

Press Release

Marin County Superior Court Issues its Tentative Ruling on the Petition Filed By CVP Against The Marin Board Of Supervisors

On August 19th of 2014 the Marin County Board of Supervisors ("BOS") held a hearing on the 2015 – 2023 County Housing Element that was not publicly noticed on the meeting agenda as required by State Law. The proceedings spent approximately 26 minutes responding to comments made in CVP's letter of August 12th, 2014 and included a formal, prepared presentation by Brian Crawford, Head of the Marin Community Development Agency. Because the hearing was not properly noticed, CVP was denied the opportunity to be present and make comments.

Consequently, CVP submitted a letter demanding that the County Cease and Desist from such actions in the future. The County failed to respond, as required by State Law. The only response was from Steve Woodside, the County Counsel, who remarked to a Marin IJ reporter, calling CVP's accusation "all bark and no bite."

In response CVP filed its *Petition for Injunctive and Declaratory Relief for Violation of the Ralph M. Brown Act*, in Superior Court of California, on December 16th 2014. Subsequently, the County filed a *Motion for Judgment Denying the Peremptory Writ*. This was a highly unusual action on the part of the County, particularly since the County's arguments were self-contradictory and based on misreading of the law.

CVP had no choice but to respond to this action. Accordingly, on March 11th 2014 CVP filed an *Opposition to Motion for Judgment Denying Writ of Mandate*. A copy of that document is attached.

On March 25, 2015 Superior Court Judge Roy O. Chernus denied the County's *Motion for Judgment to Deny the Writ* on CVP's *Petition for a Writ of Mandate against Marin County*. Judge Chernus ruled in CVP's favor on every substantive issue of law involved in this case, including whether the County had discretion to itself determine if a discussion is exempt from the law as a "brief report." Thus, there are no substantive legal issues left in this case. What remains is for the Court to make a final determination on the facts whether or not the County violated the law.

If the County had simply agreed to CVP's request to cease and desist from such discussions in the future, the County could have avoided this action. Further, the County jumped the gun by filing its motion to deny the writ and by submitting affidavits by two sitting members of the Board of Supervisors, Katie Rice and Judy Arnold. Now, because of the County's aggressive strategy, these Supervisors are subject to being deposed by CVP to testify under oath.

At the conclusion of the yesterday's hearing Deputy County Counsel, David Zaltzman, complained about CVP's ability to conduct its discovery and depositions, contending that the County simply wants to know what the law is and what the County should do. Notably, Judge Chernus addressed that by recommending that while the case is pending, perhaps the County Supervisors should think about establishing guidelines for themselves on discussions under the Brown Act.

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