayor, Council, and board of the surveyed department and shall be made available to the public.

Sec. 1060. Rights and Due Process Procedures.

(a) **Applicability; Rights.** For purposes of this section, the term “member” refers to all officers and firefighters of the Fire Department. This section shall not apply to any member of the department who has not completed the period of probation in his or her entry position as provided in Section 1011(a). Members not covered by this section who are otherwise entitled by law to a hearing or appeal with regard to proposed or imposed discipline shall be provided a hearing or appeal under rules promulgated by the Fire Chief.

The right of a member of the Fire Department, except the Fire Chief and any other member in a position exempt from civil service, to hold his or her office or position and to receive compensation attached to the office or position is hereby declared to be a substantial property right of which the holder shall not be deprived arbitrarily or summarily, nor other than as provided in this section. No member of the Fire Department shall be suspended, removed, or otherwise separated from the service of the Fire Department (other than by resignation), except for good and sufficient cause shown upon a finding of guilty of the specific charge or charges assigned as cause or causes after a full, fair and impartial hearing before a Board of Rights except as provided in subsection (b) and (h) of this section. The charges must be filed within one year of the department’s discovery of the act committed or omitted by a member and in no event later than two years from the date of the act or omission. No case of suspension with loss of pay shall be for a period exceeding six months.

(b) **Temporary Relief from Duty; Suspension.** After following predisciplinary procedures otherwise required by law, the Fire Chief may:

- (1) temporarily relieve from duty any member pending a hearing before and decision by a Board of Rights on any charge or charges pending against the member; or
- (2) suspend the member for a total period not to exceed 30 days with loss of pay and with or without reprimand, subject to the right of the member to a hearing before a Board of Rights. In the event the member files an application for a hearing before a Board of Rights as provided in this section, the suspension shall automatically become a temporary relief from duty pending hearing and decision by the Board of Rights. In the event that the member fails to apply for a hearing within the period prescribed, he or she shall be deemed to have

1 waived the hearing and the suspension shall remain effective, unless the Fire Chief requires
2 that a hearing be held.

3 (3) cancel such temporary relief from duty, or following such relief from duty, restore the
4 member to duty with or without restrictions pending a hearing before a Board of Rights.

5

6 (m) **Findings and Decision.** The Board of Rights shall, at the conclusion of the hearing, make its
7 findings of guilty or not guilty on each charge which must be based only upon the evidence presented
8 at the hearing. If the accused is found not guilty, the board shall order his or her restoration to duty
9 without loss of pay and without prejudice, and the order shall be self-executing and immediately
10 effective. If the accused is found guilty, the Board of Rights shall, by order, prescribe its penalty
11 of:

12 (1) suspension for a definite period not exceeding six months with total loss of pay, and
13 with or without reprimand; or

14 (2) reprimand without further penalty; or

15 (3) removal from office or position.

16 The decision and order must be certified in writing and a copy immediately delivered to the Fire
17 Chief.

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19 (o) **Imposition; Reduction of Penalty.** Within five days of delivery to the Fire Chief of a certified
20 copy of the decision and order of the Board of Rights, the Fire Chief shall either execute the order,
21 or the Fire Chief may, at his or her discretion and in lieu of the order, impose a penalty less severe
22 than that ordered by the Board of Rights, but may not impose a greater penalty. In the case of a
23 suspension or removal, the Fire Chief shall cause a copy of the notice of the penalty to be served
24 upon the accused and shall file a statement of such action with the Board of Fire Commissioners
25 within five days thereafter.

26 (p) **Effective Date of Penalty.** In any case of suspension or removal prescribed by the Board of
27 Rights, or by the Fire Chief if no hearing is held before a Board of Rights, the time of the suspension
28 shall be computed from the first day the member was suspended or relieved from duty pending
hearing before and decision by the Board of Rights and the removal shall relate back to and be
effective as of the date of the relief from duty pending hearing before and decision by the Board of
Rights. Notwithstanding the above, the Fire Chief and the member may agree to an alternative date
for the commencement of the period of suspension and/or may agree to non-consecutive dates for
the term of the suspension.

. . . .

(t) **Restoration to Duty.** Any person restored to duty or reinstated in his or her office or position
after suspension or removal, shall be entitled to receive full compensation from the City as if the
suspension or removal had not been made, except that such compensation shall not be for more than
one year's salary unless otherwise provided by law.

. . . .

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1 Sec. 1070. Rights and Due Process Procedures.

2 (a) **Applicability; Rights.** As used in this section, member shall mean an employee of the Police
3 Department who has peace officer status as defined in California Penal Code Section 830.1. The
4 provisions of this section shall not apply to any member of the Police Department who has not
5 completed the period of probation in his or her entry level position, as provided in Section 1011(a).
6 Non-tenured Police officers, where otherwise entitled by law to a hearing or appeal with regard to
7 proposed or imposed discipline, shall be provided a hearing or appeal under procedures promulgated
8 by the Chief of Police.

9 The rights of a member, except the Chief of Police and any other member in a position exempt from
10 civil service, to hold his or her office or position and to receive compensation attached to the office
11 or position is hereby declared to be a substantial property right of which the holder shall not be
12 deprived arbitrarily or summarily, nor other than as provided in this section. No member shall be
13 suspended, demoted in rank, suspended and demoted in rank, removed, or otherwise separated from
14 the service of the department (other than by resignation), except for good and sufficient cause shown
15 upon a finding of guilty of the specific charge or charges assigned as cause or causes after a full,
16 fair, and impartial hearing before a Board of Rights, except as provided in subsections (b) and (i).
17 No case of suspension with loss of pay shall be for a period exceeding 65 working days.

18 (b) **Temporary Relief from Duty; Suspension; Demotion.** After following predisciplinary
19 procedures otherwise required by law, the Chief of Police may:

20 (1) temporarily relieve from duty any member pending a hearing before and decision by a
21 Board of Rights on any charge or charges pending against the member, except that a member
22 so relieved shall not suffer a loss of compensation until 30 days after the date on which the
23 member was served with the charge or charges, except as provided for in subsection (q) or
24 whenever the employee is temporarily relieved of duty on a new charge or charges while
25 relieved of duty or serving a suspension based on a prior charge or charges. There shall be
26 a calendar priority for Board of Rights hearings when a member is subject to relief from duty
27 pending a hearing. The Chief of Police in his or her sole discretion shall have the power to
28 cancel temporary relief from duty, or following relief from duty, to restore the member to
duty with or without restrictions pending hearing; or

(2) suspend the member for a total period not to exceed 22 working days with loss of pay
and with or without reprimand, subject to the right of the member to a hearing before a Board
of Rights as provided in this section; or

(3) demote the member in rank, with or without suspension or reprimand or both, subject
to the right of the member to a hearing before a Board of Rights as provided in this section;
or

(4) demote the member in rank, with or without temporary relief from duty or cancellation
of such relief from duty, subject to the right of the member to a hearing before a Board of
Rights as provided in this section.

In the event the member suspended and/or demoted in rank under this subsection files an application
for a hearing by a Board of Rights as provided in this section, the suspension and/or demotion shall
automatically be stayed pending hearing and decision by the Board of Rights. Provided, however,
in the case of any member demoted in conjunction with a temporary relief from duty or cancellation
of such relief from duty, the demotion shall not be stayed pending a hearing before and decision by
a Board of Rights unless the accused specifically requests in the written application that the Board
consider the demotion in conjunction with the appeal of the temporary relief from duty or
cancellation of such relief from duty. In the event that the member fails to apply for a hearing within

1 the period prescribed, the member shall be deemed to have waived a hearing, and the suspension
2 and/or demotion shall remain effective unless the Chief of Police requires that a hearing be held.

3

4 (n) **Finding and Decision.** The Board of Rights shall at the conclusion of the hearing make findings
5 of guilty or not guilty on each charge, which findings shall be based only upon the evidence
6 presented at the hearing. If the accused is found not guilty, the Board shall order the member's
7 restoration to duty without loss of pay and without prejudice, and the order shall be self-executing
8 and immediately effective. If the accused is found guilty, the Board of Rights shall prescribe its
9 penalty by written order of:

- 10 (1) suspension for a definite period not exceeding 65 working days with total loss of pay,
11 and with or without reprimand; or
- 12 (2) demotion in rank, with or without suspension or reprimand or both; or
- 13 (3) reprimand without further penalty; or
- 14 (4) removal.

15 The decision of the Board must be certified in writing and a copy delivered to the Chief of Police as
16 soon as practicable, but in no event later than ten days after the decision of the Board of Rights.
17 Whenever a Board of Rights prescribes a penalty of suspension or removal and the member is not
18 currently relieved from duty, the Chief may temporarily relieve the member from duty pending
19 execution of the order.

20 For purposes of this section, demotion in rank shall mean reduction in civil service classification.
21 The provisions of this section shall not apply to reductions in pay grade or similar personnel actions
22 caused by reassignment, deselection from bonused positions, and the like. Such personnel actions
23 shall be administered under policies adopted by the department.

24

25 (p) **Imposition; Reduction of Penalty.** Within ten days of delivery of a certified copy of the
26 decision of a Board Rights to the Chief of Police, the Chief shall either uphold the recommendation
27 of the Board of Rights or may, at his or her discretion, impose a penalty less severe than that ordered
28 by the Board Rights, but may not impose a greater penalty. In the case of a demotion, suspension,
demotion and suspension, or removal, the Chief shall cause a copy of the notice of the penalty to be
served upon the member and shall file a statement of this action with the Board of Police
Commissioners within five days.

(q) **Effective Date of Penalty.** A removal prescribed by the Board of Rights, or by the Chief of
Police if no hearing is had before a Board of Rights, shall relate back to and be effective as of the
date of the relief from duty without pay pending hearing before and decision by the Board; however,
where a final decision has been made by the Chief of Police prior to the end of the 30 day period
referred to in subsection (b)(1), the removal shall be effective immediately. When there has been
no relief from duty, the removal shall be effective upon service of the order. The effective date of
any suspension and/or demotion prescribed by the Board of Rights, or by the Chief of Police if no
hearing is had before a Board of Rights, shall be determined by policies adopted by the department;
provided, that in case of suspension where there has been a temporary relief from duty, the 30 day
period referred to in subsection (b)(1) or any portion thereof in which the member received
compensation shall not be counted as part of the suspension. Nothing in this section shall preclude
the imposition of a suspension without pay when a final decision is made prior to the end of the 30

1 day period. Practices in effect on the effective date of the most recent amendment to this section
2 shall remain in effect until the adoption of any modification to the policies.

3 (r) **Calendar Days.** Except as otherwise provided in this section, all time periods, including those
4 of limitation, shall be calculated in calendar days. When the last day of any such period falls on a
weekend or City holiday, the period shall extend to the next business day.

5 (s) **Not Guilty.** In any case of a finding of Not Guilty of the accused after a hearing before a Board
of Rights, the finding of Not Guilty shall be without prejudice to the member.

6

7 (u) **Modification of Penalty.** Following the filing of the notice of penalty with the Board of Police
8 Commissioners as required in subsection (p), the Chief of Police may correct a technical error, or
where there is good cause shown, may reduce a penalty, including restoration of a person following
9 removal. The provisions of subsection (w) shall not apply to this subsection; however, the member
shall receive full compensation for any penalty or portion thereof already served which has been
10 reduced or nullified by the Chief of Police. The Chief of Police shall file a copy of the modified
order or statement of his decision with the Board of Police Commissioners.

11

12 (w) **Restoration to Duty.** A member restored to duty after removal or temporary relief from duty,
13 or whose suspension or demotion has been overturned in whole or in part, shall be entitle to receive
full compensation from the City as if the nullified penal action had not been taken; except that such
14 compensation shall not exceed one year's salary unless otherwise required by law.

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INDEX OF EXHIBITS

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EXHIBIT 1

MOTION

On October 13, 2021, the Department of Justice, United States Attorney's Office indicted Councilmember Mark Ridley-Thomas on felony crimes related to public corruption. Charter Section 211, Suspension Pending Trial, provides that "pending trial, the Council may suspend any elected officer against whom felony criminal proceedings" have been initiated for such crimes.

As acknowledged in the letter sent by Councilmember Mark Ridley-Thomas, the City Council must be able to "conduct its business with minimal distractions." Councilmembers have a duty to serve this City and their district and to make decisions on behalf of the people that elected them into office. Any action that erodes public trust or calls into question the integrity of the institution requires the Council to act to preserve that trust.

The trial on the indictment has yet to take place and a person is presumed innocent until proven guilty; however a Councilmember who has been charged with public corruption cannot continue to exercise the powers of City office and preserve public trust.

Unless suspended under Charter Section 211, a Councilmember cannot be prohibited from exercising the powers of City office, including, but not limited to, attending Council and Committee meetings, executing contracts, utilizing discretionary funds, and engaging in constituent services.


I THEREFORE MOVE that, pursuant to Charter Section 211, the Council must accept Ridley-Thomas letter and immediately suspend him from the office of Councilmember of the 10th District of the Los Angeles City Council.

ORIGINAL

PRESENTED BY:


NURY MARTINEZ
Councilwoman, 6th District

SECONDED BY:




OCT 19 2021

EXHIBIT 2

HOLLY L. WOLCOTT
CITY CLERK

PETTY F. SANTOS
EXECUTIVE OFFICER

City of Los Angeles
CALIFORNIA



ERIC GARCETTI
MAYOR

OFFICE OF THE
CITY CLERK

Council and Public Services Division

200 N. SPRING STREET, ROOM 395
LOS ANGELES, CA 90012
GENERAL INFORMATION - (213) 978-1133
FAX: (213)978-1040

PATRICE Y. LATTIMORE
DIVISION MANAGER

October 20, 2021

CLERK.LACITY.ORG

OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

Council File No.: 21-1203
Council Meeting Date: October 20, 2021
Agenda Item No.: 31
Agenda Description: MOTION (MARTINEZ - O'FARRELL) relative to the immediate suspension of Mark Ridley-Thomas from the Office of Councilmember of the 10th District of the Los Angeles City Council.
Council Action: MOTION (MARTINEZ - O'FARRELL) - ADOPTED FORTHWITH

Council Vote:

YES	Blumenfield	NO	Bonin	YES	Buscaino
YES	Cedillo	YES	de León	NO	Harris-Dawson
YES	Koretz	YES	Krekorian	YES	Lee
YES	Martinez	YES	O'Farrell	NO	Price
YES	Raman	ABSENT	Ridley-Thomas	YES	Rodriguez

HOLLY L. WOLCOTT
CITY CLERK

Adopted Report(s) Title
Motion (Martinez - O'Farrell) dated 10-19-21

EXHIBIT 3

HOLLY L. WOLCOTT
CITY CLERK

PETTY F. SANTOS
EXECUTIVE OFFICER

City of Los Angeles
CALIFORNIA



ERIC GARCETTI
MAYOR

OFFICE OF THE
CITY CLERK

Executive Office
200 N. Spring Street, Room 360
Los Angeles, CA 90012
(213) 978-1000
FAX: (213) 978-1027

October 29, 2021

Honorable Councilmember Mark Ridley-Thomas
3860 Hopburn Avenue
Los Angeles, CA 90008

COMMUNICATION WITH CITY OFFICIALS AND EMPLOYEES

Dear Councilmember Ridley-Thomas:

In working with Council District 10 staff, I explained to key staff members what the status of suspension means. This may not have been made clear in my last letter to you, so please allow me to clarify.

A suspended Councilmember retains his or her title but is for all other purposes a member of the public. As such, a suspended Councilmember should not attempt to conduct City business or communicate with City officials or staff except as any member of the public. For example, any written communication via email should be sent through publicly available email addresses and not through City email.

I serve as your point of contact for all personnel related matters. I can be reached at Holly.Wolcott@lacity.org or via my mobile phone at (213) 453-9043. Thank you very much. Please let me know if you have any questions.

Sincerely,

Holly L. Wolcott
City Clerk

EXE-037-21

AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

EXHIBIT 4

NEWS

Press Release

See All Press Releases (<https://lacontroller.org/press-releases/>)

“All elected officials must be held to the highest standards without exception. We swear an oath to serve the people and are paid by the people to work solely and entirely in their interests. The fact that yet another Los Angeles elected official is facing criminal corruption charges is an appalling stain on our democracy.”

L.A. Controller Ron Galperin

Related Link

News coverage (<https://lacontroller.org/in-the-news/galperin-will-stop-paying-to-mark-ridley-thomas-if-suspended-by-city-council/>)

Media Contacts

Ian Thompson
Director of Communications and Innovation
310-490-8595 (cell)
213-978-7200 (office)
ian.thompson@lacity.org (<mailto:ian.thompson@lacity.org>)



CLOSE MENU

L.A. Controller Galperin Will Stop Salary Payments to Ridley-Thomas if Suspended by City Council

LOS ANGELES — Following today's introduction of a City Council motion to suspend Mark Ridley-Thomas from his official duties due to federal felony bribery and fraud charges, L.A. Controller Ron Galperin announced that he will stop paying Mr. Ridley-Thomas's salary if the suspension is approved:

"All elected officials must be held to the highest standards without exception. We swear an oath to serve the people and are paid by the people to work solely and entirely in their interests. The fact that yet another Los Angeles elected official is facing criminal corruption charges is an appalling stain on our democracy.

"If Mr. Ridley-Thomas is suspended, I intend to use my authority as Controller and Paymaster of the City of Los Angeles to cease his salary payments and benefits in accordance with the City Charter. No one indicted for public corruption and suspended by the City Council should receive a taxpayer-funded salary."

Follow L.A. Controller Ron Galperin at @LAController on Twitter (<https://twitter.com/LACONTROLLER>), Facebook (<https://www.facebook.com/lacontroller>) and Instagram (<https://www.instagram.com/lacontroller>).

###

The Office

200 N. Main Street, Suite 300

Los Angeles, CA 90012

213.978.7200 Phone

213.978.7211 Fax

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Audits and Reviews (<https://lacontroller.org/audits-and-reviews/>)

Collections Board of Review (<https://lacontroller.org/collections-board-of-review/>)

Payroll Calendar (<https://lacontroller.org/payroll-calendar/>)

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EXHIBIT 5

NEWS

Press Release

[See All Press Releases \(https://lacontroller.org/press-releases/\)](https://lacontroller.org/press-releases/)

“While Ridley-Thomas has had many years of honorable public service, I will not use City money to pay the salary of an elected official facing federal bribery and fraud charges who is now legally unable to do his job. The people of Los Angeles deserve better from their government leaders. In accordance with the City Charter, I am exercising my authority as L.A. City Controller to suspend Ridley-Thomas’s salary effective October 21, 2021.”

L.A. Controller Ron Galperin

Related Link

News coverage (<https://lacontroller.org/in-the-news/galperin-will-stop-paying-to-mark-ridley-thomas-if-suspended-by-city-council/>)

Media Contacts

Ian Thompson
Director of Communications and Innovation
310-490-8595 (cell)
213-978-7200 (office)
ian.thompson@lacity.org (<mailto:ian.thompson@lacity.org>)



CLOSE MENU

L.A. Controller Galperin Suspends Ridley-Thomas's City Pay

LOS ANGELES- L.A. Controller Ron Galperin is terminating Mark Ridley-Thomas's City pay following today's City Council vote to suspend him:

"After today's City Council vote, Mark Ridley-Thomas is no longer empowered to carry out the duties and responsibilities for which he was elected, and he can no longer be present to effectively serve his constituents or represent their interests at City Hall.

"While Ridley-Thomas has had many years of honorable public service, I will not use City money to pay the salary of an elected official facing federal bribery and fraud charges who is now legally unable to do his job. The people of Los Angeles deserve better from their government leaders. In accordance with the City Charter, I am exercising my authority as L.A. City Controller to suspend Ridley-Thomas's salary and benefits effective October 21, 2021."

The City Council suspended Ridley-Thomas pursuant to City Charter section 211, and Galperin is stopping salary payments pursuant to section 218. The payroll division of the Controller's Office is responsible for paying the salaries of all City employees and elected officials.

Ridley-Thomas's biweekly salary is \$8,575.84, which comes out to \$223,829.42 annually.

Follow L.A. Controller Ron Galperin at [@LACONTROLLER](https://twitter.com/LACONTROLLER) on Twitter (<https://twitter.com/LACONTROLLER>), [Facebook](https://www.facebook.com/lacontroller) (<https://www.facebook.com/lacontroller>) and [Instagram](https://www.instagram.com/lacontroller) (<https://www.instagram.com/lacontroller>).

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[Payroll Calendar \(https://lacontroller.org/payroll-calendar/\)](https://lacontroller.org/payroll-calendar/)



EXHIBIT 6

CAMPAIGN UPDATES

NEWS

CAMPAIGN NEWS (HTTPS://RONFORCALIFORNIA.COM/CAMPAIGN-NEWS/)




SIGN MY PETITION TO HOLD GUN MANUFACTURERS ACCOUNTABLE!
HOW ONE CITY IS WORKING TO MAKE SPENDING DATA
 (HTTPS://RONFORCALIFORNIA.COM/HOLD-GUN-MANUFACTURERS-
MORE TRANSPARENT
 ACCOUNTABLE/)
 (HTTPS://RONFORCALIFORNIA.COM/CAMPAIGN-
NEWS/HOW-ONE-CITY-IS-WORKING-TO-MAKE-
SPENDING-DATA-MORE-TRANSPARENT/)



(https://ronforcalifornia.com/campaign-news/page/2/)

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November 24, 2021

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CAMPAIGN NEWS ([HTTPS://RONFORCALIFORNIA.COM/CAMPAIGN-NEWS/](https://ronforcalifornia.com/campaign-news/))

SCATHING AUDIT BLASTS LA'S EXPENSIVE, CLUMSY SYSTEM OF FIXING CRUMBLING SIDEWALKS ([HTTPS://RONFORCALIFORNIA.COM/CAMPAIGN-NEWS/SCATHING-AUDIT-BLASTS-LAS-EXPENSIVE-CLUMSY-SYSTEM-OF-FIXING-CRUMBLING-SIDEWALKS/](https://ronforcalifornia.com/campaign-news/scathing-audit-blasts-las-expensive-clumsy-system-of-fixing-crumbling-sidewalks/))

November 17, 2021

READ MORE ([HTTPS://RONFORCALIFORNIA.COM/CAMPAIGN-NEWS/SCATHING-AUDIT-BLASTS-LAS-EXPENSIVE-CLUMSY-SYSTEM-OF-FIXING-CRUMBLING-SIDEWALKS/](https://ronforcalifornia.com/campaign-news/scathing-audit-blasts-las-expensive-clumsy-system-of-fixing-crumbling-sidewalks/))

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CITY CONTROLLER CALLS FOR FIXES TO L.A.'S SIDEWALK REPAIR PROGRAM ([HTTPS://RONFORCALIFORNIA.COM/CAMPAIGN-NEWS/CITY-CONTROLLER-CALLS-FOR-FIXES-TO-LAS-SIDEWALK-REPAIR-PROGRAM/](https://ronforcalifornia.com/campaign-news/city-controller-calls-for-fixes-to-las-sidewalk-repair-program/))

November 17, 2021

READ MORE ([HTTPS://RONFORCALIFORNIA.COM/CAMPAIGN-NEWS/CITY-CONTROLLER-CALLS-FOR-FIXES-TO-LAS-SIDEWALK-REPAIR-PROGRAM/](https://ronforcalifornia.com/campaign-news/city-controller-calls-for-fixes-to-las-sidewalk-repair-program/))

CAMPAIGN NEWS ([HTTPS://RONFORCALIFORNIA.COM/CAMPAIGN-NEWS/](https://ronforcalifornia.com/campaign-news/))

OPINION: ERIC GARCETTI FAILED TO TACKLE LA'S HOMELESSNESS CRISIS. HIS SUCCESSOR WON'T HAVE IT EASIER. ([HTTPS://RONFORCALIFORNIA.COM/CAMPAIGN-NEWS/OPINION-ERIC-GARCETTI-FAILED-TO-TACKLE-LAS-HOMELESSNESS-CRISIS-HIS-SUCCESSOR-WONT-HAVE-IT-EASIER/](https://ronforcalifornia.com/campaign-news/opinion-eric-garcetti-failed-to-tackle-las-homelessness-crisis-his-successor-wont-have-it-easier/))

November 1, 2021

☆ **READ MORE** ([HTTPS://RONFORCALIFORNIA.COM/CAMPAIGN-NEWS/OPINION-ERIC-GARCETTI-FAILED-TO-TACKLE-LAS-HOMELESSNESS-CRISIS-HIS-SUCCESSOR-WONT-HAVE-IT-EASIER/](https://ronforcalifornia.com/campaign-news/opinion-eric-garcetti-failed-to-tackle-las-homelessness-crisis-his-successor-wont-have-it-easier/))
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CAMPAIGN NEWS ([HTTPS://RONFORCALIFORNIA.COM/CAMPAIGN-NEWS/](https://ronforcalifornia.com/campaign-news/))

**L.A. CITY COUNCIL SUSPENDS MARK RIDLEY-THOMAS,
CONTROLLER TERMINATES PAY
([HTTPS://RONFORCALIFORNIA.COM/CAMPAIGN-NEWS/LA-CITY-COUNCIL-SUSPENDS-MARK-RIDLEY-THOMAS-CONTROLLER-TERMINATES-PAY/](https://ronforcalifornia.com/campaign-news/la-city-council-suspends-mark-ridley-thomas-controller-terminates-pay/))**

October 21, 2021

READ MORE ([HTTPS://RONFORCALIFORNIA.COM/CAMPAIGN-NEWS/LA-CITY-COUNCIL-SUSPENDS-MARK-RIDLEY-THOMAS-CONTROLLER-TERMINATES-PAY/](https://ronforcalifornia.com/campaign-news/la-city-council-suspends-mark-ridley-thomas-controller-terminates-pay/))

CAMPAIGN NEWS ([HTTPS://RONFORCALIFORNIA.COM/CAMPAIGN-NEWS/](https://ronforcalifornia.com/campaign-news/))

**L.A. CONTROLLER GALPERIN TO STOP PAYING RIDLEY-THOMAS IF SUSPENDED BY CITY COUNCIL
([HTTPS://RONFORCALIFORNIA.COM/CAMPAIGN-NEWS/LA-CONTROLLER-GALPERIN-TO-STOP-PAYING-RIDLEY-THOMAS-IF-SUSPENDED-BY-CITY-COUNCIL/](https://ronforcalifornia.com/campaign-news/la-controller-galperin-to-stop-paying-ridley-thomas-if-suspended-by-city-council/))**

October 19, 2021

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EXHIBIT 7

WRITER'S DIRECT DIAL NO.
(213) 443-3332

WRITER'S EMAIL ADDRESS
crystalnixhines@quinnemanuel.com

February 7, 2022

VIA ELECTRONIC MAIL

Mr. Ron Galperin
Los Angeles City Controller
200 N. Main Street, Suite 300
Los Angeles, CA 90012

Re: Reinstatement of Councilmember Mark Ridley-Thomas's Salary and Benefits

Dear Controller Galperin:

We write on behalf of Councilmember Mark Ridley-Thomas to request immediate and retroactive reinstatement of his salary and benefits, which you revoked unlawfully on October 20, 2021 in your capacity as Los Angeles City Controller.

As you know, on that date the City Council voted to suspend Councilmember Ridley-Thomas. It took no other action. It authorized no City official to take any further action. Even so, the Council suspended him on the basis of charges against him that are just that—charges. They have yet to be proven. And the Council acted without customary notice, without a hearing, and with dubious authority under the Los Angeles City Charter (the “Charter”) to take such action. You then immediately revoked his salary and benefits.

Before these actions occurred, Councilmember Ridley-Thomas' attorney, Michael Proctor, wrote Los Angeles City Attorney Mike Feuer, copying you and other officials, setting forth numerous reasons why the Council's suspension would be improper. We have since identified additional legal deficiencies in the Council's action. Moreover, the Council's arbitrary and callous treatment of Councilmember Ridley-Thomas, in violation of fundamental principles of due process, was an affront to both his 31-year career in public service as well as to the community he was overwhelmingly elected to serve. The constituents no longer have their duly elected representative and voice on the City Council.

The purpose of our letter today is to address the termination of the Councilmember's salary and benefits, which was unlawful, and to request that his remuneration be immediately and retroactively restored.

I. Section 218 of the City Charter Gives You No Authority To Revoke Compensation

Section 218 of the Los Angeles City Charter, on which you predicated your decision, provides no basis for you to revoke Councilmember Ridley-Thomas's salary or benefits. Section 218 grants you the authority to only *pay* his salary:

Compensation of Elected Officers and Limitation on Outside Activities.

(a) **Compensation.** The Mayor, City Attorney, Controller and members of the Council shall receive compensation for their services only as provided in this section and shall not receive any other compensation for those services.

(1) *Salaries.* Members of the City Council shall be paid a salary equal to that prescribed by law for judges of the Municipal Court of the Los Angeles Judicial District or its successor in the event that court is dissolved or reconstituted.

The Controller shall be paid a salary that is 10% more than that of a Council member. The City Attorney shall be paid a salary that is 20% more than that of a Council member. The Mayor shall be paid a salary that is 30% more than that of a Council member.

The Controller shall be responsible for ascertaining the salary of Municipal Court judges and for setting and adjusting the salaries of elected officers in accordance with this section. Salaries shall be paid in bi-weekly increments unless the Council, by ordinance, prescribes otherwise.

L.A., CAL., CITY CHARTER, § 218 (1999).

The remaining parts of Section 218 include restrictions on benefits other than salary, a clause concerning the operative date of changes in salaries, and a restriction on compensation for outside activities. *Id. Critically, nothing in the plain language of Section 218 grants you any authority to revoke the salary of an elected City Council member (or any other elected official).* Termination of salary and benefits is not even mentioned. By unilaterally terminating the salary and benefits of Councilmember Ridley-Thomas, you exceeded the scope of the authority the City Charter grants you and abused your office.

II. The Remaining Sections of the City Charter Provide No Basis For Your Action

The remaining sections of the City Charter pertaining to the Controller similarly provide no basis for you to terminate Councilmember Ridley-Thomas's compensation or benefits. Sections 260-266 enumerate specific duties and powers you hold;¹ none of these authorize you

¹ Section 260 concerns your role as "Auditor and General Accountant." Section 262 is titled "Approval of Demands on Treasury." Section 263 relates to the processes for "Approval of Expenses of Controller." Section 264 encompasses your role in the "Reduction of Demand on Treasury." Section 265 involves the "Payment of Bonds." And Section 266 concerns your power to conduct "Periodic Surveys of Proprietary Departments." None of these grants you the right to revoke or even suspend a Councilmember's salary.

action against the Councilmember. Section 261 lists eleven specific “Powers and Duties” authorizing you to: (1) appoint assistants, deputies and clerks, (2) prescribe methods of account-keeping, (3) review accounting practices, (4) maintain official books, (5) audit City departments and offices, (6) maintain a reconciliation between the accounts in all offices and departments with the accounts in the Controller’s office, (7) allocate public money among respective funds, (8) report to the Mayor and Council the condition of each fund, (9) maintain each fund on a parity with its obligations, (10) monitor debt, and (11) conduct performance audits of all departments. L.A., CAL., CITY CHARTER § 218 (1999).

Notably, none of these eleven enumerated authorities include the power to revoke salary and benefits. And the specificity of that list forecloses the possibility that the City intended you to have any form of “implied” revocation powers. When a list is provided that enumerates members of an “associated group or series,” the principle of *expressio unius* requires a strong “inference that items not mentioned were excluded by deliberate choice, not inadvertence.” *Barnhart v. Peabody Coal Co.*, 537 U.S. 149, 168 (2003) (quoting *United States v. Vonn*, 535 U.S. 55, 65 (2002)); *see also Boudette v. Barnette*, 923 F.2d 754, 757 (9th Cir. 1991) (“[W]hen a statute designates certain persons, things, or manners of operation, all omissions should be understood as exclusions.”); *McGrew v. Countrywide Home Loans, Inc.*, No. 08-CV-1831 DMS (BLM), 2009 WL 10672820, at *3 (S.D. Cal. May 27, 2009) (same).

Had you been authorized to suspend or terminate the salary of an elected official, even in response to a resolution by the City Council, it would have been specified within your enumerated authority. The absence of such an express grant of authority, coupled with the specificity of your enumerated powers, demonstrates that you acted outside the scope of your authority in terminating Councilmember Ridley-Thomas’ salary and benefits. *See Copeland v. Ryan*, 852 F.3d 900, 909 (9th Cir. 2017) (holding that “the omission [in the Statute] of authority to order the State to pay ... should be understood to exclude that authority”); *Silvers v. Sony Pictures Ent., Inc.*, 402 F.3d 881, 885 (9th Cir. 2005) (noting that an explicit list should be understood as excluding all powers and authority not listed).

III. Your Actions Violated Fundamental Due Process

Your press release falsely suggests that the revocation of salary follows implicitly from the Council’s decision to suspend the Councilmember. It does not. When unproven allegations have been made against an employee, including elected officials, they may be suspended but only *with* pay and benefits until those allegations have been resolved in the relevant tribunal. Elected officials in Congress, police officers and firefighters, teachers, and city workers all continue to receive their salary and benefits until after any allegations of wrongdoing have been investigated and adjudicated. *See, e.g., L.A., CAL., CITY CHARTER, § 1060, 1070* (1999) (for firefighters and police officers, the “right to hold his or her office or position and to receive compensation attached to the office or position is hereby declared to be a substantial property right of which the holder shall not be deprived arbitrarily or summarily, nor other than as provided in this section”).

City Councilmembers are entitled to be treated no less favorably. Similarly, they are not entitled to less due process or the loss of the presumption of innocence. Regardless of whether the Council had the authority to suspend Councilmember Ridley-Thomas, or whether you personally

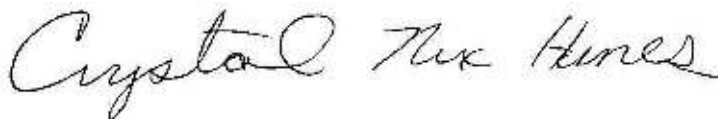
believe that no elected officials accused of wrongdoing “should receive a taxpayer-funded salary,” you cannot violate deeply enshrined principles of fairness or due process to effectuate that goal or further political considerations.

Finally, as you can imagine, the loss of Councilmember Ridley-Thomas’ income will cause significant hardship on him and his family. Not only is this action unlawful but it is punitive, depriving the Councilmember of the resources he needs to adequately respond to the allegations and exonerate himself in court. Such a deprivation, without any basis in the City Charter and in violation of fundamental due process principles, is contrary to law and pernicious.

Before taking further steps to reverse this unlawful and *ultra vires* action, we are requesting that you remedy your decision. This letter is sent without waiver, limitation, or release of any rights, remedies, claims, or causes of action, all of which are expressly reserved.

Thank you for your prompt attention to this matter. I look forward to hearing from you no later than February 14, 2022.

Very truly yours,

A handwritten signature in cursive script that reads "Crystal Nix Hines". The signature is written in black ink and is positioned above the printed name.

Crystal Nix-Hines

CNH

cc: Mike Feuer
mike.feuer@lacity.org

EXHIBIT 8



RON GALPERIN
CONTROLLER

February 14, 2022

Ms. Crystal Nix-Hines
Quinn Emanuel Trial Lawyers
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017

Re: Your Request for Reinstatement of Councilmember Mark Ridley-Thomas's Salary and Benefits

Dear Ms. Nix-Hines:

My office is in receipt of your February 7, 2022 letter requesting the reinstatement of salary and benefits for Councilmember Mark Ridley-Thomas. As you may know, the City Controller does not represent the City in legal proceedings and does not comment on requests related to potential litigation. The City is represented by the City Attorney's office in all legal proceedings against the City. Insofar as this matter may be subject to potential litigation, my staff has forwarded your request to the City Attorney's office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Galperin', written in a cursive style.

RON GALPERIN
Los Angeles Controller

Cc: Office of the Honorable City Attorney, Mike Feuer
Office of the Honorable Council President, Nury Martinez