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*Counsel for Plaintiff/Petitioner Center for Leadership, Equity, and Research*

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FRESNO COUNTY  
UNLIMITED JURISDICTION

21CECG03154

CENTER FOR LEADERSHIP, EQUITY, AND  
RESEARCH,

Plaintiff/Petitioner,

vs.

COUNTY OF FRESNO,  
FRESNO COUNTY JUVENILE JUSTICE  
COORDINATING COUNCIL,  
FRESNO COUNTY REALIGNMENT  
SUBCOMMITTEE,  
KIRK HAYNES, as Chief Probation Officer, and  
DOES 1-30 inclusive,

Defendants/Respondents.

Case No.: \_\_\_\_\_

**COMPLAINT FOR  
INJUNCTIVE AND  
DECLARATORY RELIEF AND  
VERIFIED PETITION FOR  
WRIT OF MANDATE**

## INTRODUCTION

1. Plaintiff Center for Leadership, Equity, and Research brings this action under the Ralph M. Brown Act (hereinafter the “Brown Act”) to ensure that the local bodies tasked with implementing juvenile justice reforms in Fresno County do so openly and with participation from the public, as required by law.

2. Fresno County, like every county across the state, is currently engaging in a process of juvenile justice “realignment,” as mandated by the Juvenile Justice Realignment Act. Under this law, California is preparing to close its state juvenile justice facilities and realign to the counties the jurisdiction over youth who previously would have been eligible for the state facilities. (Sen. Bill No. 823 (2019-2020 Reg. Sess.), § 1(b).) The Juvenile Justice Realignment Act calls on counties to implement a public health approach to juvenile justice, “supporting positive youth development, building the capacity of a continuum of community based approaches, and reducing crime by youth.” (*Id.* at § 1(c).)

3. Pursuant to the Juvenile Justice Realignment Act, each county must develop a “Realignment Plan” to be submitted to the state. In Fresno County, two local bodies are involved in developing the county’s plan: the “Juvenile Justice Coordinating Council” and the “Realignment Subcommittee,” a subcommittee of Juvenile Justice Coordinating Council.

4. Since Fall of 2020, both the Juvenile Justice Coordinating Council and the Realignment Subcommittee have committed frequent and repeated violations of the Brown Act in developing Fresno County’s Realignment Plan. Most significantly, the Juvenile Justice Coordinating Council violated the Brown Act at its meeting on October 29, 2020, when it formed the Realignment Subcommittee without public notice that it would be doing so. Following that meeting, the Realignment Subcommittee proceeded to convene at least eleven non-public meetings to develop Fresno County’s Realignment Plan, in total violation of the Brown Act.

5. As a result of these violations, Fresno County’s Realignment Plan was developed without community input, participation, oversight, or transparency. The plan itself was not shared with the public until the day the Juvenile Justice Coordinating Council voted to approve it. To date, the Realignment Subcommittee has never held a meeting that is open and accessible to the public.

6. Juvenile justice realignment is a massive endeavor that will continue in Fresno County for years to come. Plaintiff now seeks to bring Fresno County's juvenile justice realignment planning into compliance with the Brown Act's open and public meeting laws. Writ, declaratory, and injunctive relief are necessary to determine the applicability of the Brown Act to these bodies' past actions and to ensure compliance going forward.

**PARTIES**

### A. Plaintiff and Petitioner

7. Plaintiff and Petitioner CENTER FOR LEADERSHIP, EQUITY, AND RESEARCH (hereinafter “CLEAR” or “Plaintiff”), is a Fresno-based non-profit registered in the state of California. CLEAR operates with the stated mission of eliminating educational and social disparities which impede equitable opportunities and outcomes for all students and the communities from which they arrive. CLEAR is beneficially interested in the subject of this action and seeks mandamus and injunctive relief to prevent future violations of the Brown Act and declaratory relief finding that the actions described in this Complaint violated the Brown Act. Plaintiff pays, and in the past year has paid, for the services of independent contractors working in California. Plaintiff has also purchased goods and supplies in California subject to the state sales tax within one year before the commencement of this suit.

## B. Defendants and Respondents

8. Defendant and Respondent COUNTY OF FRESNO is a public entity, duly organized and existing under the laws of the State of California (hereinafter “Fresno County” or “Defendant”). Defendant COUNTY OF FRESNO is a local agency as defined by Section 54951 of the Government Code. Defendants Fresno County Juvenile Justice Coordinating Council and Fresno County Realignment Subcommittee are legislative bodies of Defendant COUNTY OF FRESNO.

9. Defendant and Respondent FRESNO COUNTY JUVENILE JUSTICE COORDINATING COUNCIL (hereinafter the “Juvenile Justice Coordinating Council” or “JJCC” or the “Council” or “Defendant”) is a multi-agency council established pursuant to Welfare and Institutions Code Section 749.22, which develops and implements county-based responses to juvenile crime. Defendant Juvenile Justice Coordinating Council, is, and at all relevant times was, responsible for the Fresno County Realignment Subcommittee.





1           14.     Venue in Fresno County is proper under Code of Civil Procedure Section 393,  
2 subdivision (b). Defendants are a local agency, public legislative bodies, and a public officer operating  
3 in Fresno County.

#### 4                           **FACTUAL AND STATUTORY BACKGROUND**

##### 5           **A. California’s Juvenile Justice Realignment**

6           15.     In 2020, California enacted historic legislation to bring about sweeping change to the  
7 state’s juvenile justice system. Citing research showing that outcomes for justice system-involved  
8 youth are better when they remain connected to their families and communities, the Juvenile Justice  
9 Realignment Act established the closure of California’s remaining state juvenile facilities and the  
10 realignment of the state’s juvenile justice system to the jurisdiction of the counties. (Sen. Bill No. 823  
11 (2019-2020 Reg. Sess.), § 1(a).)

12           16.     To prepare for this realignment, the Juvenile Justice Realignment Act mandated a local  
13 planning process to take place at the county level. Every county must create a “realignment  
14 subcommittee” that is responsible for developing the county’s plan for juvenile justice realignment.  
15 (Welf. & Inst. Code, § 1991, subd. (a).) The realignment subcommittee operates as a subcommittee of  
16 each county’s multiagency juvenile justice coordinating council. (*Id.*) The law designates the chief of  
17 probation as chair of the realignment subcommittee, and dictates that the subcommittee must consist of  
18 “one representative each” from six additional specified government agencies and no fewer than three  
19 “community members,” a term that is specifically defined by the statute. (Welf. & Inst. Code, § 1995,  
20 subd. (b).)

21           17.     Each county’s realignment subcommittee is required to develop the county’s  
22 Realignment Plan, a comprehensive document intended to guide how the county will allocate financial  
23 resources to respond to youth charged with serious offenses. (Welf. & Inst. Code, § 1991, subd. (a).)  
24 The plan must address the “facilities, programs, placements, services, supervision and reentry strategies  
25 that are needed to provide appropriate rehabilitation and supervision services” for the realigned youth  
26 population. (Welf. & Inst. Code, § 1995, subd. (a).)

27           18.     Both the subcommittee and its Realignment Plan are required as pre-conditions for  
28 counties receiving funds from a new state funding stream—the Juvenile Justice Realignment Block  
Grant (hereinafter “JJRBG”). The Juvenile Justice Realignment Act established the JJRBG funding

1 program to support the supervision, custody, and care of youth who previously would have been  
2 eligible for the state juvenile facilities. (Welf. & Inst. Code, § 1990.)

3 19. To be eligible for JJRBG funds in the first fiscal year of the program, 2021-2022,  
4 counties were required to create their realignment subcommittees. (Welf. & Inst. Code, § 1995, subd.  
5 (a).) To be eligible in the second and subsequent years of the JJRBG program, counties are required to  
6 submit their subcommittees' plans to California's state Office of Youth and Community Restoration—  
7 established by the Juvenile Justice Realignment Act as a new office within the state's Health and  
8 Human Services Agency. (Sen. Bill No. 823 (2019-2020 Reg. Sess.) § 50, ch. 4.) The counties' first  
9 plans are due on January 1, 2022, and annually thereafter on May 1. (Welf. & Inst. Code, § 1995, subd.  
10 (e).)

#### 11 **B. Juvenile Justice Realignment and the Brown Act**

12 20. The local bodies tasked with implementing juvenile justice realignment in the  
13 counties—the juvenile justice coordinating council and the realignment subcommittee—are subject to  
14 the open meeting requirements of the Brown Act, codified in Government Code Sections 54950 *et*  
15 *seq.*

16 21. In enacting the Brown Act, the Legislature declared that public commissions, boards,  
17 and councils exist to aid in the conduct of the people's business. (Gov. Code, § 54950) The purpose  
18 of the Brown Act is to ensure that the people remain informed so that they can retain control over the  
19 agencies that serve them. (*Id.*) It is therefore the intent of the Brown Act that public agencies conduct  
20 deliberations and actions openly. (*Id.*)

21 22. To this end, the Brown Act generally requires that the deliberations and actions of  
22 legislative bodies of local agencies be conducted through meetings that are open to the public. (Gov.  
23 Code, § 54953, subd. (a).) It requires such meetings to be posted with an agenda 72 hours in advance  
24 of the meeting (Gov. Code, §§ 54953, 54954, 54954.2, subd. (a).) The agenda must include a  
25 description of the items of business to be transacted or discussed, and it must include an opportunity  
26 for members of the public to directly address the legislative body on any item of interest to the public.  
27 (Gov. Code, §§ 54954.2, 54954.3.) The Brown Act also requires that the body publicly report any  
28 action taken and the vote or abstention on that action of each member present for the action. (Gov.

Code, § 54953 subd. (c)(2).) For teleconference meetings, the Brown Act explicitly requires a rollcall vote. (Gov. Code, § 54953 subd. (b)(2).)

23. In furtherance of these requirements, the Brown Act prohibits a majority of the members from communicating outside of an authorized meeting to “discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.” (Gov. Code, § 54952.2, subd. (b)(1).)

24. The Brown Act applies to the legislative bodies of counties as local agencies. (Gov. Code, §§ 54951, 54952.) The Brown Act defines a legislative body to include the county’s governing body as well as “any other local body created by state or federal statute.” (Gov. Code, § 54952, subd. (a).)

25. Pursuant to the Brown Act, a legislative body also includes a “commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body.” (Gov. Code, § 54952, subd. (b).) The Act expressly states that even an advisory subcommittee of a legislative body is a legislative body subject to the Brown Act if it is a standing committee with continuing subject matter jurisdiction or a fixed meeting schedule. (*Id.*)

26. As stated above, there are two local bodies named in the Juvenile Justice Realignment Act, the “juvenile justice coordinating council” and the “realignment subcommittee.” Both bodies are legislative bodies of the county and are therefore subject to the requirements of the Brown Act.

27. The juvenile justice coordinating council is a local body created by state statute (*See* Welf. & Inst. Code, § 749.22, Gov. Code, § 30061, subd. (b)(4).) In addition, as a local body of a county, the juvenile justice coordinating council has continuing subject matter jurisdiction over the county’s comprehensive multiagency juvenile justice plan, which by law must be updated annually. (*See* Gov. Code, § 30061, subd. (b)(4).) Under either statutory definition, the juvenile justice coordinating council qualifies as a legislative body of the county.

28. The realignment subcommittee is a local body created by state statute (*See* Welf. & Inst. Code, § 1995, subd. (a).) It is also a standing committee of the juvenile justice coordinating council with continuing subject matter jurisdiction over the county’s realignment plan, which by law must be filed annually with the state and reconsidered every third year. (*See* Welf. & Inst. Code, §

1 1995, subd. (e).) Under either statutory definition, the realignment subcommittee qualifies as a  
2 legislative body of the county.

3 29. The Brown Act applies to the juvenile justice realignment planning process and aligns  
4 with the intent of the Juvenile Justice Realignment Act, which placed particular emphasis on  
5 expanding the use of community-based interventions in lieu of secure confinement. (Sen. Bill No.  
6 823 (2019-2020 Reg. Sess.), §§ 1(c), 1(e).) The Juvenile Justice Realignment Act prioritized  
7 community participation by explicitly requiring a minimum of three “community members,” as  
8 specifically defined in the statute, to serve as members of the realignment subcommittee. (Welf. &  
9 Inst. Code, § 1995, subd. (b).) Community participation in the planning process is crucial to the Act’s  
10 intent to implement a public health approach to juvenile justice and expand the continuum of  
11 community-based responses. (Sen. Bill No. 823 (2019-2020 Reg. Sess.), § 1(c).)

### 12 **C. Juvenile Justice Realignment in Fresno County**

13 30. Recently, on August 26, 2021, Fresno County took the position that both its Juvenile  
14 Justice Coordinating Council and its Realignment Subcommittee are subject to the Brown Act.

15 31. In its implementation of its realignment planning process over the past year, however,  
16 Fresno County committed numerous Brown Act violations. Fresno County’s Juvenile Justice  
17 Coordinating Council violated the Brown Act in its creation of the County’s Realignment  
18 Subcommittee, and Fresno County’s Realignment Subcommittee violated the Act in its development  
19 of the County’s Realignment Plan.

#### 20 ***Brown Act Violations by Fresno’s Juvenile Justice Coordinating Council:***

21 32. Defendant Juvenile Justice Coordinating Council is Fresno County’s multiagency  
22 juvenile justice coordinating council, described in Welfare and Institutions Code Section 749.22.

23 33. On information and belief, Fresno County’s Chief of Probation, Defendant Kirk  
24 Haynes, is the chair of the Juvenile Justice Coordinating Council.

25 34. The Juvenile Justice Coordinating Council met twice in 2020: on May 29 and on  
26 October 29. Prior to the May meeting, the Council had not met for many years.

27 35. According to Fresno County, the Juvenile Justice Coordinating Council created  
28 Fresno’s Realignment Subcommittee during its teleconference meeting on October 29, 2020. The

1 agenda for the meeting indicates that the meeting was publicly posted and accessible to the  
2 public. Meeting minutes were taken and exist in draft form.

3 36. The agenda for the October 29 meeting, shown below, did not indicate that the  
4 Council intended to create the County's Realignment Subcommittee or establish its membership  
5 during the meeting. Rather, the agenda provided a list of topics without any notice that the JJCC  
6 would specifically discuss establishing the Realignment Subcommittee and its membership:

7 **JUVENILE JUSTICE COORDINATING COUNCIL**

8 **AGENDA: October 29, 2020 2:00 PM**

9 **Via Zoom (info below)**

10 **1. Welcome**

11 **2. Sub-Committee Assignments**

12 **a. JJCC Phased Response Plan**

13 **b. JJCC By-laws**

14 **c. JJCC Membership**

15 **3. DJJ Realignment Overview**

16 **a. DJJ Realignment Subcommittee responsibilities**

17 **b. Timeline development**

18 **4. Round Table**

19 **5. Next meeting**

20 37. Notably, the October 29 agenda did indicate that the Juvenile Justice Coordinating  
21 Council would discuss subcommittee assignments for three other Council subcommittees (Phased  
22 Response Plan, By-laws, and Membership), but not for the Realignment Subcommittee.

23 38. The agenda also failed to provide any notice of a proposed or anticipated action by the  
24 Council with respect to the Realignment Subcommittee or its membership. The omission of an "action  
25 item" for the October 29 meeting stands in contrast with Council agendas for two meetings in 2021,  
26 both of which noted that there would be "approval" by the Council on certain items.

27 39. According to the draft meeting minutes, at the October 29 meeting, the Probation Chief  
28 presented a list of the Juvenile Justice Coordinating Council members and the rosters for four  
subcommittees of the Council, including the Realignment Subcommittee. The "roster" for the  
Realignment Subcommittee listed representatives from six government agencies and a notation

1 indicating: “No fewer than three additional community members.” No specific community members  
2 were named in the roster. The roster also did not include any representative from the department of  
3 mental health, a member that is required by the statute. (*See* Welf. & Inst. Code, § 1995 subd. (b).)

4 40. According to the draft meeting minutes, the Probation Chief explained that members  
5 were assigned to subcommittees based on interest and “fit.” The Chief told attendees to inform him if  
6 they took issue with not being placed on a subcommittee or with where they were placed. It is not  
7 clear from the draft minutes whether this comment refers to the Realignment Subcommittee  
8 membership or only to the membership of the other subcommittees listed for discussion.

9 41. On information and belief, the meeting agenda did not include an opportunity for  
10 members of the public to directly address the Juvenile Justice Coordinating Council on the issue of the  
11 Realignment Subcommittee or its membership before, or during, consideration of the item. According  
12 to the draft meeting minutes, no public comment was taken.

13 42. According to the draft meeting minutes, the Juvenile Justice Coordinating Council did  
14 not publicly report any action taken with respect to the Realignment Subcommittee or its membership,  
15 nor did it report the vote or abstention of each member present for the action.

16 43. According to Fresno County, no vote or rollcall vote was taken to officially designate  
17 members of any subcommittee.

18 44. On information and belief, following the October 29 meeting, the Probation Chief  
19 engaged in non-public email communications with members of the Juvenile Justice Coordinating  
20 Council to select additional members of the Realignment Subcommittee.

21 ***Brown Act Violations by Fresno’s Realignment Subcommittee:***

22 45. Following the October 29 meeting of the Juvenile Justice Coordinating Council,  
23 the Probation Chief convened non-public meetings of the Realignment Subcommittee to develop  
24 Fresno County’s Realignment Plan.

25 46. On information and belief, the Probation Chief convened eleven teleconference  
26 meetings of the Realignment Subcommittee between November 18, 2020, and May 4, 2021. Not  
27 one of these meetings complied with the open and public meeting requirements of the Brown  
28 Act. Instead, meetings were scheduled via email directly with invited members and took place  
through a virtual Microsoft Teams platform that was not posted or made accessible to the public.

1           47.     According to the Probation Chief, there were no public postings of or notices for these  
2 meetings; there were no written agendas for these meetings; there were no attendance records for these  
3 meetings; and there were no votes of any kind taken during these meetings. Additionally, for three of  
4 the meetings, no notes or records were kept at all.

5           48.     On information and belief, the Realignment Subcommittee failed to: (1) make available  
6 for public inspection the materials distributed to the Subcommittee; (2) provide an opportunity for  
7 members of the public to directly address the Subcommittee on any item of interest to the public within  
8 the Subcommittee's subject matter jurisdiction; and (3) publicly report any action taken by the  
9 Subcommittee and the vote or abstention of each member present for the action.

10          49.     On information and belief, during these non-public meetings and through electronic  
11 communications, the members of the Realignment Subcommittee offered input on the Realignment  
12 Plan that was drafted by the Probation Department and its contracted consultants from the University of  
13 Cincinnati, School of Criminal Justice.

14          50.     On information and belief, the Subcommittee's Realignment Plan was not made public  
15 until after it was fully drafted. The Realignment Plan was first presented publicly on April 13, 2021,  
16 during an open meeting of the Juvenile Justice Coordinating Council.

17          51.     On information and belief, during the April 13 meeting, there was a discussion of the  
18 Realignment Plan and comments from members of the public suggesting revisions. However, the  
19 Council took a vote during the same meeting—on the same day that the Realignment Plan became  
20 available to the public—and approved the plan as drafted with no revisions. The votes or abstentions of  
21 members present were not publicly reported, nor was a rollcall vote taken.

22          52.     On information and belief, the Juvenile Justice Coordinating Council next met on July  
23 16, 2021, and there was an announcement during this meeting regarding the Realignment  
24 Subcommittee's Brown Act compliance. The agenda for this meeting was publicly posted. Although  
25 Brown Act compliance was not an item included on the agenda, during this meeting the Probation  
26 Chief stated that the Realignment Subcommittee would be "under the Brown Act and posted  
27 accordingly." The Probation Chief did not, however, elaborate as to what steps the Juvenile Justice  
28 Coordinating Council or the Realignment Subcommittee would take to bring their conduct into  
compliance with the Brown Act. The Chief also only referenced the "posting" requirements of the

1 Brown Act; he did not address future compliance with any other specific provision of the Act. No vote  
2 was taken and no action of the Council was reported on this issue. The Juvenile Justice Coordinating  
3 Council lacked quorum during this meeting, and therefore no action could be taken by the body on any  
4 issue.

5 53. On information and belief, the Juvenile Justice Coordinating Council's draft meeting  
6 minutes from the July 16 meeting indicate that the Realignment Subcommittee continues to meet  
7 monthly.

8 54. On information and belief, there have been no public meetings of the Juvenile Justice  
9 Coordinating Council or the Realignment Subcommittee subsequent to the July 16 Council meeting.  
10 Additionally, as of the date of this filing, there are no publicly posted meeting notices for either the  
11 Juvenile Justice Coordinating Council or the Realignment Subcommittee published on the Juvenile  
12 Justice Coordinating Council's website.

13 55. On information and belief, groups of Realignment Subcommittee members continue to  
14 discuss and deliberate Subcommittee business in non-public meetings.

15 **D. Statutory Exhaustion Requirements Have Been Met.**

16 56. On July 26, 2021, Plaintiff submitted a "cease and desist" letter to the Fresno County  
17 Board of Supervisors, addressed to the Chairman and the Board Clerk, and to the Juvenile Justice  
18 Coordinating Council, addressed to the Probation Chief as Chair.

19 57. Plaintiff's letter asserted that Fresno County's creation of its Realignment  
20 Subcommittee and the development of its Realignment Plan failed to comply with the Brown Act.  
21 Plaintiff requested that the Board of Supervisors or the Juvenile Justice Coordinating Council cure or  
22 correct the creation of the Realignment Subcommittee. Plaintiff further requested that the meetings of  
23 the Subcommittee and the development of the Realignment Plan comply with the Brown Act.

24 58. Thirty-one days after Plaintiff submitted their letter, on August 26, 2021, County  
25 Counsel responded on behalf of Fresno County. County Counsel asserted that the Juvenile Justice  
26 Coordinating Council formed the Realignment Subcommittee during their meeting on October 29,  
27 2020, in compliance with the Brown Act. County Counsel further asserted that the JJCC directed the  
28 Subcommittee to begin meeting to develop the County's Realignment Plan, and then approved the  
Subcommittee's plan on April 13, 2021. Counsel noted that during the JJCC's July 16 meeting, the



1 Probation Chief advised the Council that future Realignment Subcommittee meetings would comply  
2 with the Brown Act, while also stating that the meeting did not meet the requirements of a quorum and  
3 therefore no votes could be taken.

4 59. Accordingly, Defendants have not made an unconditional commitment to cease, desist  
5 from, and not repeat the past violations of the Brown Act committed by the Juvenile Justice  
6 Coordinating Council or the Realignment Subcommittee. Plaintiff's right to bring an action for  
7 declaratory relief with respect to Defendants' past actions has therefore ripened. (*See* Gov. Code, §  
8 54960.2.)

9 **MANDAMUS, INJUNCTIVE, AND DECLARATORY RELIEF ALLEGATIONS**

10 60. The purpose of the Brown Act is to ensure the public's right to review and to  
11 access the legislative bodies conducting the people's business. It requires that all legislative  
12 bodies deliberate and take actions openly. The Brown Act was enacted, in part, as a response to  
13 growing concerns about local government officials' practices of holding secret meetings. (*See*  
14 *Sacramento Newspaper Guild v. Sacramento Cty. Bd.*, (1968) 263 Cal.App.2d 41, 48-51.)

15 61. In furtherance of its objectives, the Brown Act outlines a series of transparency  
16 and public accountability requirements, including requirements related to the open conduct of  
17 meetings, proper notice of meetings and business, public access to information, opportunities for  
18 the public to directly address members of legislative bodies, and the recording of votes and other  
19 actions. (Gov. Code, § 54950 *et seq.*)

20 62. The Brown Act defines "local agency" as "a county, city, whether general law or  
21 chartered, city and county, town, school district, municipal corporation, district, political subdivision,  
22 or any board, commission or agency thereof, or other local public agency." (Gov. Code, § 54951.) The  
23 Brown Act includes a number of definitions of a "legislative body." The most relevant definitions are  
24 subdivisions (a) and (b) of Section 54952.<sup>1</sup> Section 54952, subdivision (a) defines a legislative body  
25 as: "The governing body of a local agency or any other local body created by state or federal statute."  
26 Section 54952, subdivision (b)'s definition of a legislative body includes: "A commission, committee,

27 <sup>1</sup> The other definitions of legislative bodies include certain private corporations and hospital lessees.  
28 (*See* Gov. Code, § 54952(c), (d).)

board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body.”

63. Based on either of the relevant statutory definitions outlined above, Defendants Juvenile Justice Coordinating Council and Realignment Subcommittee are legislative bodies of a local agency. Chief Haynes is the Chair of each legislative body and, upon information and belief, responsible for ensuring the bodies comply with various components of the Brown Act. (Gov. Code, §§ 54951, 54952(a)-(b).) As such, Defendants have clear, present, ministerial duties to comply with the requirements of the Brown Act and have failed to comply with those duties.

64. Plaintiff has no speedy and adequate remedy at law for Defendants’ past and continuing violations of the Brown Act. Plaintiff is suffering immediate and irreparable harm because of the Defendants’ conduct that will continue in the absence of injunctive relief.

65. With respect to Defendants’ past actions, Plaintiff seeks declaratory relief under Government Code Sections 54960 and 54960.2 to determine the applicability of the Brown Act to past violations by the Juvenile Justice Coordinating Council and the Realignment Subcommittee. Defendants do not concede their past violations. Instead, Defendants maintain that the Juvenile Justice Coordinating Council formed the Realignment Subcommittee in compliance with the Brown Act, and that the Subcommittee met to develop the County’s Realignment Plan at the direction of the Juvenile Justice Coordinating Council. Unless this Court grants the declaratory relief requested, Plaintiff will have no recourse for these past violations.

66. With respect to Defendants’ future actions, Plaintiff seeks declaratory and injunctive relief under Government Code Section 54960 to prevent violations by both the Juvenile Justice Coordinating Council and the Realignment Subcommittee from occurring in the future. The conduct of both bodies reflects a pattern of violations, and there is a threat that the violations by both bodies will recur.

67. Specifically, the Juvenile Justice Coordinating Council has a repeated pattern of failing to comply with the posting, agenda, public comment, and public reporting requirements of the Brown Act. On information and belief, the Council’s May 29, 2020 teleconference meeting: (1) failed to publicly post the agenda; (2) was held by teleconference and not publicly accessible; (3) failed to include public comment in the agenda; (4) failed to publicly report actions with the vote or abstention

1 of each member; and (5) failed to take rollcall votes. For the Council's October 29, 2020  
2 teleconference meeting: (1) the agenda failed to provided notice that the Council would create the  
3 Realignment Subcommittee or consider action with respect to Subcommittee membership; (2) the  
4 agenda failed to include public comment; (3) the Council failed to publicly report actions with the vote  
5 or abstention of each member; and (4) the Council failed to take rollcall votes. Instead, the Probation  
6 Chief engaged in communications outside of the public meeting to select Realignment Subcommittee  
7 members and convene the Subcommittee meetings. The Council's April 13, 2021 teleconference  
8 meeting included a vote to approve the county's Realignment plan, but the vote or abstention of each  
9 member was not publicly reported, nor was the vote taken by rollcall. For the Council's July 16, 2021  
10 teleconference meeting: (1) the agenda failed to provide notice that the Council would discuss or  
11 consider action with respect to compliance with the Brown Act; and (2) the Council failed to publicly  
12 report actions with the vote or abstention of each member. This pattern of violations by the Juvenile  
13 Justice Coordinating Council demonstrates the need for injunctive relief.

14 68. There is a threat of recurrence, as the Juvenile Justice Coordinating Council is likely to  
15 take action with respect to the Realignment Subcommittee membership again in the future. As noted  
16 above, the Realignment Subcommittee has continuing subject matter jurisdiction over the County's  
17 Realignment Plan. The Subcommittee also has statutory membership requirements for its seats. It must  
18 consist of seven government agency representatives and no fewer than three "community members,"  
19 defined under the statute as individuals with experience providing community-based youth services,  
20 youth justice advocates, or individuals who have been directly involved in the juvenile justice system.  
21 (*See* Welf. & Inst. Code, § 1995, subd. (b).) Over time, there is a strong likelihood that the Juvenile  
22 Justice Coordinating Council will need to either remove an existing member who may no longer be  
23 qualified or may otherwise need to fill an open seat. The risk that any such future action would violate  
24 the Brown Act is high, particularly when Defendants continue to deny past violations. Plaintiff  
25 therefore seeks injunctive relief to prevent future violations and ensure that any future action by the  
26 Juvenile Justice Coordinating Council, including with respect to the Realignment Subcommittee  
27 membership, complies with all pertinent requirements of the Brown Act.

28 69. Like the Juvenile Justice Coordinating Council, the Realignment Subcommittee has a  
pattern of past violations, having met at least eleven times in non-public meetings that were wholesale

1 violations of the Brown Act. Although the Probation Chief has stated an intention that the  
2 Subcommittee comply with the Brown Act, no action has been taken by either the Juvenile Justice  
3 Coordinating Council or the Subcommittee to implement compliant procedures or demonstrate what  
4 “compliance” will mean. The Probation Chief’s statement and County Counsel’s August 26 letter both  
5 fall far short of Brown Act requirements for an “unconditional commitment to cease, desist from, and  
6 not repeat” the alleged violations under Government Code Section 54960.2, subdivision (c).

7 70. On information and belief, the Realignment Subcommittee has never held an open and  
8 public meeting. The threat of future violations is therefore high, particularly where, on information and  
9 belief, members continue to conduct Subcommittee business in non-public meetings and  
10 communications. Plaintiff therefore seeks injunctive relief to prevent future violations and ensure that  
11 the Realignment Subcommittee complies with all pertinent requirements of the Brown Act.

12 71. Plaintiff has a direct beneficial interest in an open and public planning process for  
13 juvenile justice realignment in Fresno County. Plaintiff is a Fresno-based non-profit organization  
14 dedicated to eliminating educational and social disparities which impede equitable opportunities and  
15 outcomes for all young people and the communities from which they arrive. This mission aligns with  
16 the intent of the Juvenile Justice Realignment Act, which is for counties to implement a public health  
17 approach to juvenile justice to support positive youth development, build the capacity of a continuum  
18 of community-based approaches, and reduce delinquency among youth. (*See* Sen. Bill No. 823 (2019-  
19 2020 Reg. Sess.), § 1(c).) Plaintiff desires a Realignment Plan in Fresno County that will embody this  
20 intent and invest resources in positive opportunities for youth in the community.

21 72. But, Plaintiff cannot know about or participate in the realignment planning process, or  
22 inform interested youth and community members of how to do the same, unless both the Juvenile  
23 Justice Coordinating Council and the Realignment Subcommittee conduct their realignment decision-  
24 making in public. Plaintiff, as a taxpaying non-profit organization registered in the state of California,  
25 has an interest in vindicating the public’s right to know what its legislative bodies are doing and the  
26 public’s ability to ensure that bodies tasked with important public functions are following the law. The  
27 Realignment Subcommittee plays a crucial role in realignment implementation, as it is solely  
28 responsible for developing the county’s Realignment Plan, which guides how the county invests in  
resources to meet the rehabilitation and supervision needs of youth. (*See* Welf. & Inst. Code, §§ 1991,

1 subd. (a); 1995, subds. (a)-(c).) The Juvenile Justice Coordinating Council must select Realignment  
2 Subcommittee membership through an open and transparent process, and the Realignment  
3 Subcommittee must develop the County's plan with full participation from the public. Anything less  
4 falls short of the spirit, intent, and specific requirements of both the Juvenile Justice Realignment Act  
5 and the Brown Act.

6 73. Unless Defendants are ordered to comply with their aforementioned obligations,  
7 Plaintiff will be irreparably harmed and pecuniary compensation will be inadequate. Without  
8 declaratory relief with respect to past violations and declaratory and injunctive relief to prevent them  
9 from recurring, Defendants' conduct makes clear to community members that their input and  
10 participation in juvenile justice realignment is unwelcome and futile. Plaintiff's goal to support and  
11 develop community empowerment will be frustrated, as Plaintiff is committed to supporting the  
12 development of community leaders and amplifying their voices in local policy action. As long as the  
13 Juvenile Justice Coordinating Council and the Realignment Subcommittee conduct juvenile justice  
14 realignment decision-making without community access, Plaintiff cannot fulfill its mission and is  
15 irreparably harmed.

16 74. Unless enjoined by this Court, Defendants will continue to violate the Brown Act,  
17 frustrating public access to the juvenile justice realignment planning process in Fresno County. As a  
18 result of this failure, Plaintiff and the public are injured and will continue to be injured in the future.

19 75. Although written demand was made upon the Defendants to perform their duties, they  
20 have failed and refused to perform them.

21 76. Plaintiff is beneficially interested in having Defendants comply with all applicable  
22 provisions of law and legal duties, as set forth herein. Specifically, Plaintiff has an interest in  
23 monitoring and participating in the meetings and business of the Juvenile Justice Coordinating Council  
24 and the Realignment Subcommittee, and further has an interest in encouraging youth and other  
25 community members to do the same. In order to fully monitor and participate, Plaintiff requires  
26 knowledge of the meeting times, locations, and agendas; the opportunity to attend the meetings; and  
27 access to the records of the legislative bodies. As a concerned member of the community, Plaintiff has  
28 an interest in providing and encouraging others to provide information and feedback to the legislative  
bodies regarding the items within their jurisdiction, and to individual members regarding their

positions on specific issues. To accomplish this, Plaintiff requires the opportunity to attend meetings and directly address the legislative bodies in question during those meetings, and also requires a record of each member's vote

77. At all times relevant to this action, Defendants have had and continue to have the legal ability to perform their duties, but, despite demand, have failed and refused to do so.

78. An actual controversy has arisen and presently exists between Plaintiff and Defendants. Plaintiff has requested that Defendants cure and correct the Brown Act violations of both the Juvenile Justice Coordinating Council and the Realignment Subcommittee. Defendants have refused to do so, denying that any violations have occurred. In the time since their denial, Defendants have held no public meetings of either body. A judicial declaration is necessary and appropriate at this time in order that Plaintiff may ascertain and enforce the rights and duties as set forth above.

### **CLAIMS FOR RELIEF**

#### **FIRST CAUSE OF ACTION**

##### ***Writ of Mandate (Code of Civil Procedure § 1085)***

##### ***Violations of the Ralph M. Brown Act (Gov. Code, § 54950 et seq.)***

##### **(AS TO ALL DEFENDANTS)**

79. Plaintiff re-alleges and incorporates by reference all of the above paragraphs of this Complaint as though fully set forth herein.

##### ***Violations of Government Code Section 54953***

80. The Brown Act requires that all meetings of the legislative body of a local agency be open and public. (Gov. Code, § 54953, subd. (a).) If the legislative body of a local agency elects to use teleconferencing, it must "post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public. . . ." (Gov. Code, § 54953, subd. (b)(3).) Additionally, "[e]ach teleconference location shall be identified in the notice and agenda of the meeting or proceeding." (*Id.*) The agenda must "provide an opportunity for members of the public to address the legislative body directly." (*Id.*) "[A]ll votes taken during a teleconferenced meeting shall be by rollcall." (Gov. Code, § 54953, subd. (b)(2).) Finally, "[n]o legislative body shall take action by secret ballot" and the legislative body must "publicly report any

1 action taken and the vote or abstention on that action of each member present for the action.” (Gov.  
2 Code, § 54953, subd. (c).)

3 81. Defendants Juvenile Justice Coordinating Council and Chief Haynes as its Chair have a  
4 public duty to comply with the above requirements of the Brown Act, and have failed to comply with  
5 that duty on numerous occasions. With respect to Government Code Section 54953, the Juvenile  
6 Justice Coordinating Council failed to identify the teleconference location of its May 29, 2020 meeting  
7 when it did not provide a Zoom link in the meeting agenda. This failure denied the public its legal  
8 right to directly address the legislative body and contradicted the Act's purpose of encouraging public  
9 participation in government decision making. At its October 29, 2020 teleconference meeting, when  
10 the Juvenile Justice Coordinating Council formed the Realignment Subcommittee, the agenda did not  
11 provide an opportunity for members of the public to address the Council with respect to creation of the  
12 Subcommittee or establishment of its membership. The Council also did not publicly report any action  
13 with respect to the Subcommittee. If any votes were taken to declare membership of the  
14 Subcommittee, no such votes were publicly recorded, nor were they conducted by rollcall as required  
15 for a teleconference meeting under subdivision (b), subsection (2) of Government Code Section  
16 54953. The facts indicate that no such vote was taken, despite being required by Government Code  
17 Section 54953, subdivision (c), as Chief Haynes’ remarks at the meeting indicate that final decisions  
18 regarding membership of the Subcommittee were made outside of the Juvenile Justice Coordinating  
19 Council’s public meeting.

20 82. Defendants Realignment Subcommittee and Chief Haynes as its Chair have a public  
21 duty to comply with the above requirements of the Brown Act and have failed to comply. Defendants  
22 violated Government Code Section 54953 in all meetings held between November 2020 and April  
23 2021. Specifically, Defendants: (1) failed to hold open and public meetings and did not provide  
24 agendas for such meetings, as required under Government Code Section 54953, subdivision (a); (2)  
25 failed to publicly report any actions taken, and the vote or abstention of each member present for such  
26 action, as required under Government Code Section 54953, subdivisions (c)(1)-(2); and (3) failed to  
27 conduct any votes by rollcall, as required for teleconference meetings under Government Code Section  
28 54953, subdivision (b)(2).

1 ***Violations of Government Code Section 54954.2***

2 83. The Brown Act requires that at least 72 hours prior to its regular meetings, a legislative  
3 body must “post an agenda containing a brief general description of each item of business to be  
4 transacted or discussed at the meeting.” (Gov. Code, § 54954.2, subd. (a)(1).) The agenda must  
5 “specify the time and location of the regular meeting and . . . be posted in a location that is freely  
6 accessible to members of the public and on the local agency's Internet Web site, if the local agency has  
7 one.” (*Id.*)

8 84. Defendants Juvenile Justice Coordinating Council and Chief Haynes as its Chair have a  
9 public duty to comply with the above requirements of the Brown Act, and have failed to comply with  
10 that duty on numerous occasions. Specifically, for its May 29, 2020 meeting, the Juvenile Justice  
11 Coordinating Council failed to identify the teleconference location when they did not provide a Zoom  
12 link or other means of accessing the meeting in the posted agenda. For its October 29, 2020 meeting,  
13 the Council’s posted agenda failed to include any mention that the Council would be establishing the  
14 membership of its Realignment Subcommittee. The agenda gave no notice that the Council would be  
15 discussing or taking action on this topic, instead leaving members of the public to guess as to business  
16 being considered and denying the public a fair chance to participate.

17 85. Defendants Realignment Subcommittee and Chief Haynes as its Chair have a public  
18 duty to comply with the above requirements of the Brown Act and have failed to comply. The  
19 Realignment Subcommittee violated Government Code Section 54954.2, subdivision (a)(1), for each  
20 of the eleven non-public meetings that it held between November 18, 2020, and May 4, 2021, when it  
21 failed to post an agenda 72 hours before each meeting with a brief general description of each item of  
22 business to be transacted or discussed at the meeting. Further, the Subcommittee failed to publicize the  
23 date and location of each meeting and make said meetings publicly accessible.

24 ***Violations of Government Code Section 54954.3***

25 86. The Brown Act requires that every agenda for regular meetings “provide an opportunity  
26 for members of the public to directly address the legislative body on any item of interest to the public,  
27 before or during the legislative body’s consideration of the item, that is within the subject matter  
28 jurisdiction of the legislative body.” (Gov. Code, § 54954.3, subd. (a).)



1           87. Defendants Juvenile Justice Coordinating Council and Chief Haynes as its Chair have a  
2 public duty to comply with the above requirements of the Brown Act, and have failed to comply. The  
3 Juvenile Justice Coordinating Council violated Government Code Section 54954.3 on May 29, 2020  
4 when it failed to provide a zoom link for its teleconference meeting or include in its agenda an  
5 opportunity for members of the public to directly address the legislative body, thereby denying  
6 members of the public any opportunity to participate in the meeting. The Juvenile Justice Coordinating  
7 Council violated Section 54954.3 again on October 29, 2020 when it failed to provide an opportunity  
8 for members of the public to directly address the Council before or during the Council's discussion of  
9 the Subcommittee and establishment of its members, as required Section 54954.3, subdivision (a).

10           88. Defendants Realignment Subcommittee and Chief Haynes as its Chair have a public  
11 duty to comply with the above requirements of the Brown Act and have failed to comply. Defendant  
12 Realignment Subcommittee violated the Brown Act on at least eleven occasions by failing to give any  
13 notice of its meetings, provide agendas for the meetings, or include in its agendas an opportunity for  
14 members of the public to directly address the legislative body before or during the legislative body's  
15 consideration of the item, thereby denying members of the public any opportunity to participate as  
16 required under Government Code Section 54954.3, subdivision (a).

17 ***Violations of Government Code Section 54957.5***

18           89. The Brown Act stipulates that "agendas of public meetings and any other writings,  
19 when distributed to all, or a majority of all, of the members of a legislative body of a local agency by  
20 any person in connection with a matter subject to discussion or consideration at an open meeting of the  
21 body, are disclosable public records under the California Public Records Act (Chapter 3.5  
22 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request  
23 without delay." (Gov. Code, § 54957.5, subd. (a).) The Brown Act further requires that public records  
24 that relate to an agenda item of a "regular meeting of the legislative body of a local agency" which are  
25 distributed less than 72 hours prior to that meeting be available for public inspection "at the time the  
26 writing is distributed to all, or a majority of all, of the members of the body." (Gov. Code, § 54957.5,  
27 subd. (b).) All writings that are distributed to all or a majority of the members of a legislative body  
28 during a public meeting "shall be made available for public inspection at the meeting if prepared by

1 the local agency or a member of its legislative body, or after the meeting if prepared by some other  
2 person.” (Gov. Code, § 54957.5, subd. (c).)

3 90. Defendants Juvenile Justice Coordinating Council and Chief Haynes as its Chair have a  
4 public duty to comply with the above requirements of the Brown Act and have failed to comply. The  
5 Juvenile Justice Coordinating Council violated Section 54957.5 on October 29, 2020 when it failed to  
6 make available for public inspection the subcommittee rosters distributed to the members of the  
7 Juvenile Justice Coordinating Council, as required under subdivisions (a) and (c).

8 91. Defendants Realignment Subcommittee and Chief Haynes as its Chair have a public  
9 duty to comply with the above requirements of the Brown Act and have failed to comply. Defendant  
10 Realignment Subcommittee met eleven times between November 18, 2020 and May 4, 2021. No  
11 materials that were distributed to the Realignment Subcommittee members, or a majority of the  
12 members, were ever made available to the public, in violation of Government Code Section 54957.5,  
13 subdivisions (a) and (c).

14 ***Violations of Government Code Section 54952.2***

15 92. The Brown Act prohibits a majority of the members of a legislative body from using,  
16 outside of a public meeting, “a series of communications of any kind, directly or through  
17 intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject  
18 matter jurisdiction of the legislative body.” (Gov. Code, § 54952.2, subd. (b)(1).)

19 93. Defendants Realignment Subcommittee and Chief Haynes as its Chair have a public  
20 duty to comply with the above requirement of the Brown Act and have failed to comply. The  
21 Realignment Subcommittee’s subject matter jurisdiction is defined by statute as the development of  
22 Fresno County’s Realignment Plan. (*See* Welf. & Inst. Code, § 1995, subd. (a).) The Realignment  
23 Subcommittee has never held an open and public meeting, and instead convened at least eleven times  
24 as a body to draft Fresno’s Realignment Plan, which was presented to, and approved by, the Juvenile  
25 Justice Coordinating Council on April 13, 2021. The Realignment Subcommittee, therefore, developed  
26 the Realignment Plan entirely through communications conducted outside of any public meeting, in  
27 violation of Government Code Section 54952.2, subdivision (b).

28 94. Defendants have failed to comply with their ministerial duties under the Brown Act, as  
codified in Government Sections 54953, 54954.2, 54954.3, 54957.5, 54952.2 and as specified above.

1 Plaintiff is entitled to mandamus, declaratory and injunctive relief pursuant to Government Code  
2 Section 54960.

3 **SECOND CAUSE OF ACTION**

4 ***Declaratory Relief***

5 ***(Code of Civil Procedure § 1060 and Government Code §§ 54960 and 54960.2)***

6 **(AS TO ALL DEFENDANTS)**

7 95. Plaintiff re-alleges and incorporates by reference all of the above paragraphs of this  
8 Complaint as though fully set forth herein.

9 96. Plaintiff seeks a judicial declaration per Code of Civil Procedure Section 1060 and  
10 Government Code Section 54960 that Defendants have violated and/or continue to violate the statutory  
11 provisions of the Brown Act and a declaration determining the respective rights and duties of the  
12 parties, and addressing Defendants' violations of law.

13 **THIRD CAUSE OF ACTION**

14 ***Injunctive Relief (Code of Civil Procedure § 526 and Government Code § 54960)***

15 **(AS TO ALL DEFENDANTS)**

16 97. Plaintiff re-alleges and incorporates by reference all of the above paragraphs of  
17 this Complaint as though fully set forth herein.

18 98. Unless Defendants' violations described herein are enjoined, Plaintiff's statutory  
19 right to attend, observe, and participate in the meetings of the JJCC and the Realignment  
20 Subcommittee will be violated.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff respectfully requests that the Court grant the following relief:

23 99. Issue a declaratory judgement, pursuant to Code of Civil Procedure Section 1060  
24 and Government Code Sections 54960 and 54960.2, making the following determinations:

- 25 a. The Fresno County Juvenile Justice Coordinating Council is a legislative body of  
26 a local agency, as defined by Government Code Section 54952, and therefore the  
27 requirements of the Brown Act are applicable to its past as well as its ongoing and  
28 future actions.

- 1 b. At the teleconference meeting on October 29, 2020, the actions of the Juvenile  
2 Justice Coordinating Council and Probation Chief Haynes to create the  
3 Realignment Subcommittee violated the Brown Act in the following ways:
- 4 i. The meeting agenda failed to state that the Juvenile Justice Coordinating Council  
5 would take an action during its meeting to create the county's Realignment  
6 Subcommittee and establish its membership, as required under Government Code  
7 Section 54954.2, subdivision (a);
  - 8 ii. The meeting agenda failed to provide an opportunity for members of the public to  
9 directly address the Juvenile Justice Coordinating Council regarding creation of  
10 the Realignment Subcommittee and establishment of its membership before or  
11 during the Juvenile Justice Coordinating Council's consideration of the item, as  
12 required under Government Code Section 54954.3, subdivision (a);
  - 13 iii. The Juvenile Justice Coordinating Council failed to make available for public  
14 inspection the membership roster materials distributed to the members of the  
15 Council, as required under Government Code Section 54957.5;
  - 16 iv. The Juvenile Justice Coordinating Council failed to publicly report the action  
17 taken with respect to the Realignment Subcommittee and its membership, and it  
18 failed to publicly report the vote or abstention of each member present for the  
19 action, as required under Government Code Section 45953, subdivision (c);
  - 20 v. The Juvenile Justice Coordinating Council failed to conduct a vote by rollcall, as  
21 required for a teleconference meeting under Gov. Code Section 54953,  
22 subdivision (b), subparagraph (2).
- 23 c. The Fresno County Realignment Subcommittee is a legislative body of a local  
24 agency, as defined by Government Code Section 54952, and therefore the  
25 requirements of the Brown Act are applicable to its past as well as its ongoing and  
26 future actions.
- 27  
28

- 1 d. At its teleconference meetings between November 18, 2020, and May 4, 2021, the  
2 Realignment Subcommittee and Probation Chief Haynes committed violations of  
3 the Brown Act when they:
- 4 i. Failed to hold open and public meetings, as required under Government Code  
5 Section 54953, subdivision (a);
  - 6 ii. Failed to post an agenda 72 hours before each meeting with a brief general  
7 description of each item of business to be transacted or discussed at the meeting,  
8 as required under Government Code Section 54954.2, subdivision (a),  
9 subparagraph (1);
  - 10 iii. Failed to post an agenda 72 hours before each meeting with the time and location  
11 of the meeting in a location that is freely accessible to members of the public and  
12 on the local agency's Internet Web site, as required under Government Code  
13 Section 54954.2, subdivision (a), subparagraph (1);
  - 14 iv. Failed to make available for public inspection the materials distributed to the  
15 members of the Realignment Subcommittee, as required under Government Code  
16 Section 54957.5;
  - 17 v. Failed to provide an opportunity for members of the public to directly address the  
18 Realignment Subcommittee on any item of interest to the public that is within the  
19 Realignment Subcommittee's subject matter jurisdiction, as required under  
20 Government Code Section 54954.3;
  - 21 vi. Failed to publicly report any action taken and the vote or abstention of each  
22 member present for the action, as required under Government Code Section  
23 45953, subdivision (c), subparagraphs (1)-(2);
  - 24 vii. Failed to conduct a vote by rollcall, as required for teleconference meetings under  
25 Government Code Section 54953, subdivision (b), subparagraph (2).
- 26 e. By developing Fresno County's Realignment plan outside of public meetings, the  
27 Realignment Subcommittee and Probation Chief Haynes violated the Brown Act  
28

1 provisions which prohibit a majority of the members from using, outside of a  
2 public meeting, “a series of communications of any kind, directly or through  
3 intermediaries, to discuss, deliberate, or take action on any item of business that is  
4 within the subject matter jurisdiction of the legislative body,” as stated in  
5 Government Code Section 54952.2, subdivision (b), subparagraph (1).

- 6 100. Enjoin Defendants, pursuant to Code of Civil Procedure Section 526 and  
7 Government Code Section 54960 from:
- 8 a. Committing Brown Act violations as detailed in this Complaint, and from  
9 conducting the business of the Juvenile Justice Coordinating Council and the  
10 Realignment Subcommittee in violation of any other provisions of the Brown Act.
  - 11 b. Engaging in communications prohibited by Government Code Section 54952.2,  
12 subdivision (b), subparagraph (1).

- 13 101. Issue a writ of mandate, pursuant to Code of Civil Procedure Section 1085 and  
14 Government Code Section 54960, ordering Defendants to perform their duties and obligations  
15 under the Brown Act, including meeting their requirements to:

- 16 a. Hold open and public meetings, as required under Gov. Code Section 54953,  
17 subdivision (a);
- 18 b. Post an agenda 72 hours before each meeting in a location that is freely accessible  
19 to members of the public and on Fresno County’s Internet Web site, with the time  
20 and location of the meeting and a brief general description of each item of  
21 business to be transacted or discussed at the meeting, as required under  
22 Government Code Section 54954.2, subdivision (a), subparagraph (1);
- 23 c. Ensure that every agenda for regular meetings provides an opportunity for  
24 members of the public to directly address the legislative body on any item of  
25 interest to the public, before or during the body’s consideration of the item, or of  
26 any that is within the subject matter jurisdiction of the body, as required under  
27 Government Code Section 54954.3, subdivision (a).

- 1 d. Publicly report any action taken and the vote or abstention on that action of each  
2 member present for the action, as required under Government Code Section  
3 54953, subdivision (c).  
4 e. For any teleconference meeting, take all votes by rollcall, as required under  
5 Government Code Section 54953, subdivision (c), subparagraph (2).  
6 f. Make available for public inspection the materials distributed to the legislative  
7 body or a majority of the members of the legislative body, as required under  
8 Government Code Section 54957.5.

9 102. Grant Plaintiff reasonable attorneys' fees and costs of litigation under Code of  
10 Civil Procedure Section 1021.5, Government Code Section 54960.5, and any other applicable  
11 provisions of law.

12 103. Award such other relief as this Court may deem just and proper.  
13

14 DATED: October 21, 2021

Respectfully submitted,

15  
16 DocuSigned by:  
By: Scott Frewing  
5F8D6B846F2640C  
17 SCOTT H. FREWING  
18 ANDREW P. CROUSORE  
BAKER & MCKENZIE LLP

19 MEREDITH DESAUTELS  
20 ERIN PALACIOS  
21 YOUTH LAW CENTER

22 *Attorneys for Plaintiff and Petitioner*  
23 *Center for Leadership, Equity, and Research*  
24  
25  
26  
27  
28

**VERIFICATION**

I, Ken Magdaleno, declare as follows:

As Executive Director of Plaintiff/Petitioner CENTER FOR LEADERSHIP, EQUITY, AND RESEARCH, I am a party to this action and I am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF AND VERIFIED PETITION FOR WRIT OF MANDATE and know the contents thereof. The same is true of my own knowledge, except as to the matters which are therein stated on my information or belief, and as to those matters that I believe to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in Fresno, in Fresno County, California on October 21, 2021.

DocuSigned by:  
  
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KEN MAGDALENO