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34-2022-80003909

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16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 SACRAMENTO COUNTY
18 UNLIMITED JURISDICTION

19 YOUTH FORWARD,

20 Plaintiff/Petitioner,

21 vs.

22 COUNTY OF SACRAMENTO,
23 SACRAMENTO COUNTY JUVENILE
24 JUSTICE COORDINATING COUNCIL,
25 SACRAMENTO COUNTY REALIGNMENT
26 SUBCOMMITTEE, MARLON YARBER, as
27 Chief Probation Officer, and DOES 1-30
28 inclusive,

Defendants/Respondents.

Case No.:

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

BY FAX

INTRODUCTION

1
2 1. Plaintiff Youth Forward brings this action under the Ralph M. Brown Act
3 (hereinafter the “Brown Act”) to ensure that the local bodies tasked with implementing juvenile
4 justice reforms in Sacramento County do so openly and with participation from the public, as
5 required by law.

6 2. Sacramento County, like every county across the state, is currently engaging in a
7 process of juvenile justice “realignment,” as mandated by the Juvenile Justice Realignment Act of
8 2020. Under this law, California has stopped intake to and is preparing to close its state juvenile
9 justice facilities and realign to the counties the jurisdiction over youth who previously would have
10 been eligible for the state facilities. (Sen. Bill No. 823 (2019-2020 Reg. Sess.), § 1(b).) The
11 Juvenile Justice Realignment Act calls on counties to implement a public health approach to
12 juvenile justice, “supporting positive youth development, building the capacity of a continuum of
13 community based approaches, and reducing crime by youth.” (*Id.* at § 1(c).)

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

18 4. Since December 2020, both the Juvenile Justice Coordinating Council and the
19 Realignment Subcommittee have committed multiple and repeated violations of the Brown Act in
20 developing Sacramento County’s plan for juvenile justice realignment. Neither body has
21 conducted any of its meetings in compliance with the Brown Act, despite repeated requests from
22 community members to open these crucial meetings to the public.

23 5. As a result of these violations, Sacramento County’s plan for juvenile justice
24 realignment has been developed without community input, participation, oversight, or
25 transparency. Both bodies remain in wholesale violation of the Brown Act, as Sacramento County
26 has taken the unfounded position that the Brown Act does not apply.

27 6. Juvenile justice realignment is a massive endeavor that will continue in Sacramento
28 County for years to come. Plaintiff now seeks to bring Sacramento County’s juvenile justice

1 realignment planning into compliance with the Brown Act’s open and public meeting laws. Writ,
2 declaratory, and injunctive relief are necessary to determine the applicability of the Brown Act and
3 to ensure compliance going forward.

4 **PARTIES**

5 **A. Plaintiff and Petitioner**

6 7. Plaintiff and Petitioner YOUTH FORWARD (hereinafter “Youth Forward” or
7 “Plaintiff”) is a Sacramento-based non-profit registered in the state of California. Youth Forward
8 operates with the stated mission of improving the health, education, and wellbeing of the
9 community’s most vulnerable children and youth through youth leadership development, policy
10 advocacy, education, and community action. Youth Forward is beneficially interested in the
11 subject of this action and seeks declaratory relief to determine the applicability of the Brown Act,
12 and mandamus and injunctive relief to prevent future Brown Act violations. Plaintiff pays, and in
13 the past year has paid, employees working in California. Plaintiff has also purchased goods and
14 supplies in California subject to the state sales tax within one year before the commencement of
15 this suit.

16 **B. Defendants and Respondents**

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

23 9. Defendant and Respondent SACRAMENTO COUNTY JUVENILE JUSTICE
24 COORDINATING COUNCIL (hereinafter the “Juvenile Justice Coordinating Council” or “JJCC”
25 or the “Council” or “Defendant”) is a multi-agency council, established pursuant to Welfare and
26 Institutions Code Section 749.22, that develops and implements county-based responses to
27 juvenile crime.

1 10. Defendant and Respondent SACRAMENTO COUNTY REALIGNMENT
2 SUBCOMMITTEE (hereinafter the “Realignment Subcommittee” or the “Subcommittee” or
3 “Defendant”) is a subcommittee of Sacramento County’s pre-existing Juvenile Justice
4 Coordinating Council and was established by statute pursuant to Senate Bill 823 (Sen. Bill No.
5 823 (2019-2020 Reg. Sess.) § 49, ch. 1.7); Welf. & Inst. Code, § 1995.) The Subcommittee’s
6 statutory purpose is to “develop a plan describing the facilities, programs, placements, services,
7 supervision and reentry strategies that are needed to provide appropriate rehabilitation and
8 supervision services” for realigned youth. (Welf. & Inst. Code, § 1995, subd. (a).)

9 11. Defendant and Respondent Chief Probation Officer MARLON YARBER is
10 currently the Chief of the Sacramento County Probation Department, and at all relevant times was
11 the Chief, Interim Chief, or Assistant Chief in the Department (hereinafter “Chief Yarber” or
12 “Defendant Yarber”). As the Chief Probation Officer, Chief Yarber is the Chair of both the
13 Juvenile Justice Coordinating Council and the Realignment Subcommittee. He is sued in his
14 official capacity.

15 12. Defendants DOES 1 through 30 are persons or entities whose true names and
16 capacities are presently unknown to Plaintiff, who therefore sues these Defendants by fictitious
17 names. Plaintiff is informed and believes, and on that basis alleges, that each of the DOE
18 Defendants was a member of Sacramento County’s Juvenile Justice Coordinating Council and/or
19 Sacramento County’s Realignment Subcommittee, and/or an agent or employee of Defendant
20 Sacramento County acting within the course and scope of said membership or employment.
21 Plaintiff is further informed and believes, and based thereon alleges, that each of the DOE
22 Defendants is legally responsible in some manner for the occurrences herein alleged. All
23 allegations in this Complaint that refer to the named Defendants refer in like manner to those
24 Defendants identified as DOES 1 through 30. Plaintiff will amend this Complaint to allege the true
25 names and capacities of the DOE Defendants when they have been ascertained.

26 **JURISDICTION AND VENUE**

27 13. This Court has jurisdiction over Plaintiff’s claims for declaratory and injunctive
28 relief under Code of Civil Procedure Sections 526 and 1060, and over Plaintiff’s request for a Writ

1 of Mandate under Code of Civil Procedure Section 1085. This Court also has jurisdiction under
2 Government Code Section 54960.

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

6 **FACTUAL AND STATUTORY BACKGROUND**

7 **A. California's Juvenile Justice Realignment**

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

14 16. The Juvenile Justice Realignment Act established the Juvenile Justice Realignment
15 Block Grant (hereinafter "JJRBG") program—a state funding stream to support the supervision,
16 custody, and care of youth who previously would have been eligible for the state juvenile facilities.
17 (Welf. & Inst. Code, § 1990.) To receive JJRBG funds, the counties are required to form a
18 subcommittee and Realignment Plan.

19 17. To prepare for this realignment, the Juvenile Justice Realignment Act mandated a
20 local planning process to take place at the county level as part of the realignment funding program.
21 Every county receiving JJRBG funding was required to create a "realignment subcommittee" as a
22 subcommittee of the county's multiagency juvenile justice coordinating council, a pre-existing
23 local body chaired by the county probation chief with the duty of developing and annually updating
24 each county's "multiagency juvenile justice plan." (*See* Welf. & Inst. Code, § 1991, subd. (a); Gov.
25 Code, § 30061, subd. (b)(4); Welf. & Inst. Code, § 749.22.)

26 18. The "realignment subcommittee" required under the Juvenile Justice Realignment
27 Act operates as a subcommittee of the juvenile justice coordinating council that is chaired by the
28 county probation chief. (Welf. & Inst. Code, § 1995, subd. (b).) The law requires the subcommittee

1 to consist of “one representative each” from six additional specified government agencies and no
2 fewer than three “community members,” a term that is specifically defined by the statute. (Welf.
3 & Inst. Code, § 1995, subd. (b).)

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

10 20. To be eligible for JJRBG funds in the first fiscal year of the program, 2021-2022,
11 counties were required to create their realignment subcommittees. (Welf. & Inst. Code, § 1995,
12 subd. (a).) To be eligible in the second and subsequent years of the JJRBG program, counties are
13 required to submit their subcommittees’ plans to California’s state Office of Youth and
14 Community Restoration—established by the Juvenile Justice Realignment Act as a new office
15 within the state’s Health and Human Services Agency. (Sen. Bill No. 823 (2019-2020 Reg. Sess.)
16 § 50, ch. 4.) The counties’ first plans were due on January 1, 2022, and are due annually on May
17 1 going forward. (Welf. & Inst. Code, § 1995, subd. (e).)

18 **B. Juvenile Justice Realignment and the Brown Act**

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

23 22. In enacting the Brown Act, the Legislature declared that public commissions,
24 boards, and councils exist to aid in the conduct of the people’s business. (Gov. Code, § 54950.)
25 The purpose of the Brown Act is to ensure that the people remain informed so that they can retain
26 control over the agencies that serve them. (*Id.*) It is therefore the intent of the Brown Act that
27 public agencies conduct deliberations and actions openly. (*Id.*)

1 23. To this end, the Brown Act generally requires that the deliberations and actions of
2 legislative bodies of local agencies be conducted through meetings that are open to the public.
3 (Gov. Code, § 54953, subd. (a).) It requires such meetings to be posted with an agenda 72 hours
4 in advance of the meeting (Gov. Code, §§ 54953, 54954, 54954.2, subd. (a).) The agenda must
5 include a description of the items of business to be transacted or discussed, and it must include an
6 opportunity for members of the public to directly address the legislative body on any item of
7 interest to the public. (Gov. Code, §§ 54954.2, 54954.3.) The Brown Act also requires that the
8 body publicly report any action taken and the vote or abstention on that action of each member
9 present for the action. (Gov. Code, § 54953, subd. (c)(2).) For teleconference meetings, the Brown
10 Act explicitly requires a rollcall vote. (Gov. Code, § 54953, subd. (b)(2).)

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

15 25. The Brown Act applies to the legislative bodies of counties as local agencies. (Gov.
16 Code, §§ 54951, 54952.) The Brown Act defines a legislative body to include the county’s
17 governing body as well as “any other local body created by state or federal statute.” (Gov. Code,
18 § 54952, subd. (a).)

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

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

1 28. The juvenile justice coordinating council is a local body created by state statute
2 (*See* Welf. & Inst. Code, § 749.22, Gov. Code, § 30061, subd. (b)(4).) In addition, as a local body
3 of a county, the juvenile justice coordinating council has continuing subject matter jurisdiction
4 over the county’s comprehensive multiagency juvenile justice plan, which by law must be
5 reviewed and updated annually. (*See* Gov. Code, § 30061, subd. (b)(4).) The law allows, but does
6 not require, a county board of supervisors to approve the plan developed by the juvenile justice
7 coordinating council. (*Id.*) Under either statutory definition enumerated in the Brown Act, the
8 juvenile justice coordinating council qualifies as a legislative body of the county.

9 29. The realignment subcommittee is a local body created by state statute (*See* Welf. &
10 Inst. Code, § 1995, subd. (a).) It is also a standing committee of the juvenile justice coordinating
11 council with continuing subject matter jurisdiction over the county’s realignment plan, which by
12 law must be filed annually with the state and reconsidered every third year. (*See* Welf. & Inst.
13 Code, § 1995, subd. (e).) Under either statutory definition enumerated in the Brown Act, the
14 realignment subcommittee qualifies as a legislative body of the county.

15 30. The Brown Act’s application to the juvenile justice realignment planning process
16 aligns with the intent of the Juvenile Justice Realignment Act, which placed particular emphasis
17 on expanding the use of community-based interventions in lieu of secure confinement. (Sen. Bill
18 No. 823 (2019-2020 Reg. Sess.), §§ 1(c), 1(e).) The Juvenile Justice Realignment Act prioritized
19 community participation by explicitly requiring a minimum of three “community members,” as
20 specifically defined in the statute, to serve as members of the realignment subcommittee. (Welf.
21 & Inst. Code, § 1995, subd. (b).) Community participation in the planning process is crucial to the
22 Act’s intent to implement a public health approach to juvenile justice and expand the continuum
23 of community-based responses. (Sen. Bill No. 823 (2019-2020 Reg. Sess.), § 1(c).)

24 **C. Juvenile Justice Realignment in Sacramento County**

25 31. Sacramento County has taken the position that neither its Juvenile Justice
26 Coordinating Council nor its Realignment Subcommittee is subject to the Brown Act.
27 Accordingly, these bodies have conducted and continue to conduct Sacramento County’s juvenile
28 justice realignment planning in complete violation of the Brown Act.

1 ***Brown Act Violations by Sacramento’s Juvenile Justice Coordinating Council:***

2 32. Defendant Juvenile Justice Coordinating Council is Sacramento County’s
3 multiagency juvenile justice coordinating council, described in Welfare and Institutions Code
4 Section 749.22.

5 33. On information and belief, Sacramento County’s Juvenile Justice Coordinating
6 Council dually functions as the “Juvenile Institutions, Programs and Court Committee” of
7 Sacramento County’s Criminal Justice Cabinet.

8 34. On information and belief, Sacramento County’s Chief of Probation, Defendant
9 Marlon Yarber, is currently the chair of the Juvenile Justice Coordinating Council.

10 35. On information and belief, Sacramento’s Juvenile Justice Coordinating Council
11 convened a meeting on December 1, 2020, that was not publicly posted nor open to attendance by
12 members of the public. Instead, the meeting was announced via email and an electronic calendar
13 invitation was sent directly to council members.

14 36. On information and belief, during this meeting, members of the Juvenile Justice
15 Coordinating Council discussed juvenile justice realignment and the establishment of
16 Sacramento’s Realignment Subcommittee. This meeting included a discussion of the individuals
17 who would serve as the government representatives on the Realignment Subcommittee, and a
18 discussion of the process that would be used for selecting the community member representatives.

19 37. On information and belief, at all of its meetings between December 2020 and the
20 date of this Complaint, the Juvenile Justice Coordinating Council has failed to: (1) publicly post
21 an agenda 72 hours in advance of the meeting; (2) conduct the meeting in a manner that is
22 accessible to the public; (3) make available for public inspection the materials distributed to the
23 Council; (4) provide an opportunity for members of the public to directly address the Council on
24 any item of interest to the public within the Council’s subject matter jurisdiction before or during
25 the Council’s discussion of that item; (5) publicly report any action taken by the Council and the
26 vote or abstention of each member present for the action; and (6) for teleconference meetings,
27 conduct a rollcall vote.

1 38. On information and belief, the Juvenile Justice Coordinating Council continues to
2 meet and conduct its business behind closed doors, in violation of the Brown Act. Sacramento
3 County maintains that the Brown Act does not apply to the Juvenile Justice Coordinating Council,
4 and that the Council can continue to operate without satisfying the Act's requirements.

5 ***Brown Act Violations by Sacramento's Realignment Subcommittee:***

6 39. On information and belief, following the December 1 meeting of the Juvenile
7 Justice Coordinating Council, then-Assistant Chief Yarber convened the first meeting of
8 Sacramento's Realignment Subcommittee. This meeting was held on December 15, 2020, and it
9 was not publicly posted nor open to attendance by members of the public. Instead, the meeting
10 was announced via an electronic calendar invitation sent directly to Subcommittee members.

11 40. On information and belief, Sacramento's Realignment Subcommittee convened
12 approximately 16 times in 2021 and 10 times in 2022 in meetings that were not publicly posted
13 nor open to attendance by members of the public. During these meetings, the Subcommittee
14 discussed, deliberated, and took actions with respect to Sacramento County's plan for juvenile
15 justice realignment.

16 41. On information and belief, at all of its meetings, the Realignment Subcommittee
17 failed to: (1) publicly post an agenda 72 hours in advance of the meeting; (2) conduct the meeting
18 in a manner that was accessible to the public; (3) make available for public inspection the materials
19 distributed to the Subcommittee; (4) provide an opportunity for members of the public to directly
20 address the Subcommittee on any item of interest to the public within the Subcommittee's subject
21 matter jurisdiction before or during the body's discussion of that item; (5) publicly report any
22 action taken by the Subcommittee and the vote or abstention of each member present for the action;
23 and (6) for teleconference meetings, conduct a rollcall vote.

24 42. On information and belief, during these non-public meetings and through electronic
25 communications, the members of the Realignment Subcommittee offered input on the
26 Realignment Plan that was drafted by the Probation Department. This plan was approved by the
27 Subcommittee on November 11, 2021, and thereafter submitted to the state Office of Youth and
28 Community Restoration on behalf of Sacramento County.

1 43. On information and belief, the Realignment Subcommittee continues to meet and
2 conduct its business behind closed doors, in violation of the Brown Act. The County maintains
3 that the Brown Act does not apply to the Realignment Subcommittee and that the Subcommittee
4 can continue to operate without satisfying the Act’s requirements.

5 **D. Defendants Have Refused Plaintiff’s Request to Conduct Open Meetings.**

6 44. On May 13, 2022, Plaintiff submitted a “cease and desist” letter to the Sacramento
7 County Board of Supervisors, addressed to the Board Chairman, and to the Juvenile Justice
8 Coordinating Council and Realignment Subcommittee, addressed to the Probation Chief as Chair
9 of each.

10 45. Plaintiff’s letter asserted that Sacramento County’s Juvenile Justice Coordinating
11 Council and Realignment Subcommittee are bound by the Brown Act and that both have failed to
12 comply with its open meeting requirements. Plaintiff requested that the County’s Juvenile Justice
13 Coordinating Council and Realignment Subcommittee cease these violations and commit to
14 complying with the Brown Act going forward.

15 46. On June 8, 2022, County Counsel responded on behalf of Sacramento County.
16 County Counsel confirmed that Sacramento’s juvenile justice realignment planning meetings have
17 not been conducted pursuant to the Brown Act. Counsel further asserted that this planning process
18 is not required to comply with the Brown Act.

19 47. Accordingly, despite Plaintiff’s demand, Defendants have refused to make an
20 unconditional commitment to cease, desist from, and not repeat the past violations of the Brown
21 Act committed by the Juvenile Justice Coordinating Council or the Realignment Subcommittee.

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

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

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

6 50. The Brown Act defines “local agency” as “a county, city, whether general law or
7 chartered, city and county, town, school district, municipal corporation, district, political
8 subdivision, or any board, commission or agency thereof, or other local public agency.” (Gov.
9 Code, § 54951.) The Brown Act includes a number of definitions of a “legislative body.” The most
10 relevant definitions are subdivisions (a) and (b) of Section 54952.¹ Section 54952, subdivision (a)
11 defines a legislative body as: “The governing body of a local agency or any other local body
12 created by state or federal statute.” Section 54952, subdivision (b)’s definition of a legislative body
13 includes: “A commission, committee, board, or other body of a local agency, whether permanent
14 or temporary, decision-making or advisory, created by charter, ordinance, resolution, or formal
15 action of a legislative body.”

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

23 52. Plaintiff has no speedy and adequate remedy at law for Defendants’ continuing
24 violations of the Brown Act. Plaintiff is suffering immediate and irreparable harm because of the
25 Defendants’ conduct, and this harm will continue in the absence of injunctive relief.

26
27
28 ¹ The other definitions of legislative bodies include certain private corporations and hospital lessees.
(*See* Gov. Code, § 54952, subs. (c) and (d).)

1 53. Plaintiff seeks declaratory and injunctive relief under Government Code Section
2 54960 to prevent violations by both the Juvenile Justice Coordinating Council and the Realignment
3 Subcommittee from occurring in the future. The conduct of both bodies reflects a pattern of
4 violations, and there is a threat that the violations by both bodies will recur. Further, Sacramento
5 County has taken the position that these bodies are not required to comply with the Brown Act,
6 making future violations both likely to recur and difficult to monitor.

7 54. On information and belief, neither the Juvenile Justice Coordinating Council nor
8 the Realignment Subcommittee has ever conducted its business through a noticed, open and public
9 meeting. The threat of future violations is therefore high, particularly where, on information and
10 belief, members continue to conduct business of the legislative body in non-public meetings and
11 *via* electronic communications. Plaintiff therefore seeks injunctive relief to prevent future
12 violations and ensure that the Juvenile Justice Coordinating Council and the Realignment
13 Subcommittee comply with all pertinent requirements of the Brown Act.

14 55. Plaintiff has a direct beneficial interest in an open and public planning process for
15 juvenile justice realignment in Sacramento County. Plaintiff is a Sacramento-based non-profit
16 organization dedicated to creating smart solutions to improve the health, education and wellbeing
17 of Sacramento's most vulnerable children and youth. Plaintiff's core organizational value is that
18 young people must play a central role in social change efforts, and Plaintiff furthers its mission
19 through youth leadership development, policy advocacy, education and community action.
20 Plaintiff's mission and work aligns closely with the intent of the Juvenile Justice Realignment Act,
21 which is for counties to implement a public health approach to juvenile justice to support positive
22 youth development, build the capacity of a continuum of community-based approaches, and reduce
23 delinquency among youth. (*See* Sen. Bill No. 823 (2019-2020 Reg. Sess.), § 1(c).) Plaintiff desires
24 a Realignment Plan and juvenile justice system in Sacramento County that will embody this intent
25 and invest resources in positive opportunities for youth in the community.

26 56. But, Plaintiff cannot know about or participate in the realignment planning process,
27 or inform interested youth and community members of how to do the same, unless both the
28 Juvenile Justice Coordinating Council and the Realignment Subcommittee conduct their

1 realignment decision-making in public. Plaintiff, as a taxpaying, non-profit organization registered
2 in the state of California, has an interest in vindicating the public's right to know what its legislative
3 bodies are doing and the public's ability to ensure that bodies tasked with important public
4 functions are following the law. The Realignment Subcommittee plays a crucial role in
5 realignment implementation, as it is solely responsible for developing the county's Realignment
6 Plan, which guides how the County will allocate its Juvenile Justice Realignment Block Grant
7 funds to meet the rehabilitation and supervision needs of youth. (*See* Welf. & Inst. Code, §§ 1991,
8 subd. (a); 1995, subds. (a)-(c).) The Juvenile Justice Coordinating Council plays a similarly
9 important role in local juvenile justice planning, as it is solely responsible for developing the
10 County's multiagency juvenile justice plan, which sets forth the juvenile justice programs,
11 strategies, or system enhancements to be funded by state dollars allocated to the counties under
12 the Juvenile Justice Crime Prevent Act (*See* Gov. Code, § 30061, subd. (b)(4); Welf. & Inst. Code,
13 § 749.22.). These critical local planning bodies must develop Sacramento County's juvenile justice
14 plans with full participation from the public. Anything less falls short of the spirit, intent, and
15 specific requirements of both the Juvenile Justice Realignment Act and the Brown Act.

16 57. Unless Defendants are ordered to comply with their aforementioned obligations,
17 Plaintiff will be irreparably harmed, and pecuniary compensation will be inadequate. Without
18 judicial relief, Defendants will continue to conduct their juvenile justice planning behind closed
19 doors, making clear to community members that their input and participation is unwelcome and
20 futile. Plaintiff is committed to supporting the development of community leaders and amplifying
21 their voices in local policy action, but Plaintiff's goal of supporting youth and community
22 empowerment will be frustrated if they cannot access these public processes. As long as the
23 Juvenile Justice Coordinating Council and the Realignment Subcommittee conduct juvenile justice
24 realignment decision-making without community access, Plaintiff cannot fulfill its mission and is
25 irreparably harmed.

26 58. Unless enjoined by this Court, Defendants will continue to violate the Brown Act,
27 frustrating public access to the juvenile justice realignment planning process in Sacramento
28

1 County. As a result of this failure, Plaintiff and the public are injured and will continue to be
2 injured in the future.

3 59. Although written demand was made upon the Defendants to perform their duties,
4 they have failed and refused to perform them.

5 60. Plaintiff is beneficially interested in having Defendants comply with all applicable
6 provisions of law and legal duties, as set forth herein. Specifically, Plaintiff has an interest in
7 monitoring and participating in the meetings and business of the Juvenile Justice Coordinating
8 Council and the Realignment Subcommittee, and further has an interest in encouraging youth and
9 other community members to do the same. In order to fully monitor and participate, Plaintiff
10 requires knowledge of the meeting times, locations, and agendas; the opportunity to attend the
11 meetings; and access to the records of the legislative bodies. As a concerned member of the
12 community, Plaintiff has an interest in providing and encouraging others to provide information
13 and feedback to the legislative bodies regarding the items within their jurisdiction, and to
14 individual members regarding their positions on specific issues. To accomplish this, Plaintiff
15 requires the opportunity to attend meetings and directly address the legislative bodies in question
16 during those meetings, and also requires a record of each member's vote.

17 61. At all times relevant to this action, Defendants have had and continue to have the
18 legal ability to perform their duties in accordance with the Brown Act, but, despite demand, have
19 failed and refused to do so.

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

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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)

63. 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

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

65. Defendants Juvenile Justice Coordinating Council, Realignment Subcommittee, and Chief Yarber, as Chair of both bodies, have a public duty to comply with the above requirements of the Brown Act, and have failed to comply with that duty on numerous occasions. Defendants violated Government Code Section 54953 in all meetings held between December 2020 and the date of this Complaint. Specifically, Defendants: (1) failed to hold open and public meetings and did not provide agendas for such meetings, as required under Government Code Section 54953, subdivision (a); (2) failed to publicly report any actions taken, and the vote or abstention of each member present for such action, as required under Government Code Section

1 54953, subdivisions (c)(1)-(2); and (3) failed to conduct any votes by rollcall, as required for
2 teleconference meetings under Government Code Section 54953, subdivision (b)(2).

3 ***Violations of Government Code Section 54954.2***

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

10 67. Defendants Juvenile Justice Coordinating Council, Realignment Subcommittee,
11 and Chief Yarber, as Chair of both bodies, have a public duty to comply with the above
12 requirements of the Brown Act, and have failed to comply with that duty on numerous occasions.
13 Defendants violated Government Code Section 54954.2, subdivision (a)(1), for each of the non-
14 public meetings that it held between December 2020 and the date of this Complaint when they
15 failed to post an agenda 72 hours before each meeting with a brief general description of each item
16 of business to be transacted or discussed at the meeting, and when they failed to publicize the date
17 and location of each meeting and make said meetings publicly accessible.

18 ***Violations of Government Code Section 54954.3***

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

23 69. Defendants Juvenile Justice Coordinating Council, Realignment Subcommittee,
24 and Chief Yarber, as Chair of both bodies, have a public duty to comply with the above
25 requirements of the Brown Act, and have failed to comply. Defendants violated the Brown Act at
26 each of the meetings held between December 2020 and the date of this Complaint by failing to
27 give any notice of its meetings, provide agendas for the meetings, or include in its agendas an
28 opportunity for members of the public to directly address the legislative body before or during the

1 legislative body's consideration of the item, thereby denying members of the public any
2 opportunity to participate as required under Government Code Section 54954.3, subdivision (a).

3 ***Violations of Government Code Section 54957.5***

4 70. The Brown Act stipulates that "agendas of public meetings and any other writings,
5 when distributed to all, or a majority of all, of the members of a legislative body of a local agency
6 by any person in connection with a matter subject to discussion or consideration at an open meeting
7 of the body, are disclosable public records under the California Public Records Act (Chapter 3.5
8 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon
9 request without delay." (Gov. Code, § 54957.5, subd. (a).) The Brown Act further requires that
10 public records that relate to an agenda item of a "regular meeting of the legislative body of a local
11 agency[,] " which are distributed less than 72 hours prior to that meeting, be available for public
12 inspection "at the time the writing is distributed to all, or a majority of all, of the members of the
13 body." (Gov. Code, § 54957.5, subd. (b).) All writings that are distributed to all or a majority of
14 the members of a legislative body during a public meeting "shall be made available for public
15 inspection at the meeting if prepared by the local agency or a member of its legislative body, or
16 after the meeting if prepared by some other person." (Gov. Code, § 54957.5, subd. (c).)

17 71. Defendants Juvenile Justice Coordinating Council, Realignment Subcommittee,
18 and Chief Yarber, as Chair of both bodies, have a public duty to comply with the above
19 requirements of the Brown Act and have failed to comply. Defendants met repeatedly between
20 December 2020 and the date of this Complaint. No materials that were distributed to the Juvenile
21 Justice Coordinating Council or Realignment Subcommittee, or a majority of the members, were
22 made available to the public, in violation of Government Code Section 54957.5, subdivisions (a)
23 and (c).

24 ***Violations of Government Code Section 54952.2***

25 72. The Brown Act prohibits a majority of the members of a legislative body from
26 using, outside of a public meeting, "a series of communications of any kind, directly or through
27 intermediaries, to discuss, deliberate, or take action on any item of business that is within the
28 subject matter jurisdiction of the legislative body." (Gov. Code, § 54952.2, subd. (b)(1).)

1 73. Defendants Juvenile Justice Coordinating Council and Chief Yarber as its Chair
 2 have a public duty to comply with the above requirement of the Brown Act and have failed to
 3 comply. The Juvenile Justice Coordinating Council’s subject matter jurisdiction includes the
 4 development of Sacramento County’s multiagency juvenile justice plan, which it must review and
 5 revise annually. (*See* Welf. & Inst. Code, § 749.22; Gov. Code, § 30061(b), subd. (4).) The Juvenile
 6 Justice Coordinating Council has not held an open and public meeting between December 2020
 7 and June 2022, and therefore has developed the County’s multiagency juvenile justice plan entirely
 8 through communications conducted outside of any public meeting, in violation of Government
 9 Code Section 54952.2, subdivision (b).

10 74. Defendants Realignment Subcommittee and Chief Yarber as its Chair have a public
 11 duty to comply with the above requirement of the Brown Act and have failed to comply. The
 12 Realignment Subcommittee’s subject matter jurisdiction is defined by statute as the development
 13 of Sacramento County’s Realignment Plan. (*See* Welf. & Inst. Code, § 1995, subd. (a).) The
 14 Realignment Subcommittee has never held an open and public meeting, and instead convened
 15 numerous times in 2021 in closed sessions to draft Sacramento County’s Realignment Plan, which
 16 was approved by the Realignment Subcommittee on November 2, 2021. The Realignment
 17 Subcommittee, therefore, developed the Realignment Plan entirely through communications
 18 conducted outside of any public meeting, in violation of Government Code Section 54952.2,
 19 subdivision (b).

20 75. Defendants have failed to comply with their ministerial duties under the Brown Act,
 21 as codified in Government Sections 54953, 54954.2, 54954.3, 54957.5, 54952.2 and as specified
 22 above. Plaintiff is entitled to mandamus, declaratory and injunctive relief pursuant to Government
 23 Code Section 54960.

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SECOND CAUSE OF ACTION

Declaratory Relief

(Code of Civil Procedure § 1060 and Government Code § 54960)

(AS TO ALL DEFENDANTS)

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

77. Plaintiff seeks a judicial declaration per Code of Civil Procedure Section 1060 and Government Code Section 54960 to prevent Defendants from continuing to violate the statutory provisions of the Brown Act and to determine the respective rights and duties of the parties pursuant to the Brown Act.

THIRD CAUSE OF ACTION

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

(AS TO ALL DEFENDANTS)

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

79. Unless Defendants’ violations described herein are enjoined, Plaintiff’s statutory right to attend, observe, and participate in the meetings of the Juvenile Justice Coordinating Council and the Realignment Subcommittee will be violated.

PRAYER FOR RELIEF

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

80. Issue a declaratory judgement, pursuant to Code of Civil Procedure Section 1060 and Government Code Section 54960, making the following determinations:

- a. The Sacramento County Juvenile Justice Coordinating Council is a legislative body of a local agency, as defined by Government Code Section 54952, and therefore the requirements of the Brown Act are applicable to its ongoing and future actions.
- b. The Sacramento County Realignment Subcommittee is a legislative body of a local agency, as defined by Government Code Section 54952, and therefore the requirements of the Brown Act are applicable to its ongoing and future actions.

1 81. Enjoin Defendants, pursuant to Code of Civil Procedure Section 526 and
2 Government Code Section 54960 from:

- 3 a. Committing Brown Act violations as detailed in this Complaint, and from
4 conducting the business of the Juvenile Justice Coordinating Council and the
5 Realignment Subcommittee in violation of any other provisions of the Brown Act;
6 and
- 7 b. Engaging in communications prohibited by Government Code Section 54952.2,
8 subdivision (b), subparagraph (1).

9 82. Issue a writ of mandate, pursuant to Code of Civil Procedure Section 1085 and
10 Government Code Section 54960, ordering Defendants to perform their duties and obligations
11 under the Brown Act, including meeting their requirements to:

- 12 a. Hold open and public meetings, as required under Gov. Code Section 54953,
13 subdivision (a);
- 14 b. Post an agenda 72 hours before each meeting in a location that is freely accessible
15 to members of the public and on Sacramento County’s Internet Web site, with the
16 time and location of the meeting and a brief general description of each item of
17 business to be transacted or discussed at the meeting, as required under Government
18 Code Section 54954.2, subdivision (a), subparagraph (1);
- 19 c. Ensure that every agenda for regular meetings provides an opportunity for members
20 of the public to directly address the legislative body on any item of interest to the
21 public that is within the subject matter jurisdiction of the body, before or during the
22 body’s consideration of the item, as required under Government Code Section
23 54954.3, subdivision (a);
- 24 d. Publicly report any action taken and the vote or abstention on that action of each
25 member present for the action, as required under Government Code Section 54953,
26 subdivision (c);
- 27 e. For any teleconference meeting, take all votes by rollcall, as required under
28 Government Code Section 54953, subdivision (c), subparagraph (2); and

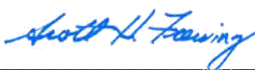
f. Make available for public inspection the materials distributed to the legislative body or a majority of the members of the legislative body, as required under Government Code Section 54957.5.

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

84. Award such other relief as this Court may deem just and proper.

DATED: June 30, 2022

Respectfully submitted,

By: 
SCOTT FREWING
ANDREW CROUSORE
BAKER & MCKENZIE LLP

ERIN PALACIOS
MEREDITH DESAUTELS
YOUTH LAW CENTER

*Attorneys for Plaintiff and Petitioner
Youth Forward*

VERIFICATION

I, Jim Keddy, declare as follows:

As Executive Director of Plaintiff/Petitioner YOUTH FORWARD, 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 CITY, in Sacramento County, California on June 30, 2022.

DocuSigned by:
Jim Keddy
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JIM KEDDY