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4 Pro Per Petitioner

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7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **COUNTY OF HUMBOLDT**

9 JANELLE EGGER,
10
11 Petitioner/Plaintiff,
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13 v.
14 HUMBOLDT COUNTY BOARD OF
SUPERVISORS,
15 Respondent/Defendant.

Case No.

**VERIFIED PETITION FOR WRIT OF
MANDATE AN INJUNCTION, AND
DECLARATORY RELIEF FOR
VIOLATIONS OF THE RALPH M.
BROWN ACT WITH EXHIBITS A
THROUGH X**
[Cal. Government Code Section 54950, et sep.]

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18 This action seeks relief from the ongoing failure of Respondent/Defendant HUMBOLDT
19 COUNTY BOARD OF SUPERVISORS to perform as required by the Ralph M. Brown Act
20 (“Brown Act”; Government Code §54950, et seq.), thereby denying Petitioner’s and the public’s
21 right to the protections afforded by our State’s open government laws and the California
22 Constitution at Article 1 §3.

23 Petitioner/Plaintiff JANELLE EGGER, acting on her own behalf and on behalf of the public,
24 seeks a writ of mandate, injunctive, and declaratory relief under California Code of Civil
25 Procedure section 1085 and 1060 and Government Code section 54960. In this Verified Petition,
26 Petitioner alleges as follows:

27 **THE PARTIES**

28 1. Petitioner/Plaintiff Janelle Egger (“Petitioner”) was and is at all times mentioned herein a

1 resident of Humboldt County, and is entitled, pursuant to the Brown Act to a writ of mandate to
2 enforce Petitioner’s right and the public’s right of access to information concerning the conduct of
3 the people’s business, and to the meetings of public bodies.

4 2. Respondent/Defendant HUMBOLDT COUNTY BOARD OF SUPERVISORS (“Board” or
5 “Respondent”) is the elected, five-member governing body of Humboldt County (“County”),
6 California. The Board’s executive offices are located in the Humboldt County Courthouse at 825
7 Fifth Street, Room 111, Eureka, California 95501. The County is defined as a “local agency” by
8 Government Code §54951. The Board is a “Legislative body” under Government Code §54952.

9
10 **JURISDICTION AND VENUE**

11 3. This Court has jurisdiction over this matter pursuant to Code of Civil Procedure sections
12 1085 and 1060 and Government Code §54960.

13 4. Petitioner is informed and believes that most if not all of the incidents which give rise to
14 this petition have occurred in Humboldt and that all of Petitioner’s claims have arisen as a result of
15 the acts or omissions of Respondents by and through appointed officials, officers and employees.

16 **MATERIAL FACTS**

17 5. On April 2, 2013 the Board adopted revised its Rules of the Board, which require that “All
18 orders of the Board relative to the creation of committees shall specify the purpose of the
19 committee, the length of time the committee shall service, and the times and methods in which the
20 committee shall report to the Board.” A true and correct copy of the Agenda packet with Board
21 Order (p. 16) and Rules of the Board (p. 11 for committee s) is attached as Exhibit A.

22 6. On April 1, 2014 the Board directed two Supervisors “to work with” two staff members to
23 consider proposed recommendations and bring them back for further consideration by the Board.
24 A true and correct copy of the Board Order is attached as Exhibit B. The April 1st Board Order
25 did not specify the length of service and times and methods of reporting as required by the Rules
26 of the Board.

27 7. The Board annually selects a Chair and Vice-chair. Petitioner is informed and believes,
28 and upon that basis, alleges there is a long standing weekly Agenda Review meeting. The Chair

1 has long participated in this meeting. Since at least 2008 the current practice is for the Chair and
2 Vice-chair to participate.

3 8. Between June 2013 and August 14, 2014 the Vice-chair spoke three times of an Agenda
4 committee. Vice-chair told Petitioner she was on the Agenda Committee; stated she may have
5 missed the meeting when an item was set; and commented that the Agenda committee was an
6 executive committee.

7 9. The Agenda committee determines when, even possible if, an item will be on a Board
8 Agenda. The Humboldt County Human Rights Commission (“Commission” or “HRC”) sent two
9 letters on different issues with recommendations to the Board of Supervisors in February and
10 March of 2014. The March letter with policy statement and recommendations was placed on the
11 April 1, 2014 Board Agenda; a true and correct copy (excluding addendums) is attached as Exhibit
12 C. Petitioner attended the September Commission meeting where there was a verbal report on the
13 February 2014 letter. The Commission Chair reported the Board Chair’s responded that basically
14 it was under submission, the Board would deal with it themselves, “don’t bring it back to me
15 again.” A true and correct copy of the February 6, 2014 Minutes with motion re letter (Item F.4.
pages 4-5) is attached as Exhibit D.

16 10. The Commission is a “Legislative Body” under Government Code §54952. The unpaid
17 Commissioners are appointed by the Board. Based on statements made at Commission meetings
18 Petitioner alleges that the Commission has acted under the advice or direction of Respondent, or
19 by and through advice/direction of Respondent’s officers and employees.

20 11. Based on viewing random agendas, Petitioner alleges that from November 2011 until June
21 2013 Commission agendas regularly included the item “Homelessness” under “Committee
22 Reports.” Petitioner attended the June 6, 2013 Commission meeting where another committee, an
23 “ad hoc committee” (“Homeless Committee”) was created; a true and correct copy of the Minutes
24 are attached as Exhibit E. The minutes, at Item F.3 on pages 4-5, indicate the committee was to
25 look at “ideas and plans and to formulate recommendations for the Board of Supervisors in
26 addition to possibly setting up a public forum.”

27 12. The scope of the Homeless Committee’s work increased. At the January 16, 2014
28 Commission meeting the New Business item D.4, Shelter Crisis was discussed with the Homeless

1 Committee report and then referred to that committee. At its February 6, 2014 meeting the
2 Commission discussed item G.4. Internship under Old Business and decided to accept the
3 proposed intern to assist with Homeless Committee research. Petitioner attended both meetings.
4 A true and correct copy of the January 16, 2014 Minutes are attached as Exhibit F. The February
5 6, 2014 Minutes, as noted above, are at Exhibit D; item G.4 at page 5.

6 13. Petitioner has attended Commission meetings where Homeless Committee reports were
7 presented and upon that basis, alleges that from June 2013 to September 2104 the Homeless
8 Committee used private unnoticed meetings to discuss, investigate, deliberate and make
9 recommendations to the Commission related to the issue of homelessness.

10 14. At Commission meetings Petitioner twice raised the question of the status of the Homeless
11 Committee. On June 6, 2013, when the committee was formed, the Chair's response was, "We
12 have our own counsel." At the March 6, 2014 Commission meeting Petitioner stated she thought
13 it seemed like a standing committee. There was no response.

14 15. On July 1, 2014 Petitioner mailed and emailed a letter to the Board Chair and the Chair of
15 the Humboldt County Human Rights Commission. The letter stated

16 I believe the Commission's Homeless committee is a "standing" committee with "continuing
17 subject matter jurisdiction" and so should meet in open public meetings. I also believe the
18 committee appointed by Board order related to Item G-1 of their April 1st Agenda is not comprised
19 solely of members of the Board and so should be meeting in open public meetings. In addition, I
20 believe there is a Board committee that meets and sets the Board agenda. I believe this committee
21 is not comprised solely of members of the Board and is a standing committee; it should be meeting
22 in open public meetings.

23 I believe there may be other County committees formed under the mistaken belief that the only
24 requirement to avoid open public meetings is that there be less than a quorum of the appointing
25 body on the committee. I believe that is a misreading of the California Government Code and
26 infringes on our State Constitutional "right of access to information concerning the conduct of the
27 people's business."

28 To stop ongoing and prevent future violations Petitioner's letter demanded four actions be taken.
First, that the named committees cease meeting in private and begin providing notice and agenda
per the Brown Act. Second, that action be taken to insure future Board Orders regarding Board
committees compile with the Rules of the Board. A true and correct copy of the July 1, 2014 letter
is attached as Exhibit G.

1 16. On July 24, 2014 the County responded via email. A true and correct copy of the email and
2 response letter attachment is attached as Exhibit H. The County alleged that the Board committee
3 created by April 1, 2014 Board Order “consists of less than a quorum of the Board,” the Board
4 Agenda committee is a “gathering of county staff and two members of the Board... not a
5 committee created by a formal action of the Board,” and more time was needed to determine if
6 there was a Commission committee.

7 17. Petitioner attended the August 7, 2014 Commission meeting. Petitioner’s July 1, 2014
8 letter was on, and attached to, the Commission’s Agenda. The Commission Chair stated he had
9 “just now” received the County’s response; there was one copy available at the meeting. The
10 Chair noted “they are still looking into” the Commission committee.

11 18. Petitioner remained at the August 7, 2014 Commission meeting. Later, at the beginning of
12 the Bylaws agenda item, Commissioners were asked to confirm they had received another letter
13 from County Counsel’s office. A Commissioner stated she had changes based on the letter and
14 several changes were verbally presented. Two new sections were proposed for the article on
15 committees:

16 Section 4. Brown Act. Standing committees of the Commission shall be subject to the
17 Brown Act.

18 Section 5. Task force or ad hoc committees shall be for one purpose with specified
19 timeline and shall not be subject to the Brown Act.

20 A Commissioner asked if these were in County Counsel’s letter; response was that “there was
21 stuff about the Brown Act, but not specifically this.”

22 19. Petitioner attended the September 4, 2014 Commission meeting and was present during the
23 discussion of the Bylaws where “additional changes after contacting County Counsel” were
24 provided in writing. A true and correct copy with one change is attached as Exhibit I. With the
25 correction, this Bylaw wording regarding committees was approved:

26 Section 4. Brown Act. Standing Committees shall be subject to the Brown Act.

27 Section 5: Ad Hoc Committees or Task Forces. An Ad Hoc Committee or Task Force
28 shall be for one purpose only, shall have a specified time line, must be advisory in nature,
must be comprised solely of members of the commission, and must consist of less than a
quorum of the Commission. Any Ad Hoc Committee or Task Force which fulfills all these

1 criteria and follows them in practice shall not be subject to the Brown Act, according to the
2 Brown Act, specifically Government Code 54952(b).

3 20. With this language committees, such as the Homeless Committee, with a single purpose
4 encompassing many issues or tasks could be assigned a long timeline and discuss, deliberate and
5 formulate recommendations in non-public meetings. Petitioner is informed and believes, and upon
6 that basis, alleges that the failure to define Standing Committees in Section 4 and the vague
7 purpose and time language in Section 5 remains inadequate. These sections do not define when a
8 less than quorum committee is a standing committee with “continuing subject matter jurisdiction,”
9 a legislative body under Government Code section 54952(b).

10 21. Prior to July 1, 2014 Petitioner lobbied for open meetings, expressing concern and
11 providing information about less than quorum committees.

12 1. On September 25, 2012 the Board appointed a committee to meet with the
13 Commission, a true and correct copy of the Board Order is attached as Exhibit J. On
14 October 2, 2014 Petitioner verbally requested clarification from the Board of the
15 committee’s purpose.

16 Petitioner attended the October 18, 2012 Commission meeting. There was a report
17 that a committee was needed to meet with the Board committee. Petitioner expressed
18 concern about open meetings and reiterated that concern at the November meeting. At
19 the December 6, 2012 Commission meeting Petitioner stated the meetings of the two
20 committees should be open, and provided information from the Attorney General’s
21 2003 The Brown Act, Open Meetings for Local Legislative Bodies.

22 On December 11, 2012 Petitioner emailed a letter to County Counsel containing the
23 information given to the Commission:

24 ...However, if a legislative body designates less than a quorum of its members
25 to meet with a representatives of another legislative body to perform a task, such
26 as the making of a recommendation, an advisory committee consisting of the
27 representatives from both bodies would be created. Such a committee would be
28 subject to the open meeting and notice provisions of the Act. (*Joiner v. City of
Sebastopol* (1981) 125 Cal.App.3d799,805.) ...

A true and correct copy of the December 11, 2012 letter is attached as Exhibit K.

Petitioner was present at the December 18, 2012 Board meeting when, without
motion or vote, the Board directed the Clerk to the Board to assist with notice and

1 agenda for the meetings of the Board and Commission committee. There were two
2 open meetings in February 2013.

- 3
4 2. Petitioner attended the March 7, 2013 Commission meeting. At that meeting the
5 Commissioners disbanded the committee appointed on October 18, 2012 to meet with
6 the Board committee; Chair to “appoint an ad-hoc committee to come up with a single
7 draft of Commission recommendations.” A true and correct copy of the March 7, 2013
8 Minutes, with the motion in item E.a. on page 2, are attached as Exhibit L.

9 On June 4, 2013 Petitioner emailed the ad-hoc committee suggesting it should
10 comply with the Brown Act, with an attachment containing information from the
11 League of California Cities’ *Open & Public IV: A Guide to the Ralph M. Brown Act*.
12 There was no response to the email. True and correct copies of Petitioner’s June 4,
13 2013 email and attachment are attached as Exhibits M and N.

14 The ad-hoc committee met in non-public meetings to discuss, deliberate and
15 formulate recommendations presented at the August 1, 2013 Commission meeting. A
16 true and correct copy of the August 1, 2013 Minutes (item D.a., page2-3) is attached as
17 Exhibit O.

- 18 3. On January 3, 2013 the Commission appointed a committee to work on the issue of
19 Public Restrooms. A true and correct copy of the January 3, 2013 Minutes (item D.e.)
20 are attached as Exhibit P. Petitioner agreed to participate, but then had concerns about
21 communications via email. On or about January 8, 2013 Petitioner spoke briefly with
22 County Counsel, who asked for in an email. On January 10 Petitioner wrote committee
23 members and County Counsel regarding the committee; a true and correct is attached
24 as Exhibit Q. Petitioner received no response from County Counsel.

- 25 4. At the April 2014 Commission meeting Petitioner provided a copy of the section on
26 committees from the Rules of the Board, suggesting it be incorporated into the
27 Commission Bylaws, then being revised. There was no response.

- 28 5. At the May 1, 2014 Commission meeting Petitioner referred to an Attorney
General’s Opinion regarding ad hoc committees and held up a copy. There was no
response. On May 2, 2014 Petitioner sent an email with attachments, including the AG

1 Opinion and Bylaw comments, to the Commission. True a correct copies of the email,
2 the Opinion, and Bylaw with notes, are attached as Exhibit R, Exhibit S and Exhibit T.
3 There was no response.

4 22. After July 1, 2014 Petitioner learned of a Board committee that is engaging in meetings
5 with a committee of another legislative body.

- 6 a. On September 5, 2014 Petitioner viewed the August 19, 2014 Board meeting video
7 of a Community Homeless Improvement Project (CHIP) presentation. From the video
8 Petitioner learned: the “CHIP Group” included a Supervisor and the Board Chair; at
9 least two other Supervisors had been aware of the meetings; the weekly meetings took
10 place in the County Courthouse, staff assisted with transcribing notes. A true and
11 correct copy of the August 19, 2014 Board Agenda memo from Supervisor Bass is
12 attached as Exhibit U.
- 13 b. On September 5, 2014 Petitioner learned of a similar presentation of the “CHIP
14 Strategic Plan” at the Eureka City Council’s August 19, 2014 meeting. From the
15 meeting video Petitioner learned that the presenter believed the group was started with
16 leadership from the County and the City and almost every Council member had wanted
17 to be on the committee. A true and correct copy of the August 19, 2014 Eureka City
18 Council Agenda Summary is attached as Exhibit V.
- 19 c. On September 5, 2014 Petitioner reviewed the January 22, 2014 Board memo
20 regarding an update on the “Weekly Homeless Task Force Meetings.” A true and
21 complete copy of the January 22, 2014 Agenda memo from Supervisor Bass is attached
22 as Exhibit W. On September 5, 2014 Petitioner viewed the meeting video; the same
23 Supervisor and the Board Chair were identified as a members of the task force.
- 24 d. Based on comments heard at Commission meetings, Petitioner is informed and
25 believes, and on that basis alleges, that a request was denied for a representative of the
26 Commission’s Homeless Committee to attend the meetings of the CHIP Group. A true
27 and complete copy of the last slide from the August 19, 2014 presentation listing the
28 members of the CHIP group and presented at the August 19, 2014 Board meeting is
attached as Exhibit X.

1 **CAUSE OF ACTION**
2 **FOR VIOLATIONS OF THE RALPH M. BROWN ACT**
3 (RELIEF PURSUANT TO GOV SECTION 54960; CCP SECTIONS 1060, 1085)

4 23. Petitioner realleges Paragraphs 1 through 22 as though fully incorporated herein.

5 24. Government Code section 54950, declares:

6 ...the public commissions, boards and councils and the other public agencies in this Sate exist to
7 aid in the conduct of the people's business. It is the intent of the law that their actions be taken
8 openly and that their deliberations be conducted openly.

9 ... The people, in delegating authority, do not give their public servants the right to decide what is
10 good for the people to know and what is not good for them to know. The people insist on
11 remaining informed so that they may retain control over the instruments they have created.

12 25. Government Code section 54952(b) defines, in pertinent part, "legislative body" as:

13 A commission, committee, board, or other body of a local agency, whether permanent or
14 temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action
15 of a legislative body. However, advisory committees, composed solely of the members of the
16 legislative body that are less than a quorum of the legislative body are not legislative bodies,
17 except that standing committees of a legislative body, irrespective of their composition, which
18 have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance,
19 resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

20 26. Government Code section 54952.6 defines "action taken" broadly as

21 ...a collective decision made by a majority of the members of a legislative body, a collective
22 commitment or promise by a majority of the members of a legislative body to make a positive or a
23 negative decision, or an actual vote by a majority of the members of a legislative body when
24 sitting as a body, or entity, upon a motion, proposal, resolution, order or ordinance.

25 27. Government Code section 54953(a) mandates that:

26 All meetings of the legislative body shall be open and public, and all persons shall be permitted to
27 attend any meeting of the legislative body of the legislative body of a local agency, except as
28 otherwise provided in this chapter.

29 28. Government Code section 54953.7 allows greater access:

30 Notwithstanding any other provision of law, legislative bodies of local agencies may impose
31 requirements upon themselves which allow greater access to their meetings than prescribed by the
32 minimal standards set forth in this chapter. In addition thereto, an elected legislative body of a
33 local agency may impose such requirements on those appointed legislative bodies of the local
34 agency of which all or a majority of the members are appointed by or under the authority of the

1 elected legislative body.

2 29. Government Code section 54954.2(a) sets forth agenda requirements for regular meetings:

3
4 (1) ... the legislative body of the local agency, or its designee, shall post an agenda containing a
5 brief general description of each item of business to be transacted or discussed at the meeting,
6 including items to be discussed in closed session. A brief general description of an item generally
7 need not exceed 20 words. The agenda shall specify the time and location of the regular meeting
8 and shall be posted...

9 (2) No action or discussion shall be undertaken on any item not appearing on the posted agenda...

10 30. Government Code section 54954.3(a) and (c) mandates public comment:

11 Every agenda for regular meetings shall provide an opportunity for members of the public to
12 directly address the legislative body on any item of interest to the public, before or during the
13 legislative body's consideration of the item, that is within the subject matter jurisdiction of the
14 legislative body, provided that no action shall be taken on any item not appearing on the agenda
15 unless the action is otherwise authorized... Every notice for a special meeting shall provide an
16 opportunity for members of the public to directly address the legislative body concerning any item
17 that has been described in the notice ... before or during consideration of that item.

18 The legislative body of a local agency shall not prohibit public criticism of the policies,
19 procedures, programs, or services of the agency, or of the acts or omissions of the legislative
20 body....

21 31. Petitioner is informed and believes, and on that basis alleges that

- 22 1. Respondent has limited Petitioner and the public's right of access to information
23 concerning the conduct of the people's business and to meetings of public bodies due
24 to a failure to:
 - 25 a. construe the April 1, 2014 Board Order directing two Supervisors "to work with"
26 two members of staff as creating a four person committee;
 - 27 b. construe "formal action" in §54952(b) to include a collective decision, commitment
28 or promise, a Board action under §54952.6;
 - c. construe "continuing subject matter jurisdiction" in §54952(b) to include setting the
Board Agenda, which determines the business to be transacted or discussed at each
open meeting of the Board under §54954.2(a) and §54954.3; and to include
creating recommendations related to a complex issue.
 - d. provide the Humboldt County Human Rights Commission a definition clearly

1 delineating which committees are and are not subject to the Brown Act.

2 2. Respondent violated the Brown Act by:

- 3 a. allowing the committee created by the April 1, 2014 Board Order to engage in
4 ongoing private meetings and so denying Petitioner's and the public's the right to
5 open meetings, posted agendas and public comment under §54953, §54954.2(a)
6 and §54954.3;
- 7 b. allowing the Board Agenda committee to engage in ongoing private meetings and
8 so denying Petitioner's and the public's the right to open meetings, posted agendas
9 and public comment under §54953, §54954.2(a) and §54954.3;
- 10 c. allowing the Commission's Homeless committee to engage in ongoing private
11 meetings and so denying Petitioner's and the public's the right to open meetings,
12 posted agendas and public comment under §54953, §54954.2(a) and §54954.3;
- 13 d. allowing the CHIP committee to engage in ongoing private meetings and so
14 denying Petitioner's and the public's the right to open meetings, posted agendas
15 and public comment under §54953, §54954.2(a) and §54954.3.
- 16 e. failing to adhere to the Rules of the Board requirements allowed under §54953.7
17 that Board Orders creating committees set the "the length of time the committee
18 shall service, and the times and methods in which the committee shall report to the
19 Board;" thus denying Petitioner, and others, access to information regarding all
20 committees engaged in the conduct of the people's business as is the intent of the
Brown Act under §54950.

21 32. Petitioner alleges that Respondent's numerous ongoing violations of the Brown Act, as set
22 forth above, evidence a pattern and practice of interpreting the state's open meeting law in a
23 manner that has deprived Petitioner and members of the public their rights to proper notice and to
24 be present at and address meetings of County legislative bodies.

25 33. Without a court order, Respondent is likely to continue to violate the law and Petitioner and
26 other interested persons, citizens, and taxpayers will be irreparably harmed because they will be
27 denied notice of and the opportunity to participate in the legislative bodies' meetings, a right
28 which is guaranteed by law.

1 34. Section 54960(a) provides that any interested person, such as the Petitioner:

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

5 35. Because the Board has failed to acknowledge its violations of the Brown Act, Respondents
6 are likely to continue to violate the Brown Act in the future.

7 36. Because County Counsel for Respondent has stated that the actions of the Board and these
8 committees did not constitute violations of the Brown Act, it is likely Respondent will continue to
9 violate the Brown Act in the future.

10 37. The People of California have elevated the right to open government to one protected by
11 their State Constitution. The California Constitution, Article 1, Section 3, Paragraphs (a) - (b)
12 state:

13 The people have the right to instruct their representatives, petition government for redress of
14 grievances, and assemble freely to consult for the common good. The people have the right of
15 access to information concerning the conduct of the people's business, and therefore, the meetings
of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

16 **A statute, court rule, or other authority**, including those in effect on the effective date of this
17 subdivision, **shall be broadly construed if it furthers the people's right of access**, and
narrowly construed if it limits the right of access. [Emphasis added.]

18
19 38. Code of Civil Procedure § 1060 provides:

20 Any person interested ... who desires a declaration of his or her rights or duties with respect to
21 another ... may, in cases of actual controversy relating to the legal rights and duties of the
22 respective parties, bring an original action or cross-complaint in the superior court for a
23 declaration of his or her rights and duties in the premises, including a determination of any
24 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....

25 39. There presently exists, between the Petitioner and the Board, an actual controversy relating
26 to: (1) interpretation of Brown Act (2) the legal rights of Petitioner and other members of the
27 public under the Brown Act; and (2) the ministerial duties imposed upon the Board by the Brown
28 Act.

1 40. Petitioner requests a judicial determination that Respondent has and is violating, and is
2 likely to continue to violate, the Brown Act and its own Rules of the Board.

3 41. This determination is necessary and proper because Respondent refuses to conform to the
4 requirements of the Brown Act and its own Rules of the Board.

5 42. Respondent has a ministerial duty to perform according to the laws of the State of
6 California, including the Brown Act, and its own Rules of the Board.

7 43. Respondent has failed and refused to perform its ministerial duties as required by the
8 Brown Act and its own Rules of the Board.

9 44. Respondent has a present legal duty and present ability to perform its ministerial duties set
10 forth in the Brown Act and its own Rules of the Board.

11 45. Petitioner has an interest in having the laws executed and public duties enforced and,
12 therefore, has a beneficial interest in the outcome of the proceedings.

13 46. Through this action Petitioner seeks no greater relief than would be afforded to any other
14 member of the public.

15 47. Petitioner has exhausted her administrative remedies. Petitioner requested the Board
16 acknowledge and stop the ongoing violations and act to assure the public that similar violations
17 will not occur in the future but Respondent refuses to acknowledge and/or correct the violations.
18 The only plain, speedy, and adequate remedy left to Petitioner is the relief provided by
19 Government Code § 54960.

20 48. Due to Respondents' wrongful act Petitioner has and will incur costs and may incur
21 attorney's fees in association with Petitioner's efforts to obtain resolution of these violations and
22 access to the meetings of these and other legislative bodies.
23
24

25
26 **THEREFORE, PETITIONER PRAYS AS FOLLOWS:**

- 27 1. For a declaration that Respondent has limited Petitioner and the public's right of access
28 to information concerning the conduct of the people's business and to meetings of

1 public bodies due to a failure to:

- 2 a. construe the April 1, 2014 Board Order directing two Supervisors “to work with”
3 two members of staff as creating a four person committee;
- 4 b. construe “formal action” in §54952(b) to include a collective decision, commitment
5 or promise, a Board action under §54952.6;
- 6 c. construe “continuing subject matter jurisdiction” in §54952(b) to include setting the
7 Board Agenda, which determines the business to be transacted or discussed at each
8 open meeting of the Board under §54954.2(a) and §54954.3; and to include
9 creating recommendations related to a complex issue.
- 10 d. provide the Humboldt County Human Rights Commission a definition clearly
11 delineating which committees are and are not subject to the Brown Act.

12 2. For a declaration that Respondent HUMBOLDT COUNTY BOARD OF
13 SUPERVISORS is violating the Brown Act by:

- 14 a. allowing its committee created by the April 1, 2014 Board Order to engage in
15 ongoing private meetings and so denying Petitioner’s and the public’s the right to
16 open meetings, posted agendas and public comment under §54953, §54954.2(a)
17 and §54954.3;
- 18 b. allowing its Board Agenda committee to engage in ongoing private meetings and
19 so denying Petitioner’s and the public’s the right to open meetings, posted agendas
20 and public comment under §54953, §54954.2(a) and §54954.3;
- 21 c. allowing its Commission’s Homeless committee to engage in ongoing private
22 meetings and so denying Petitioner’s and the public’s the right to open meetings,
23 posted agendas and public comment under §54953, §54954.2(a) and §54954.3;
- 24 d. allowing its committee to participate in the CHIP Group private meetings and so
25 denying Petitioner’s and the public’s the right to open meetings, posted agendas
26 and public comment under §54953, §54954.2(a) and §54954.3.
- 27 e. failing to adhere to the Rules of the Board requirements allowed under §54953.7
28 that Board Orders creating committees set the “the length of time the committee
shall service, and the times and methods in which the committee shall report to the

1 Board;” thus denying Petitioner, and others, access to information regarding all
2 committees engaged in the conduct of the people’s business as is the intent of the
3 Brown Act under §54950.

- 4 3. Issue a peremptory writ of mandate ordering Respondent HUMBOLDT COUNTY
5 BOARD OF SUPERVISORS to perform as required by the Brown Act, and the Rules
6 of the Board.
- 7 4. Issue a peremptory writ of mandate ordering Respondent HUMBOLDT COUNTY
8 BOARD OF SUPERVISORS to perform as required by the Brown Act, and the Rules
9 of the Board.
- 10 5. Issue a peremptory writ of mandate ordering Respondent HUMBOLDT COUNTY
11 BOARD OF SUPERVISORS require the Board committee appointed on April 1, 2014,
12 the Agenda committee, the Human Rights Commission Homeless committee, the CHIP
13 Group and all other County legislative bodies to comply with the Brown Act provisions
14 for open, noticed meetings.
- 15 6. That the Petitioner/Plaintiff recover attorneys’ fees that may be incurred in this action
16 pursuant to Government Code Section 54960.5 and/or Code of Civil Procedure Section
17 1021.5;
- 18 7. For an award of costs incurred in this action; and,
- 19 8. For such other and further relief as the court deems just and proper.

20 Dated: September 22, 2014

21 _____
22 JANELLE EGGER
23 Petitioner Pro Per

24 **VERIFICATION**

25 I, JANELLE EGGER, declare:

- 26 1. I am resident of Humboldt County and I am the Petitioner in this dispute. I make this
27 verification of my own knowledge.

1 2. I hereby verify that the factual matters stated in this **VERIFIED PETITION FOR WRIT**
2 **OF MANDATE AN INJUNCTION, AND DECLARATORY RELIEF FOR VIOLATIONS**
3 **OF THE RALPH M. BROWN ACT WITH EXHIBITS A THROUGH X** are known to me
4 personally and that they are true and correct of my own knowledge, Except as to those matters
5 which are stated upon my information a belief, and those matters I believe to be true.

6 I declare under penalty of perjury under the laws of California that the foregoing is true and that
7 this verification was executed in Fortuna, California, On September 22, 2014.

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Janelle Egger
Petitioner