

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ENDORSED
Plumas Superior Court

DEC 29 2020

DEBORAH NORRIE,
Clerk of the Court

By C. Youens
Deputy Clerk

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
EASTERN PLUMAS RURAL FIRE PROTECTION DISTRICT, EASTERN PLUMAS RURAL FIRE PROTECTION DISTRICT BOARD OF DIRECTORS, and DOES 1 through 20, inclusive
YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
JOHN FATHEREE

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

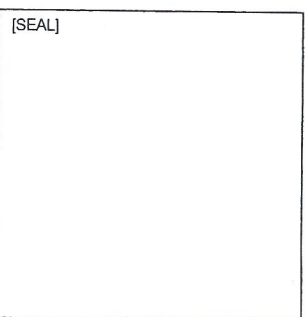
The name and address of the court is:
(El nombre y dirección de la corte es):
Plumas County Superior Court
520 Main Street, Room 104
Quincy, CA 95971

CASE NUMBER: CV20-00176
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Aaron E. Doyle, Esq. (925) 231-8140
11310 Prospect Drive, Suite 10, Jackson, CA 95642

DATE: December 29, 2020
(Fecha) Clerk, by C. Youens, Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



- NOTICE TO THE PERSON SERVED:** You are served
- as an individual defendant.
 - as the person sued under the fictitious name of *(specify):*
 - on behalf of *(specify):* EASTERN PLUMAS RURAL FIRE PROTECTION DISTRICT
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other *(specify):*
 - by personal delivery on *(date):*

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF PLUMAS**

Fatheree, John
PLAINTIFF(S)/PETITIONER(S)

VS.

**Eastern Plumas Rural Fire Protection District
et al**
DEFENDANT(S)/RESPONDENT(S)

Case No. **CV20-00176**

**NOTICE OF FIRST CASE
MANAGEMENT CONFERENCE AND
ASSIGNMENT OF JUDGE FOR ALL
PURPOSES**

NOTICE IS HEREBY GIVEN that the first Case Management Conference in this matter is set for **July 12, 2021 at 1:30 PM** to be held in the Department 2 of the Superior Court, located at 520 Main Street, Room 104, Quincy, CA 95971.

Judge Douglas M Prouty is the Judge who is assigned to hear this case for all purposes.

Counsel for Plaintiff(s)/Petitioner(s) is hereby directed to serve this notice on the Defendant(s)/Respondent(s) in this case.

No later than 15 calendar days before the date set for Case Management Conference, each party must file a Case Management Statement [Judicial Council form # CM-110] and serve it on all other parties in the case. In lieu of each party's filing a separate Case Management Statement, any two or more parties may file a joint statement.

At the conference, counsel for each party and each self-represented party must appear personally or by telephone (CRC3.670); must be familiar with the case; and must be prepared to discuss and commit to the party's position on the issues listed in the California Rules of Court 3.720-3.730.

Pursuant to CCP 631(c) any party demanding a jury trial shall pay a non-refundable fee of \$150.00 on or before the initial case management conference.

Order to Show Cause

To Plaintiff(s), Cross-complainants, and/or their attorneys of record: If, on the date shown above, you are not in compliance with timely filing requirements stated in California Rules of Court, 3.110, or 3.720-3.730, you must then and there show cause why this court should not impose monetary and/or terminating sanctions.

**THE COURT DOES NOT PROVIDE COURT REPORTER SERVICES IN CIVIL CASES.
PARTIES MUST PROVIDE A COURT REPORTER IF THEY WANT A VERBATIM RECORD.**

Date: 12/31/2020

Deborah W. Norrie, Clerk of the Court

By: C. Youens

ENDORSED
Plumas Superior Court

DEC 29 2020

DEBORAH NORRIE,
Clerk of the Court

By _____ C. Youens _____
Deputy Clerk

1 AARON E. DOYLE, Esq. (State Bar No. 327087)

2 **THE DOYLE LAW FIRM**

3 A Professional Law Corporation

4 11310 Prospect Drive, Suite 10

5 Jackson, CA 95642

6 Phone: (925) 231-8140

7 Facsimile: (925) 237-9060

8 email: aaron@thedoylelawfirm.law

9 Attorney for Petitioner/Plaintiff

10 JOHN FATHEREE

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **COUNTY OF PLUMAS**

13 JOHN FATHEREE,

14 Petitioner/Plaintiff,

15 v.

16 EASTERN PLUMAS RURAL FIRE
17 PROTECTION DISTRICT, EASTERN
18 PLUMAS RURAL FIRE PROTECTION
19 DISTRICT BOARD OF DIRECTORS and
20 DOES 1 through 20, inclusive,

21 Respondents/Defendants.

Case No.: CV20-00176

**PETITION FOR WRIT OF MANDAMUS
and COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF FOR
VIOLATION OF THE RALPH M.
BROWN ACT OPEN MEETING LAW
AND THE CALIFORNIA PUBLIC
RECORDS ACT**

[Ralph M. Brown Act, Gov. Code § 54950
et seq.; Gov. Code § 6250 et seq.; Civ.
Pro. Code §§ 1085, 1094.5]

[UNLIMITED JURISDICTION]

Complaint Filed: December 29, 2020
Trial Date: None set.

22 **INTRODUCTION**

23
24 1. The Brown Act, also known as the California Open Meeting Law, has a clear and
25 forcefully stated purpose: "In enacting this chapter, the Legislature finds and declares that the
26 public commissions, boards and councils and the other public agencies in this State exist to aid in
27 the conduct of the people's business. It is the intent of the law that their actions be taken openly
28 and that their deliberations be conducted openly. [¶] The people of this State do not yield their

1 sovereignty to the agencies which serve them. The people, in delegating authority, do not give
2 their public servants the right to decide what is good for the people to know and what is not good
3 for them to know. The people insist on remaining informed so that they may retain control over
4 the instruments they have created.” Government Code section 54950. In this way, “[t]he [Brown]
5 Act . . . serves to facilitate public participation in all phases of local government decision making
6 and to curb misuse of the democratic process by secret legislation of public bodies.” *San Joaquin*
7 *Raptor Rescue Center v. County of Merced* (2013) 216 Cal.App.4th 1167, 1176 [157 Cal.Rptr.3d
8 458, 464] (citations omitted).

9 2. This action alleges violations of California’s Open Meeting Law known as the Ralph M.
10 Brown Act (hereinafter “Brown Act” or “Act”), codified in Government Code section 54950, *et*
11 *seq.*, by the EASTERN PLUMAS RURAL FIRE PROTECTION DISTRICT (“DISTRICT”) and
12 its BOARD OF DIRECTORS (“BOARD”) regarding the BOARD’s September 14, September
13 28, September 30, October 7, October 26, 2020, November 2, November 16, 2020 and December
14 8, 2020, meetings, and seeks a determination of (i) the applicability of the Brown Act to closed
15 sessions conducted by Respondent/Defendant DISTRICT on the aforementioned dates, (ii)
16 whether the DISTRICT noticed and conducted said closed sessions in conformance with the
17 requirements of the Act, including Government Code sections 54956.9(a) and (e) and (e)(5), (iii)
18 whether the DISTRICT engaged in discussion or deliberation in said closed sessions on facts and
19 circumstances, including personnel issues and the elimination of district positions, the nature and
20 extent of which were either (a) beyond and outside the scope of closed session notices based on
21 Government Code section 54956.9(e)(5), (b) were subject to the public statement and
22 announcement provision of Government Code section 54956.9(e)(2), or (c) were required by the
23 Brown Act to be conducted in public hearing; (iv) whether the DISTRICT improperly held
24 emergency meetings on September 28, September 30, October 7 and December 8, 2020, (vi)
25 whether the DISTRICT failed to comply with Government Code section 54956.5 that requires
26 that the Board, as soon as possible after an emergency meeting, to post in a public place for 10
27 days, a copy of the minutes, a list of persons notified or attempted to be notified, a copy of the
28 roll call vote, and any actions taken at an emergency meeting, (vi) and that the DISTRICT’s

1 December 20, 2020, letter was not an unconditional commitment to cease, desist from, and not
2 repeat the past action that was alleged to violate the Act, and, (vii) whether the DISTRICT acted
3 inconsistently with the public's right to the protections afforded by our State's open government
4 and reform laws, and California Constitution, Article 1, Section 3(a) and (b)(1).

5 3. Through this action Petitioner/Plaintiff JOHN FATHEREE seeks a writ of mandate,
6 declaratory and injunctive relief under California Code of Civil Procedure sections 1085 and
7 1060, and Government Code section 54960, to curb the DISTRICT's unlawful practices and their
8 misuse of their democratic process by secret legislation.

9 4. Through this action Petitioner/Plaintiff JOHN FATHEREE also seeks a writ of mandate
10 compelling the DISTRICT to comply with California's Public Records Act codified in
11 Government Code section 6250, *et seq.*, for the DISTRICT's (a) failure to provide a proper and
12 timely response to a request for copies of audio recordings from its meetings, and (2) the
13 DISTRICT's failure to provide a proper and timely response a request that it produce emails
14 regarding its October 7, 2020, meeting that was held outside the DISTRICT's jurisdictional
15 boundaries

16 In this Petition and Complaint, Petitioner/Plaintiff alleges, based upon information and
17 belief, as follows:

18 THE PARTIES

19 5. Petitioner/Plaintiff JOHN FATHEREE (hereinafter "FATHEREE" or "Petitioner") is an
20 individual residing within the jurisdictional boundaries of Respondent/Defendant EASTERN
21 PLUMAS RURAL FIRE PROTECTION DISTRICT, in the County of Plumas, State of
22 California and is the Assistant Fire Chief for the DISTRICT. Petitioner is entitled to seek relief
23 for the BOARD's violations of the Brown Act under Government Code section 54960 and Article
24 I, Section 3(b)(1) of the California Constitution, and relief for the DISTRICT's violations of the
25 California Public Records Act under Government Code section 6250, *et seq.*

26 6. Respondent/Defendant EASTERN PLUMAS RURAL FIRE PROTECTION DISTRICT
27 ("DISTRICT") is a special district created and organized under the laws and regulations of the
28 State of California and provides fire protection services for rural eastern Plumas County,

1 California. The DISTRICT is defined as a “local agency” by Government Code section 54951
2 and is thus subject to both the Brown Act and the Public Records Act.

3 7. Respondent/Defendant EASTERN PLUMAS RURAL FIRE PROTECTION DISTRICT
4 BOARD OF DIRECTORS (“BOARD”) is the elected, four-member governing body of the
5 DISTRICT. The Board’s executive offices are located at 141 Delleker Drive, Portola, California.
6 The DISTRICT is a public agency under Public Resources Code section 21063. The BOARD is
7 defined as a “local agency” by Government Code section 54951. The BOARD is the legislative
8 body of the DISTRICT pursuant to Government Code section 54952 and is thus subject to the
9 Brown Act and Public Records Act.

10 8. The true names and capacities, whether individual, corporate, associate, representative, or
11 otherwise of respondents/defendants named herein as DOES 1 through 10 are unknown to
12 Petitioner at this time and are therefore sued by such fictitious names. Petitioner will amend this
13 complaint to allege the true names and capacities of DOES 1 through 10 when they become
14 known to him. Each of DOES 1 through 10 is in some manner legally responsible for the
15 violations of the law alleged herein.

16 **JURISDICTION AND VENUE**

17 9. This Court has jurisdiction over this matter pursuant to Code of Civil Procedure sections
18 1085 and 1060, and Government Code sections 54960, 54960.2 and 6258.

19 10. Venue is proper in this court as the DISTRICT and its BOARD are located within the
20 County of Plumas, and the acts and events giving rise to the claims occurred, at least in substantial
21 part, in the County of Plumas.

22 **FACTUAL ALLEGATIONS**

23 11. Government Code section 54952.2(a), defines a “meeting” as:

24 . . . any congregation of a majority of the members of a legislative body at the same
25 time and location . . . to hear, discuss, deliberate, or take action on any item that is
26 within the subject matter jurisdiction of the legislative body.

27 12. Government Code section 54954(a) sets forth the agenda requirements for regular
28 meetings:

1 At least 72 hours before a regular meeting, the legislative body of the local agency,
2 or its designee, shall post an agenda containing a brief general description of each
3 item of business to be transacted or discussed at the meeting, including items to be
discussed in closed session . . .

4 No action or discussion shall be undertaken on any item not appearing on the posted
5 agenda . . .

6 13. Government Code section 54953 mandates that “[a]ll meetings of the legislative body of
7 a local agency shall be open and public, and all persons shall be permitted to attend any meeting
8 of the legislative body, except as otherwise provided in this chapter.”

9 14. Government Code section 54954.2(a) requires that for each regular meeting, the BOARD,
10 or its designee, “shall post an agenda containing a brief general description of each item of
11 business to be transacted or discussed at the meeting, including items to be discussed in closed
12 session” and precludes the BOARD from any discussion or taking any action “on any item not
13 appearing on the posted agenda . . .”

14 15. Government Code section 54962 provides that “[e]xcept as expressly authorized by this
15 Chapter . . . no closed session may be held by any legislative body of any local agency.”

16 16. Thus, the Brown Act prohibits the BOARD from conducting closed sessions, unless the
17 closed sessions are specifically permitted.

18 17. Government Code section 54957(b)(1) and (2) provides authorization for closed sessions
19 regarding personnel matters:

20 (1) Subject to paragraph (2), this chapter shall not be construed to prevent the
21 legislative body of a local agency from holding closed sessions during a regular or
22 special meeting to consider the appointment, employment, evaluation of
23 performance, discipline, or dismissal of a public employee or to hear complaints or
24 charges brought against the employee by another person or employee unless the
employee requests a public session.

25 (2) As a condition to holding a closed session on specific complaints or charges
26 brought against an employee by another person or employee, the employee shall be
27 given written notice of his or her right to have the complaints or charges heard in
28 an open session rather than a closed session, which notice shall be delivered to the
employee personally or by mail at least 24 hours before the time for holding the
session. If notice is not given, any disciplinary or other action taken by the
legislative body against the employee based on the specific complaints or charges

1 in the closed session shall be null and void.

2 18. The “personnel exception” is construed narrowly to the general requirement that meetings
3 of the legislative body of a local agency be open and public and must construe the “sunshine law”
4 liberally in favor of openness. *Bollinger v. San Diego Civil Service Com.* (1999) 71 Cal.App.4th
5 568, 573 [84 Cal.Rptr.2d 27, 30].

6 19. Government Code section 54956.9(a) provides:

7 Nothing in this chapter shall be construed to prevent a legislative body of a local
8 agency, based on advice of its legal counsel, from holding a closed session to confer
9 with, or receive advice from, its legal counsel regarding pending litigation when
10 discussion in open session concerning those matters would prejudice the position
11 of the local agency in the litigation.

12 20. Government Code section 54956.9(c) defines “litigation.” “Litigation” includes any
13 adjudicatory proceeding, including eminent domain, before a court, administrative body
14 exercising its adjudicatory authority, hearing officer, or arbitrator.

15 21. Government Code section 54956.9(d) defines “pending litigation” as follows:

16 . . . litigation shall be considered pending when any of the following circumstances
17 exist:

18 (1) Litigation, to which the local agency is a party, has been initiated formally.

19 (2) A point has been reached where, in the opinion of the legislative body of the
20 local agency on the advice of its legal counsel, based on existing facts and
21 circumstances, there is a significant exposure to litigation against the local agency.

22 (3) Based on existing facts and circumstances, the legislative body of the local
23 agency is meeting only to decide whether a closed session is authorized pursuant to
24 paragraph (2).

25 (4) Based on existing facts and circumstances, the legislative body of the local
26 agency has decided to initiate or is deciding whether to initiate litigation . . .

27 22. Government Code section 54956.5(b)(1) authorizes, in the case of an emergency
28 situations involving matters upon which prompt action is necessary due to the disruption or
threatened disruption of public facilities, a legislative body may hold an emergency meeting
without complying with either the 24-hour notice requirement or the 24-hour posting requirement

1 of Government Code section 54956 or both the notice and posting requirements.

2 23. Government Code section 54956.5(a)(1) and (2) provides that an “emergency situation”
3 means both of the following:

4 (1) An emergency, which shall be defined as a work stoppage, crippling activity, or
5 other activity that severely impairs public health, safety, or both, as determined by
6 a majority of the members of the legislative body, or (2) a dire emergency, which
7 shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened
8 terrorist activity that poses peril so immediate and significant that requiring a
9 legislative body to provide one-hour notice before holding an emergency meeting
10 under this section may endanger the public health, safety, or both, as determined by
11 a majority of the members of the legislative body.

12 24. Government Code section 54956.5(e) provides:

13 The minutes of a meeting called pursuant to this section, a list of persons who the
14 presiding officer of the legislative body, or designee of the legislative body, notified
15 or attempted to notify, a copy of the rollcall vote, and any actions taken at the
16 meeting shall be posted for a minimum of 10 days in a public place as soon after
17 the meeting as possible

18 25. Over the past year, the BOARD has repeatedly violated the Brown Act by holding closed
19 sessions during various board meetings which were not expressly authorized by the Brown Act
20 and which were not accessible to members of the public, to discuss matters related to the
21 DISTRICT’s personnel, including the elimination of the assistant fire chief position, and the
22 DISTRICT’s organizational structure, management, and operations, which the Brown Act
23 requires to be discussed in open and public meetings. Furthermore, the BOARD held unlawful
24 emergency meetings that were not authorized under the Brown Act, which the BOARD failed to
25 provide proper notice or public posting of the meetings or the meeting minutes in violation of
26 Government Code section 54956.5(e).

27 26. The unlawful closed sessions occurred in, but are not limited to, both regular and
28 emergency board meetings held on September 14, September 28, September 30, October 7,
October 26, November 16, and December 8, 2020. A true and corrected copy of the agenda for

1 these meetings and the minutes are attached hereto as set forth in the Table of Exhibits.¹

2 **The Board's Brown Act Violations**

3 *A. September 14, 2020 Regular Meeting*

4 27. The BOARD's September 14, 2020, meeting agenda agendized "Personnel" under its
5 closed session item. **Exhibit A.** The BOARD's meeting minutes from its September 14, 2020
6 meeting, state the Chairperson reported out: "Ongoing personnel matters were discussed and will
7 continue to be monitored." **Exhibit B.**

8 *B. September 28, 2020 Emergency Meeting*

9 28. On September 28, 2020, the BOARD held an emergency meeting. The BOARD's
10 September 28, 2020, meeting agenda agendized "District Matter – Disclosure to the Public
11 expected at the October 2020 Regular Meeting." **Exhibit C.** The BOARD's meeting minutes
12 from its September 28, 2020, emergency meeting state that the Chairperson reported out the
13 following from the BOARD's closed session: "Ongoing personnel matters were discussed and
14 will continue to be monitored. Stay of execution on disciplinary action. Skelly hearing to be
15 convened as soon as possible. Teresa Whitfield to be asked to be hearing officer. This topic to
16 be reviewed at October board meeting." **Exhibit D.**

17 29. Petitioner is informed and believes, and on that basis alleges, that on September 28, 2020,
18 no emergency or dire emergency existed that authorized the BOARD under the Act to hold an
19 emergency meeting.

20 *C. September 30, 2020 Emergency Meeting*

21 30. On September 30, 2020, the BOARD held an emergency meeting. The BOARD's
22 September 30, 2020, emergency meeting agenda agendized "Personnel Discipline." **Exhibit E.**
23 The BOARD's meeting minutes from its September 30, 2020 emergency meeting state the
24 Chairperson reported out the following from the BOARD's closed session "Ongoing personnel
25 matters were discussed and will continue to be monitored." **Exhibit F.**

26
27
28 ¹ All Exhibits referenced herein are true and correct copies of the documents they purport to be and are
incorporated by reference as if set forth in full.

1 31. Petitioner is informed and believes, and on that basis alleges, that on September 30, 2020,
2 no emergency or dire emergency existed on September 30, 2020, that authorized the BOARD
3 under the Act to hold an emergency meeting.

4 *D. October 7, 2020 Emergency Meeting*

5 32. On October 7, 2020, the BOARD held an emergency meeting. The BOARD's October 7,
6 2020, emergency meeting agenda agendized "Fact Finding Meeting with Beckwourth Fire
7 Department Personnel." **Exhibit G.**

8 33. The BOARD's meeting minutes from its October 7, 2020 emergency meeting state the
9 Chairperson reported out the following from the BOARD's closed session: "Ongoing personnel
10 matters were discussed and will continue to be monitored." **Exhibit H.** There were no agenda
11 items relating or referencing personnel on the BOARD's October 7, 2020, emergency meeting
12 agenda. The BOARD did not report out in its minutes anything related to its factfinding meeting
13 with the Beckwourth Fire Department.

14 34. Petitioner is informed and believes, and on that basis alleges, that on October 7, 2020, no
15 emergency or dire emergency existed on October 7, 2020, that authorized the BOARD under the
16 Act to hold an emergency meeting for the purpose of a "Factfinding meeting with the Beckwourth
17 Fire Department Personnel."

18 35. Petitioner is informed and believes, and on that basis alleges, that the BOARD violated
19 the act when it met in closed session on October 7, 2020, to discuss "Personnel" which was not
20 agendized on its October 7, 2020, emergency meeting agenda.

21 *E. October 26, 2020 Special Meeting*

22 36. On October 26, 2020, the BOARD held a special meeting. The BOARD's October 26,
23 2020, meeting agenda agendized "Personnel" and Possible Litigation" under its closed session
24 items. **Exhibit I.** The BOARD's meeting minutes from its October 26, 2020, special meeting
25 state the Chairperson reported out the following from the BOARD's closed session: "[T]here
26 would be no possible litigation and ongoing personnel matters were discussed and will continue
27 to be monitored." **Exhibit J.**

28 37. Petitioner is further informed and believes, and on that basis alleges, that the BOARD

1 did not meet in closed session to confer with, or receive advice from, its legal counsel regarding
2 pending litigation as required by Government Code section 54956.9(a).

3 *F. November 2, 2020 Regular Meeting*

4 38. On November 2, 2020, the BOARD held a regular meeting. The BOARD's November 2,
5 2020, meeting agenda agendized "Personnel" under its closed session items. **Exhibit K.** The
6 BOARD's meeting minutes from its November 2, 2020, regular meeting state the Chairperson
7 reported out the following from the BOARD's closed session: "[T]he assistant chief position will
8 be eliminated as of the end of November 2020 and ongoing personnel issues will continue to be
9 monitored." **Exhibit L.**

10 39. The BOARD deliberated, voted, and ratified its decision to eliminate the assistant fire
11 chief position at its unlawful closed session on November 2, 2020. This topic of discussion was
12 not on the BOARD's closed session agenda. The discussion of, and ratification of, its decision
13 to eliminate the assistant fire chief position in a closed session that was not agendized violated
14 the right of the public to, in the words of the Brown Act, "remain[] informed so that they may
15 retain control over the instruments they have created." Government Code section 54950.

16 40. On November 20, 2020, Petitioner's lawyer, on behalf of Petitioner, caused to be delivered
17 by electronic mail, a cease and desist letter demanding, inter alia, that the BOARD discontinue
18 its violations of the Act, including its holding of closed sessions to discuss "Personnel." **Exhibit**
19 **M.**

20 *G. November 16, 2020 Regular Meeting*

21 41. On November 16, 2020, the BOARD held a regular meeting. The BOARD's November
22 16, 2020, meeting agenda and agendized "Personnel" under its closed session item. **Exhibit N.**²

23 / /

24 _____
25
26 ² In its December 10, 2020, response to Petitioner's November 20, 2020, request for public records, the
27 DISTRICT refused to provide its meeting agenda for this meeting, its December 7, 2020 regular meeting, or its
28 December 8, 2020, emergency meeting citing the minutes had not been approved by the BOARD. As such, Petitioner
does not know the exact nature or extent of the BOARD's actions regarding its closed sessions from these meetings
on the agenda item "Personnel." However, the DISTRICT has since provided its "draft" minutes from its December
8, 2020, emergency meeting.

1 *H. December 4, 2020 Regular Meeting*

2 42. Notwithstanding Petitioner's December 20, 2020 demand that the BOARD cease and
3 desist from further violating the Brown Act, on December 4, 2020, the BOARD published its
4 agenda and agendized "Personnel" on its closed session agenda for its December 7, 2020, regular
5 meeting. **Exhibit O.**

6 *I. December 8, 2020 Emergency Board Meeting*

7 43. On December 7, 2020, the BOARD held a regular meeting at which it voted to hold an
8 emergency meeting on December 8, 2020, for the purpose of "Consult with Counsel regarding
9 Brown Act Demand Letter" in closed session.

10 44. The BOARD caused to be published an agenda for its emergency meeting by posting it
11 on the DISTRICT's website less than 19 hours before the scheduled emergency meeting. **Exhibit**
12 **P.**

13 45. The BOARD's draft meeting minutes from its December 8, 2020, emergency meeting
14 state the Chairperson reported out the following from the BOARD's closed session: "[B]oard is
15 awaiting response from counsel for direction." **Exhibit Q.**

16 46. Petitioner is informed and believes, and on that basis alleges, that there was no emergency
17 or dire emergency on December 8, 2020, that necessitated or authorized the BOARD to hold an
18 emergency meeting for this purpose.

19 47. The BOARD did not publish the minutes of the December 8, 2020, emergency meeting
20 or a list of persons who the presiding officer of the legislative body, or designee of the legislative
21 body, notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the
22 meeting as required by Government Code section 54956.5(e).

23 48. Petitioner is informed and believes, and on that basis alleges, that there was no emergency
24 or dire emergency that existed on September 28, September 30, October 7, or December 8, 2020,
25 authorizing the BOARD to hold emergency meetings.

26 49. Furthermore, the BOARD did not post, for a minimum of 10 days in a public place as
27 soon after the meeting as possible, a list of persons who the presiding officer of the legislative
28 body, or designee of the legislative body, notified or attempted to notify, a copy of the rollcall

1 vote, and any actions taken at the emergency meetings held on September 28, 2020, September
2 30, 2020, October 7, 2020, and December 8, 2020, as required by Government Code section
3 54956.5(e).

4 50. On December 13, 2020, Petitioner's lawyer requested that the BOARD comply with its
5 obligations to publish its meeting minutes as soon as possible after the meeting as required by
6 Government Code section 54956.5(e), and that it provide a copy of the minutes pursuant to
7 California's Public Records Act. **Exhibit R.**

8 *J. December 19, 2020 Special Meeting*

9 51. The BOARD noticed a special board meeting for December 19, 2020. Item 4 of the
10 agenda read "Board Chair message regarding the intent to cure alleged Brown Act issued raised
11 by Aaron E. Doyle from letters dated November 20, 2020 and December 13, 2020." Item 7.1
12 included "Approval of a comprehensive mandatory Brown Act training for Board Members and
13 designated staff at its January 18, 2020 regular board meeting in open session, and legal review
14 of all agendas for Brown Act compliance, prior to training." **Exhibit S.**

15 52. At its December 19, 2020, meeting the BOARD chair read a message regarding the intent
16 to cure alleged Brown Act issued raised by Petitioner's lawyer. The chair communicated that the
17 BOARD ". . . remains committed to transparency in its service to the public and is continually
18 working to assure it complies with all laws and regulations, including the Brown Act.
19 Accordingly, the BOARD takes any accusation of a violation of the Brown Act seriously, and the
20 primary purpose of this meeting is to address the alleged violations from Mr. Doyle by performing
21 cure actions as prescribed by statute. I would like to state for the record that the fact that the
22 BOARD takes the proposed actions to cure or correct its prior actions shall not be construed or
23 admissible as any evidence of a violation . . ." The BOARD did not vote on, or otherwise ratify,
24 an unconditional commitment to cease, desist from, or not repeat the past action that was alleged
25 to violate the Brown Act.

26 53. Following the BOARD's special meeting on December 20, 2020, the BOARD issued a
27 letter to Petitioner's attorney regarding "Demands for the Eastern Plumas Rural Fire Protection
28 District's Compliance with the Ralph M. Brown Act [Gov't Code § 54950 et seq.]" purportedly to

1 cure its violations and comply with Government Code section § 54960.2(c)(1). **Exhibit T.**

2 54. The BOARD's December 20, 2020, letter was not an unconditional commitment to cease,
3 desist from, and not repeat the past action that is alleged to violate the Brown Act.

4 55. The BOARD's December 20, 2020, letter did not substantially conform to the
5 requirements of Government Code section 54960.2(c)(1) because the letter did not
6 unconditionally commit that it will cease, desist from, and not repeat the challenged past action
7 as described in the November 20, 2020, cease and desist letter to the BOARD from Petitioner's
8 attorney.

9 56. Furthermore, the letter did not substantially conform to the requirements of Government
10 Code section 54960.1(c)(1) because the letter did not inform Petitioner or Petitioner's attorney
11 that the BOARD may rescind its commitment only by a majority vote of its membership taken in
12 open session at a regular meeting and notices on its posted agenda as "Recission of Brown Act
13 Commitment." The letter further failed to inform Petitioner or Petitioner's attorney that the
14 BOARD would provide written notice of any intention to consider rescinding its commitment at
15 least 30 days before any such regular meeting as required by Government Code section 54960.2.

16 **California Public Records Act Violations**

17 57. California Government Code section 6253(b) provides:

18 Except with respect to public records exempt from disclosure by express provisions
19 of law, each state or local agency, upon a request for a copy of records that
20 reasonably describes an identifiable record or records, shall make the records
21 promptly available to any person upon payment of fees covering direct costs of
22 duplication, or a statutory fee if applicable. *Upon request, an exact copy shall be
provided unless impracticable to do so. (Emphasis added.)*

23 58. On November 20, 2020, Petitioner's attorney submitted to the DISTRICT a request for
24 public records pursuant to California's Public Records Act. **Exhibit U.**

25 59. Among other items, the request for public records requested that DISTRICT provide
26 copies of its audio recordings from its October 26, 2020, November 2, 2020, November 16, 2020,
and its December 7, 2020 meetings.

27 60. On December 10, 2020, the DISTRICT provided a letter response to the request for public
28 records. **Exhibit V.** With respect to the request for copies of the audio recordings from its

1 meetings, the DISTRICT wrote:

2 These recordings are contained on a hand-held recording device and are available
3 to be played over the telephone or in person at the District's Fire Station located at
4 141 Delleker Rd., Portola, CA 96122. A mutually agreeable time can be arranged
5 for the District secretary to be available to allow access to these recordings either
6 via telephone or in person at the fire station with proper COVID safety protocols.

6 61. The DISTRICT did not properly or timely provide copies of the audio recordings as
7 required by Government Code section 6253(b).

8 62. On November 20, 2020, Petitioner's attorney, on behalf of Petitioner, also requested from
9 the DISTRICT the following public records:

10 All electronic emails, text messages or other electronic or written communications
11 sent or received by any Board member that pertains, relates or references any board
12 meeting, regular, special or emergency, held outside of the District's boundaries
13 from January 1, 2020 through the date of response to this request

14 63. Petitioner is informed and believes, and on that basis alleges, that the DISTRICT failed to
15 provide all electronic emails, text messages or other electronic or written communications sent or
16 received by any Board member that pertained, related, or referenced any board meeting, regular,
17 special, or emergency, held outside of the District's boundaries as set forth in the November 20,
18 2020, request for public records.

19 **FIRST CAUSE OF ACTION**

20 Writ of Mandamus for Brown Act Violations
21 (RELIEF PURSUANT TO GOVERNMENT CODE SECTION 54960 and CALIFORNIA
22 CODE OF CIVIL PROCEDURE SECTIONS 1060 and 1085)

22 64. Petitioner hereby realleges and incorporates herein by reference Paragraphs 1 through 62
23 of this Petition as though set forth in full.

24 65. Government Code section 54960(a) provides that any interested person, such as the
25 Petitioner:

26 ... may commence an action by mandamus, injunction, or declaratory relief for the
27 purpose of stopping or preventing violations or threatened violations of this chapter
28 by members of the legislative body of a local agency or to determine the
applicability of this chapter to actions or threatened future action of the legislative

1 body, or to determine whether any rule or action by the legislative body to penalize
2 or otherwise discourage the expression of one or more of its members is valid or
3 invalid under the laws of this state or of the United States, or to compel the
4 legislative body to audio record its closed sessions as hereinafter provided.

5 66. By holding emergency meetings on September 28, 2020, September 30, 2020, October 7,
6 2020, and December 8, 2020, when no emergency or dire emergency existed, the BOARD held
7 said meetings in violation of the Brown Act.

8 67. By failing to provide public notice of its emergency meetings and by thereafter failing to
9 post its meeting minutes as soon thereafter the BOARD violated the Brown Act.

10 68. By holding unauthorized closed sessions at its regular, special, and emergency meetings
11 the BOARD violated the Brown Act.

12 69. The BOARD has failed to issue an unconditional commitment to cease, desist from, and
13 not repeat the alleged violation of the Brown Act as required by Government Code section §
14 54960.2(c)(1).

15 70. It is likely the BOARD will continue to violate the Brown Act in the future.

16 71. Petitioner has complied with all notice and demand requirements set forth in Government
17 Code section 54960.2.

18 72. The BOARD has ignored the public's rights to be informed and involved and should
19 therefore be ordered by this court to tape record future closed sessions.

20 73. The BOARD has a ministerial duty to perform according to the laws of the State of
21 California, including the Brown Act.

22 74. The BOARD has failed and refused to perform its ministerial duties as required by the
23 Brown Act.

24 75. Petitioner has a clear, present, and legal right to the BOARD's performance of its
25 ministerial duties, as required by the Brown Act.

26 76. The BOARD has a present legal duty and present ability to perform its ministerial duties
27 set forth in both the Brown Act.

28 77. Petitioner has an interest in having the laws executed and public duties enforced and,

1 therefore, has a beneficial interest in the outcome of the proceedings.

2 78. Through this action, Petitioner seeks no greater relief that would be afforded to any other
3 member of the public.

4 79. The only plain, speedy, and adequate remedy left to Petitioner is the relief provided by
5 Government Code sections 54960 and 54960.2.

6 **SECOND CAUSE OF ACTION**

7 **Declaratory Relief**

8 (RELIEF PURSUANT TO GOVERNMENT CODE SECTION 54960 and CALIFORNIA
9 CODE OF CIVIL PROCEDURE SECTIONS 1060 and 1085 for Holding Emergency Meeting
10 in Violation of Open Meeting Law and Failure to Post Meeting Minutes for 10 Days)

11 80. Petitioner hereby realleges and incorporates herein by reference Paragraphs 1 through 64,
12 and 65 through 79, of this Petition as though set forth in full.

13 81. Government Code section 54960(a) provides that any interested person, such as the
14 Petitioner:

15 ... may commence an action by mandamus, injunction, or declaratory relief for the
16 purpose of stopping or preventing violations or threatened violations of this chapter
17 by members of the legislative body of a local agency or to determine the
18 applicability of this chapter to actions or threatened future action of the legislative
19 body, or to determine whether any rule or action by the legislative body to penalize
20 or otherwise discourage the expression of one or more of its members is valid or
21 invalid under the laws of this state or of the United States, or to compel the
22 legislative body to audio record its closed sessions as hereinafter provided.

23 82. Code of Civil Procedure section 1060 provides:

24 Any person interested . . . who desires a declaration of his or her rights or duties
25 with respect to another . . . may, in cases of actual controversy relating to the legal
26 rights and duties of the respective parties, bring an original action or cross-
27 complaint in the superior court for a declaration of his or her rights and duties in
28 the premises, including a determination of any question of construction or validity
arising under the instrument or contract. He or she may ask for a declaration of
rights or duties, either alone or with other relief; and the court may make a binding
declaration of these rights or duties, whether or not further relief is or could be
claimed at the time . . .

83. Pursuant to both the Brown Act and Article I, Section 3(b) of the California
Constitution, the specific exceptions to the Brown Act's open-meetings requirements must

1 be construed narrowly.

2 84. The People of California have elevated the right to open government to one protected by
3 their state Constitution. The California Constitution, Article 1, Section 3, Subdivisions (a) and (b)
4 state:

5 The people have the right to instruct their representatives, petition government for
6 redress of grievances, and assemble freely to consult for the common good. The
7 people have the right of access to information concerning the conduct of the
8 people's business, and, therefore, the meetings of public bodies and the writings of
9 public officials and agencies shall be open to public scrutiny. A statute, court rule,
10 or other authority, including those in effect on the effective date of this subdivision,
11 shall be broadly construed if it furthers the people's right of access, and narrowly
12 construed if it limits the right of access.

13 85. There presently exists, between the Petitioner and the DISTRICT and its BOARD, an
14 actual controversy relating to: (1) the legal rights of Petitioner and other members of the public
15 under the Brown Act, and (2) the ministerial duties imposed upon the DISRICT and its BOARD
16 by the Brown Act.

17 86. Petitioner requests a judicial determination that the BOARD (i) has violated and is likely
18 to continue to violate the Brown Act; (ii) that the BOARD has not unconditionally committed to
19 cease and desist from its violations of the Brown Act; (iii) and, that the BOARD's December 20,
20 2020, letter does not substantially comply with the requirements of Government Code section
21 54960.2(b) or 54960.2(c)(1).

22 87. This determination is necessary and proper because the BOARD refuses to conform to
23 the requirements of the Brown Act.

24 **THIRD CAUSE OF ACTION**

25 Violations of California Constitution, Article 1, Section 3(b)
26 (RELIEF PURSUANT TO CODE OF CIVIL PROCEDURES SECTIONS 1060, 1085)

27 88. Petitioner hereby realleges and incorporates herein by reference Paragraphs 1 through 64,
28 65 through 79, and 80 through 87 of this Petition as though set forth in full.

89. The California Constitution, Article 1, Section (b)(3) guarantees the public a "right of
access to information concerning the conduct of the people's business" and to that end, requires

1 “meetings of public bodies and the writings of public officials and agencies shall be open to public
2 scrutiny.”

3 90. The California Constitution, Article 1, Section (3)(b)(2) requires that any “authority
4 adopted after the effective date of this subdivision that limits the right of access shall be adopted
5 with findings demonstrating the interest protected by the limitation and the need for protecting
6 that interest.”

7 91. The BOARD has adopted policies, procedures, and practices for regularly excluding the
8 public from meetings it is lawfully entitled to attend and for preventing the disclosure of records
9 the public is lawfully entitled to obtain, thus subverting, impairing, and impeding the public’s
10 right of access to the meetings of public bodies and the writings of public officials, guaranteed
11 under Article 1, Section 3(b) of the California Constitution.

12 92. Petitioner is informed and believes, and on that basis alleges, that the DISTRICT and its
13 BOARD has excluded, and will continue to exclude, the public from public meetings the public
14 was and is lawfully entitled to attend and has failed to produce records the public is lawfully
15 entitled to obtain, thus subverting, impairing, and impeding the public’s right of access to the
16 meetings of public bodies and the writings of public officials, guaranteed under Article 1, Section
17 3(b) of the California Constitution.

18 **FOURTH CAUSE OF ACTION**

19 Permanent Injunctive Relief

20 (RELIEF PURSUANT TO GOVERNMENT CODE SECTION 54960 and CALIFORNIA
21 CODE OF CIVIL PROCEDURE SECTIONS 1060 and 1085)

22 93. Petitioner hereby realleges and incorporates herein by reference Paragraphs 1 through 64,
23 65 through 79, 80 through 87, and 88 through 92 of this Petition as though set forth in full.

24 94. The BOARD’s closed sessions on September 14, 2020, September 28, 2020, September
25 30, 2020, October 7, 2020, November 26, 2020, or December 7, 2020 violated the Brown Act.

26 95. By listing “Personnel” as the item of discussion on its agenda for the closed sessions at
27 the September 14, 2020, September 28, 2020, September 30, 2020, October 7, 2020, November
28 26, 2020, and December 7, 2020 meetings, the BOARD did not state a brief general description
of each item of business to be transacted or discussed at the meeting, including items to be

1 discussed in closed session, as required by Government Code section 54954.2(a)(1).

2 96. By discussing the monitoring of "Personnel" matter in closed session, and by deliberating
3 and voting to eliminate the DISTRICT's assistant fire chief position on November 2, 2020, which
4 which is of wide public concern, the BOARD has violated Government Code § 54954.2(a)

5 97. By discussing these general topics of wide public concern in closed sessions, the BOARD
6 has violated Government Code § 54962.

7 98. Petitioner alleges that the BOARD's numerous violations of the Brown Act evidence a
8 pattern and practice of ignoring the state's open meeting laws, which has deprived Petitioner and
9 members of the public of proper notice and of their right to address the BOARD on the business
10 to be discussed.

11 99. If the BOARD continues to violate the Brown Act, as it has repeatedly done in the past,
12 Petitioner and other interested persons, citizens, and taxpayers will be irreparably harmed because
13 they will be denied notice of and the opportunity to participate in the BOARD's meetings, a right
14 which is guaranteed by law.

15 **FIFTH CAUSE OF ACTION**

16 Violations of the California Public Records Act
17 (RELIEF PURSUANT TO CODE OF CIVIL PROCEDURES SECTIONS 1060, 1085 and
18 GOVERNMENT CODE SECTION 6253, et seq.)

19 100. Petitioner hereby realleges and incorporates herein by reference Paragraphs 1 through
20 64, 65 through 79, 80 through 87, 88 through 92 and 93 through 99 of this Petition as though set
21 forth in full.

22 101. A member of the public who believes that public records are being improperly withheld
23 may bring suit for mandate to enforce the Public Records Act. Government Code sections 6258,
24 6259(a). If the Court finds that the public official's decision to refuse disclosure is not justified,
25 the court shall order the public official to make the records public under Government Code section
26 6259(b).

27 102. Respondent's failure to provide a proper and timely response to Petitioner's Public
28 Records Act request for copies of its audio recordings from its October 26, 2020, November 2,
2020, November 16, 2020 and December 7, 2020, meetings violates the Public Records Act,

1 which provides:

2 Except with respect to public records exempt from disclosure by express provisions
3 of law, each state or local agency, upon a request for a copy of records that
4 reasonably describes an identifiable record or records, shall make the records
5 promptly available to any person upon payment of fees covering direct costs of
6 duplication, or a statutory fee if applicable. *Upon request, an exact copy shall be
provided unless impracticable to do so. (Emphasis added.)*

6 Government Code section 6253(b).

7 103. On November 20, 2020, Petitioner’s attorney, on behalf of Petitioner, also requested
8 from the DISTRICT the following public records:

9
10 All electronic emails, text messages or other electronic or written communications
11 sent or received by any Board member that pertains, relates or references any board
12 meeting, regular, special or emergency, held outside of the District’s boundaries
from January 1, 2020 through the date of response to this request

13 104. Petitioner is informed and believes, and on that basis alleges, that the DISTRICT failed
14 to provide all electronic emails, text messages or other electronic or written communications sent
15 or received by any Board member that pertains, relates, or references any board meeting, regular,
16 special, or emergency, held outside of the District’s boundaries from January 1, 2020 to the date
17 of response to the request.

18 105. Respondent’s failure to provide a proper response to Petitioner’s Public Records Act
19 Request and make public documents available for inspection violates Article I, Section 3(b) of
20 the Constitution of the State of California, providing to the people, inter alia, the right of access
21 to information concerning the conduct of the DISTRICT’s business; allowing the writings of
22 public officials and agencies to be open to public scrutiny.

23 106. Petitioner is a member of the public and has a clear, present, and substantial right to the
24 relief sought herein.

25 / /
26 / /
27 / /
28 / /

1 **PRAYER FOR RELIEF**

2 In each of the respects enumerated above, Respondent has violated its duty under the law,
3 has failed to conduct its meetings in the manner required by the Brown Act and the California
4 Constitution, and has violated the Public Records Act.

5 **WHEREFORE, PETITIONER PRAYS AS FOLLOWS:**

6 1. That after a trial of this action, to be held on notice, this Court issue a declaration that:

7 (a) The BOARD violated the Brown Act and Article I, Section 3(b) of the California
8 Constitution by repeatedly discussing DISTRICT personnel matters,
9 organizational structure and operations, including the elimination of the
10 DISTRICT's assistant fire chief position, without providing notice of such
11 discussion to the public, in violation Government Code sections 54953,
12 54954.2(a), and 54957.6; and, by discussing topics not permitted to be discussed
13 in closed session, in violation of Government Code sections 54953 and 54954.2;
14 and,

15 (b) The BOARD violated the Brown Act by holding emergency meetings on
16 September 28, 2020, September 30, 2020, October 7, 2020, and December 8, 2020,
17 without proper notice to the public and when no emergency or dire emergency
18 existed;

19 (c) The BOARD violated the Brown Act by not publishing, for a minimum of ten
20 days, the minutes of its September 28, 2020, September 30, 2020, October 7, 2020,
21 and December 8, 2020, emergency meetings, a list of persons who the presiding
22 officer of the legislative body, or designee of the legislative body, notified or
23 attempted to notify, a copy of the rollcall vote, and any actions taken at its
24 September 28, 2020, September 30, 2020, October 7, 2020, and December 8, 2020,
25 emergency meetings as required by Government Code section 54956.5(e);

26 (d) The BOARD violated the Brown Act by holding a closed session for "Possible
27 Litigation" on October 26, 2020, when there was no pending litigation, and the
28 closed session was not for the purpose of meeting with the BOARD's counsel;

1 (e) the Court issue a judicial determination that the BOARD's December 19, 2020,
2 letter was not an unconditional commitment to cease, desist from, and not repeat
3 the past actions that was alleged to violate the Act, and that the BOARD did not
4 comply with the requirements of Government Code section 54960.2(c)(1);

5 (f) the Court issue a judicial determination that the BOARD violated the Public
6 Records Act;

7 2. For a preliminary and permanent injunction and a for a peremptory writ of mandate
8 commanding Respondent EASTERN PLUMAS RURAL FIRE PROTECTION DISTRICT and
9 its BOARD OF DIRECTORS to:

10 (a) electronically record each and every one of its closed sessions pursuant to
11 Government Code section 54960(b); and,

12 (b) provide copies of its audio recordings from its October 26, 2020, November 2,
13 2020, November 16, 2020 and its December 7, 2020 as required by the Public
14 Records Act;

15 (c) the Court issue an order compelling the DISTRICT to comply with the mandatory
16 provisions of the Brown Act, namely, that it holds open session meetings to allow
17 the public the opportunity to hear the BOARD's deliberations and raise any
18 questions or concerns to the BOARD, unless authorized to do so in closed session
19 under the Brown Act; and,

20 (d) the Court issue all necessary orders to prevent the BOARD from violating the
21 Brown Act by holding emergency meetings when there is no emergency or dire
22 emergency as authorized under the Brown Act;

23 (e) the Court issue preliminary and permanent injunctive prohibiting the DISTRICT
24 and its BOARD from committing any future violations of the Brown Act;

25 3. That Petitioner/Plaintiff JOHN FATHEREE recover attorneys' fees incurred in this action
26 pursuant to Government Code sections 54960.5 and/or Code of Civil Procedure section 1021.5 or
27 any other applicable statute;

28 4. For an award of costs incurred in this action; and,

1 5. For such other and further relief as the court deems just and proper.

2 DATED: December 28, 2020

THE DOYLE LAW FIRM
A Professional Law Corporation

3
4
5 

6 By: _____
AARON E. DOYLE
Attorney for Petitioner

7
8 **DEMAND FOR JURY TRIAL**

9 Petitioner demands a jury trial on all issue so triable.

10
11 DATED: December 28, 2020

THE DOYLE LAW FIRM
A Professional Law Corporation

12
13 

14 By: _____
AARON E. DOYLE
Attorney for Petitioner