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Protection District and Brian Kramer

FILED 15
DIVISION
2019 APR -8 P 12: 31
SAN DIEGO, CA

7 **BLC COPY** SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 SAN DIEGO COUNTY – HALL OF JUSTICE

10 JULIAN-CUYAMACA FIRE PROTECTION
DISTRICT and BRIAN KRAMER,

11 Plaintiffs,

12 vs.

13 SAN DIEGO COUNTY LOCAL AGENCY
14 FORMATION COMMISSION; COUNTY OF SAN
DIEGO; MICHAEL VU, IN HIS CAPACITY AS
15 REGISTRAR OF VOTERS FOR THE COUNTY
OF SAN DIEGO; and ALL PERSONS
16 INTERESTED IN THE MATTER OF SAN DIEGO
COUNTY LOCAL AGENCY FORMATION
17 COMMISSION RESOLUTION NO. RO18-09 ET
AL. ORDERING THE REORGANIZATION
18 AFFECTING THE JULIAN-CUYAMACA FIRE
PROTECTION DISTRICT AND COUNTY
19 SERVICE AREA NO. 135, PROVIDING FOR
THE DISSOLUTION OF THE JULIAN-
20 CUYAMACA FIRE PROTECTION DISTRICT,
EXPANSION OF COUNTY SERVICE AREA NO.
21 135'S EXISTING LATENT POWERS IN THE
AFFECTED TERRITORY, AND DESIGNATING
22 COUNTY SERVICE AREA NO. 135 AS THE
SUCCESSOR AGENCY TO THE DISSOLVED
23 DISTRICT, AND RELATED ACTIONS,

24 Defendants.

CASE NO. 37-2019-00018076-CU-MC-CTL

**COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF UNDER CODE OF
CIVIL PROCEDURE SECTIONS 860 ET
SEQ. AND 1060 ET SEQ.**

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27 Plaintiffs JULIAN-CUYAMACA FIRE PROTECTION DISTRICT and BRIAN KRAMER
28 (collectively, "Plaintiffs") allege as follows in this Complaint for Declaratory and Injunctive Relief etc.:

1 **Parties**

2 1. Plaintiff JULIAN-CUYAMACA FIRE PROTECTION DISTRICT (“JCFPD”) is a
3 “special district” and a public agency that provides fire-protection and emergency medical services in
4 the Julian-Cuyamaca region of San Diego County. JCFPD was formed and is operating under the laws
5 of the State of California. Plaintiff BRIAN KRAMER (“KRAMER”) resides within and is registered
6 to vote within the jurisdiction of JCFPD, and is a member of JCFPD’s governing board.

7 2. Defendant LOCAL AGENCY FORMATION COMMISSION FOR SAN DIEGO
8 COUNTY (“LAFCO”) is an independent regulatory commission created to control the boundaries of
9 cities and certain special districts. Defendant COUNTY OF SAN DIEGO (“COUNTY”) is a charter
10 county formed and operating under the laws of the State of California and is responsible for collecting,
11 enforcing the collection of, distributing the proceeds of, and refunding the Special Tax challenged in
12 this lawsuit. Defendant MICHAEL VU (“ROV”) is the San Diego Registrar of Voters and is being sued
13 in such capacity.

14 **Background Information**

15 3. Between February and April 2018, JCFPD’s governing board took a series of actions,
16 including adoption of Resolution no. 2018-03, for the purpose of applying to LAFCO for an order
17 dissolving JCFPD and expanding the authority of County Service Area No. 135 (“CSA 135”) to provide
18 fire-protection and emergency medical services in the jurisdiction serviced by JCFPD (collectively, the
19 “Dissolution-Inducing Actions”). Three members of JCFPD’s governing board voted in favor of the
20 Dissolution-Inducing Actions, KRAMER voted against, one other member was absent.

21 4. Based on the Dissolution-Inducing Actions, JCFPD caused a dissolution application to
22 be submitted to LAFCO and COUNTY caused an application for expansion of CSA 135’s latent powers
23 to include the area serviced by JCFPD.

24 5. On or about September 10, 2018, LAFCO adopted Resolution no. RO18-09 et al.
25 (“Resolution”) and imposed certain conditions to be satisfied before JCFPD’s dissolution could be
26 completed. A true and correct copy of the unsigned Resolution is attached hereto as Exhibit “A.”

27 6. After a successful protest, LAFCO called a special election, to be conducted by ROV,
28 for the purpose of confirming the Resolution.

1 7. On or about March 19, 2019, the voters purportedly confirmed the Resolution, with 773
2 voters allegedly voting “yes” and 659 voters allegedly voting “no.”

3 8. On or about April 8, 2019, LAFCO accepted ROV’s certification of the results of the
4 special election and authorized LAFCO’s executive director to record a certificate of completion, even
5 though certain conditions in the Resolution had not been satisfied and even though LAFCO’s entire
6 proceeding for the dissolution was the product of a violation of the Ralph M. Brown Act by the three
7 members of JCFPD’s governing board who voted in favor of the Dissolution-Inducing Actions.

8 **Jurisdiction, Venue, and Exhaustion of Administrative Remedies**

9 9. Plaintiffs are bringing this action and seek review by and relief from this Court under
10 Code of Civil Procedure Sections 860 *et seq.* and 1060 *et seq.*

11 10. Venue in this Court is proper because the obligations, liabilities, and violations of law
12 alleged in this pleading occurred in the City of San Diego.

13 11. JCFPD appeared at LAFCO’s meeting on or about April 8, 2019, and opposed approval
14 of the recording of a certificate of completion.

15 12. Plaintiffs have no plain, speedy, adequate remedy in the ordinary course of law, since
16 they and other members of the public will suffer irreparable harm as a result of Defendants’ violations
17 of the law, as alleged in this pleading. All actions taken in reliance on the Dissolution-Inducing Actions
18 were unlawful and have no legal effect, including but not limited to ROV’s special election and
19 LAFCO’s approval of the recording of a certificate of completion of JCFPD’s dissolution. In addition,
20 at least one dissolution precondition included in the Resolution and confirmed by the voters was not
21 satisfied prior to LAFCO’s approval of the record of a certificate of completion.

22 **FIRST CAUSE OF ACTION:**
23 ***Joint-Reorganization’s Non-Compliance with All Applicable Laws***
24 **(Against All Defendants)**

25 13. The preceding paragraphs are incorporated into this paragraph by reference.

26 14. LAFCO’s process for dissolving JCFPD, up to and including approval of the recording
27 of a certificate of completion of JCFPD’s dissolution, did not comply with all applicable laws. By way
28 of example and not limitation:

1 A. The Dissolution-Inducing Actions taken by JCFPD's governing board violated
2 the Ralph M. Brown Act. On or about April 5, 2019, the San Diego County Superior Court declared
3 that the following actions of the governing board "shall be rendered null and void": actions taken on
4 February 13, 2018 [Item No. 14]; March 13, 2018 [Item No. 11]; and April 10, 2018 [Item No. 13]
5 including Resolution No. 2018-03." On April 6, 2019, JCFPD's governing board adopted a resolution
6 rescinding the aforementioned actions that were nullified and voided by the Superior Court. But for the
7 Dissolution-Inducing Actions, there would have been no Resolution, ROV would not have conducted
8 a special election, and LAFCO would not have approved the recording of a certification of completion
9 of JCFPD's dissolution. Defendants were aware of the Brown Act violations and pending litigation to
10 have the Dissolution-Inducing Actions declared null and void. True and correct copies of the Superior
11 Court's judgment and peremptory writ of mandate are attached hereto as Exhibits "B" and "C,"
12 respectively.

13 B. The Resolution included multiple conditions that JCFPD had to satisfy before
14 the dissolution could be completed by LAFCO, and the voters purportedly confirmed those conditions.
15 Assuming that the results of the special election are valid, at least one of the voter-confirmed conditions
16 was not satisfied prior to LAFCO's approval of the recording of a certificate of completion of JCFPD's
17 dissolution.

18 C. Plaintiffs are informed and believe and on that basis allege that the results of the
19 special election were procured by fraud insofar as (i) at least 114 persons who cast ballots in the election
20 were not lawfully registered to vote in the election, (ii) ROV failed to notify all registered voters of the
21 election and at least 114 such voters would have voted against confirming the Resolution, and/or (iii)
22 ROV did not provide ballots to at least 114 registered voters who would have voted against confirming
23 the resolution.

24 Prayer

25 FOR ALL THESE REASONS, Plaintiffs respectfully pray for the following relief against
26 Defendants (and any and all other parties who may oppose Plaintiffs in this lawsuit):

27 A. A judgment determining or declaring that LAFCO's proceedings, ROV's special
28 election, and all other actions taken in furtherance of the Dissolution-Inducing Actions do not comply

1 with all applicable laws in at least some respect, rendering at least some essential portion of them null
2 and void, invalid, and/or otherwise without legal effect;

3 B. Injunctive relief prohibiting Defendants from taking any action based on JCFPD's
4 purported dissolution or the Dissolution-Inducing Actions, unless and until Defendants comply with
5 all applicable legal requirements as determined by the Court;

6 C. All attorney fees and other expenses incurred in connection with this proceeding,
7 including but not limited to reasonable attorney fees as authorized by the Code of Civil Procedure, the
8 Government Code, or otherwise; and

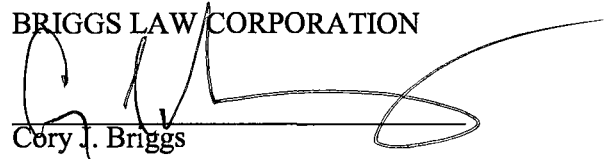
9 D. Any and all further relief that this Court may deem appropriate.

10 Date: April 8, 2019.

Respectfully submitted,

BRIGGS LAW CORPORATION

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13 By:


Cory J. Briggs

14 Attorneys for Plaintiffs Julian-Cuyamaca Fire Protection
15 District and Brian Kramer
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**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF UNDER CODE OF
CIVIL PROCEDURE SECTIONS 860 *ET SEQ.* AND 1060 *ET SEQ.***

Exhibit "A"

**ATTACHMENT |
Notice of Approval**

RESOLUTION OF THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

**APPROVING A JOINT-REORGANIZATION AND
ASSOCIATED SPHERE OF INFLUENCE AMENDMENTS**

**CONCURRENT DISSOLUTION OF THE JULIAN-CUYAMACA FIRE PROTECTION DISTRICT AND
LATENT POWER AREA EXPANSION OF COUNTY SERVICE AREA NO. 135
(RO18-09 ET AL.)**

WHEREAS, the Julian Cuyamaca Fire Protection District (FPD) has filed a resolution of application with the San Diego County Local Agency Formation Commission, hereinafter referred to as "Commission," pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the Julian-Cuyamaca FPD's application requests dissolution and cession of all corporate powers within its approximate 52,000 acre jurisdictional boundary subject to certain terms, including concurrent Commission approval to transfer fire protection and emergency medical service responsibilities to the County of San Diego and its Fire Authority through County Service Area (CSA) No. 135; and

WHEREAS; the County of San Diego, acting on behalf of CSA No. 135, filed a supporting resolution of application with the Commission requesting expansion of CSA No. 135's existing latent power fire protection and emergency medical service area to include the affected territory; and

WHEREAS, the application filings by Julian-Cuyamaca FPD and County of San Diego are complementary and processed by the Commission as a joint-reorganization proposal; and

WHEREAS, the Commission's Executive Officer has reviewed the joint-reorganization proposal and prepared a report with recommendations; and

WHEREAS, the Executive Officer's report and recommendations on the joint-reorganization proposal and need for concurrent sphere of influence amendments have been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public hearing along with reviewing the necessary concurrent sphere of influence amendments for consistency under Government Code Section 56375.5 on September 10, 2018.

NOW, THEREFORE, BE IT RESOLVED, the Commission hereby finds, determines, and orders the following:

1. The hearing was held on the date set therefore, and due notice of said hearing was given in the manner required by law.
2. At the hearing, the Commission called for, heard, and considered all interested parties and public comments and read and considered the Executive Officer's report.

3. The Commission serves as lead agency under the California Environmental Quality Act (CEQA) in considering two distinct "projects" associated with the joint-reorganization proposal and as detailed in the Executive Officer's report: (a) accommodating sphere of influence amendments and the (b) reorganization itself. The Commission's findings follow.
 - a) The sphere of influence amendments qualify as a project, but are exempt from additional review per CEQA Guidelines section 15061(b)(3). This exemption appropriately applies because it can be seen with certainty spheres of influence are planning policies and amendments do not make any changes to the environment or authorize any new uses or services and thus there is no possibility that the activity in question may have a significant effect on the environment.
 - b) The reorganization qualifies as a project, but is exempt from additional review under CEQA Guidelines section 15320. This exemption appropriately applies given the affected territory is already within an authorized fire protection and emergency medical provider and the reorganization will not change the geographic area where services are authorized and exercised.
4. The Commission conditionally APPROVES the following sphere of influence amendments.
 - a) The sphere of influence for Julian-Cuyamaca FPD is amended to a transitional or zero status and shown in Exhibit A-1.
 - b) The fire protection and emergency medical service specific sphere of influence for CSA No. 135 is amended to include all of the affected territory and shown in Exhibit A-2.
5. The Commission conditions the approved sphere of influence amendments as described on the recordation of the associated joint-reorganization identified as RO18-09 et al.
6. The written statements of the Commission addressing the mandatory factors required for consideration any time spheres of influence are adopted, amended, or updated under Government Code Section 56425 are provided as Exhibit B.
7. The Commission conditionally APPROVES the proposed joint-reorganization proposal identified as RO18-09 et al. without modification or amendment and as shown in Exhibit C.
 - a. The following conditions must be satisfied within one calendar year – or August 6, 2019 – unless prior written request for an extension is received and approved by the Commission.
 - i. Completion of the 30-day reconsideration period provided under Government Code Section 56895.
 - ii. Receipt and confirmation by the County of San Diego Assessor's Office of the completeness of maps and geographic descriptions of the affected territory showing the (a) dissolution of Julian-Cuyamaca FPD and (b) expansion of CSA No. 135's latent power fire protection and emergency medical service area.

- iii. Upon the Commission's order giving approval to the joint-reorganization, Julian-Cuyamaca FPD is prohibited from taking any of the actions contained in Government Code section 56885.5, including:
 1. Approving any increase in compensation or benefits for members of the governing board, its officers, or the executive officer of the agency.
 2. Appropriating, encumbering, expending, or otherwise obligating, any revenue of the agency beyond that provided in the current budget at the time the dissolution is approved by the commission.
 - iv. Upon successful completion of medical and background screening, Julian-Cuyamaca FPD volunteer firefighters shall be offered reserve positions/transitioned into the San Diego County Volunteer Reserve Firefighter Program. Personnel unable to meet these requirements may be offered positions as Support Reserves.
 - v. Julian-Cuyamaca FPD must establish an interim arrangement for an outside contractor to assume ambulance transport services for the greater Julian area through June 30, 2019 consistent with its contract with County Health and Human Service Agency. This includes requiring the contractor to offer equivalent employment to the six affected Julian-Cuyamaca FPD employees through June 30, 2019 subject to meeting standard qualifications and testing of the contractor.
- b. The following conditions apply upon and after the effective date of the joint-reorganization as defined in No. 11 below:
- i. Successor Agency. Upon and after effective date, CSA No. 135 shall be the successor to Julian-Cuyamaca FPD for purpose of providing structural fire protection and emergency medical services, and succeeding to all of the rights, duties, and obligations of the extinguished district with respect to enforcement, performance, or payment of any outstanding bonds, including revenue bonds, or other contracts and obligations within the territory previously included within the extinguished district.
 - ii. Organization and Governance. The dissolved fire protection district will become part of the fire protection and emergency medical services subarea of CSA No. 135. CSA No. 135 is governed by the five-member Board of Supervisors and the Deputy County Administrative Officer for the Public Safety Group will serve as the Fire Warden. Operationally, the County of San Diego will continue to contract with CAL FIRE to provide services. A seven-member fire advisory board has been created in accordance with County Board Policy A-74. The fire advisory board shall create a Julian-Cuyamaca subcommittee to provide feedback on fire protection services in the affected territory. The subcommittee shall consist of three persons as follows Initially: one current Julian-Cuyamaca FPD Board member; one member of the Chamber of Commerce; and one member from the Julian Plugs Fire Association. In its discretion, the fire advisory board may change the membership categories of such subcommittee over time in the event it becomes impractical to fill certain membership categories.

- iii. Employees. As of the effective date, the Julian-Cuyamaca FPD Secretary shall be offered equivalent employment as determined by the County with the County, CSA No. 135, or through a contract with another agency/service provider..
- iv. Tax Revenues. Upon the effective date, the legal existence of Julian-Cuyamaca FPD shall cease except as otherwise required by law. All property tax revenues and voter-approved special tax or special assessment revenues (if any), received or receivable by Julian-Cuyamaca FPD as of the effective date shall be collected or collectible by CSA No. 135 for the exclusive use of funding the services within the Territory. CSA No. 135 property taxes, special taxes, and special assessments shall not be available for other CSA No. 135 or County purposes.
- v. Plan for Service. CSA No. 135 shall provide the services within the territory provided by Julian-Cuyamaca FPD per the Plan for Services adopted by the County of San Diego. CSA No. 135 will provide a Paramedic Fire Engine in Julian at Fire Station #56. CSA No. 135 will fund the year-round staffing of CAL FIRE Cuyamaca Fire Station #51 with an expanded scope BLS Fire Engine. Julian Fire Station #56 will be considered a must-cover priority #1 station subject to the 30-minute move up. Levels of services may improve or increase prior to the day immediately preceding the Effective Date.
- vi. Transfer of Facilities. Upon the effective date, the facilities located at the real properties identified on Exhibit B of Julian-Cuyamaca FPD Application shall be transferred to CSA No. 135 for use in providing the services. The facility in the community of Cuyamaca will not be transferred and will be disposed of by the Julian-Cuyamaca FPD prior to the effective date of dissolution.
- vii. Transfer of Assets. CSA No. 135 shall accept all real and personal property, books, records, papers, offices, equipment, supplies, moneys, funds, appropriations, licenses, permits, entitlements, agreements, contracts, claims, judgments, and all other assets and obligations transferred from Julian-Cuyamaca FPD in "as-is" condition, without any payment or repair obligation from Julian-Cuyamaca FPD. All incidental liabilities, such as accounts payable, contract obligations and consumer deposits, shall be transferred to CSA No. 135's appropriate, respective, isolated accounts. All assets including, but not limited to cash reserves, land, structures, appurtenances, rolling stock, personal property including tools, office furniture, fixtures and equipment, and held by Julian-Cuyamaca FPD, shall be transferred to the appropriate services zone of CSA No. 135 as of the effective date.
- viii. Transfer by Operation of Law. Except as otherwise provided herein, the ownership, possession, and control of all books, records, papers, offices, equipment, supplies, moneys, funds, appropriations, licenses, permits, entitlements, agreements, contracts, claims, judgments, land, and other assets and property, real or personal, owned or leased by, connected with the administration of, or held for the benefit or use of, Julian-Cuyamaca FPD shall transfer to CSA No. 135. CSA No. 135 is the successor to Julian-Cuyamaca FPD and, except as otherwise provided herein, the provisions of Government Code sections 57450 et seq. applicable to successor agencies to dissolved agencies apply to CSA No. 135.

- ix. Insurance Service Office (ISO) Ratings. CSA No. 135 will petition the ISO to update Julian-Cuyamaca FPD's former 5/9 rating of properties within the Territory to the County's 3/3x ISO rating. Julian-Cuyamaca FPD maintains a class 5/9 ISO Fire Department rating.
 - x. Explorer Program. CSA No. 135 shall assume and continue support for Julian-Cuyamaca FPD Explorer Program in place on the day immediately preceding the Effective Date.
 - xi. Community Events. County and/or state firefighters stationed in Julian will participate in community events as requested.
 - xii. District Firefighters. Upon successful completion of medical and background screening, Julian-Cuyamaca FPD volunteer firefighters shall be offered reserve positions/transferred into the San Diego County Volunteer Reserve Firefighter Program. Personnel unable to meet these requirements may be offered positions as Support Reserves.
 - xiii. Benefit Fee | No. 3115-01. The County will pay the remaining balance on the Fire Station loan using the collected Fire Station benefit fee established in 2006 and additional County funds. The Fire Station benefit fee – identified by the Assessor as Fund No. 3115-01 – will then be discontinued no later than July 1, 2019.
 - xiv. Benefit Fee | No. 3115-40. CSA No. 135 shall be assigned all revenues collected by the Fire Protection benefit fee established in 1984. The Fire Protection benefit fee is identified by the Assessor by Fund No. 3115-40.
8. The affected territory as designated by the Commission is inhabited as defined in Government Code Section 56046.
 9. The Commission delegates to the Executive Officer performing all conducting authority proceeding requirements under Government Code Section 57000.
 10. Both subject agencies' utilize the regular assessment roll of the County of San Diego.
 11. The effective date of the reorganization proposal shall be the date of recordation of the Certificate of Completion.
 12. As allowed under Government Code 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defect, error, irregularity, or omission.

PASSED AND ADOPTED by the San Diego County Local Agency Formation Commission on September 10, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF UNDER CODE OF
CIVIL PROCEDURE SECTIONS 860 *ET SEQ.* AND 1060 *ET SEQ.***

Exhibit "B"

FILED
Clerk of the Superior Court

APR 05 2019

By: Anthony Shirley, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO, CENTRAL DIVISION

JULIAN VOLUNTEER FIRE COMPANY
ASSOCIATION; BRIAN CROUCH, in his
capacity as President of the Julian Volunteer
Fire Company; MIKE HATCH, an individual;
EVA HATCH, an individual; and DAVE
SOUTHCOTT, an individual;

Plaintiffs and Petitioners,

v.

JULIAN-CUYAMACA FIRE PROTECTION
DISTRICT; JACK SHELVER, in his official
capacity as Board President of the Julian-
Cuyamaca Fire Protection District; and
DOES ONE through TEN, inclusive;

Defendants and Respondents;

Case No. 37-2018-00020015-CU-WM-CTL

~~PROPOSED~~ JUDGMENT

This matter came on March 26, 2019 for an ex parte application and order for shortened time for a motion and hearing for entry of judgment [with said motion and petition hearing date heard on 4/5/19, 2019] in Department C-70 of the above-captioned Superior Court, the Honorable Randa Trapp, presiding.

Attorney Craig A. Sherman appeared for plaintiffs and petitioners JULIAN VOLUNTEER FIRE COMPANY ASSOCIATION, BRIAN CROUCH, in his capacity as President of the Julian Volunteer

JUDGMENT

1 Fire Company; MIKE HATCH, an individual, EVA HATCH, an individual, and DAVE SOUTHCOTT,
2 an individual (collectively referred to as "Julian Fire Association" or "Plaintiffs").

3 Cory J. Briggs appeared for defendant and respondent JULIAN-CUYAMACA FIRE
4 PROTECTION DISTRICT ("JCFPD" or "Respondent")

5 All other named parties have been dismissed, including defendant/respondent JACK SHELVER,
6 named and sued in his official capacity as Board President of the Julian-Cuyamaca Fire Protection
7 District.

8 After the Court's consideration of the briefing, evidence, and arguments of counsel, and the
9 reasons and findings made, explained, and set forth in decision or Minute Order(s) dated 4-5-19
10 2019 (the "Ruling"), this Court rules in favor of Plaintiffs on their *First* and *Second Causes of Action* of
11 their First Amended Complaint, and against the Julian-Cuyamaca Fire Protection District, as follows:

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13 **NOW, THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

14 1. A Judgment shall enter in favor of Plaintiffs and against the Julian-Cuyamaca Fire
15 Protection District on the *First* and *Second Causes of Action* of Plaintiffs' First Amended Complaint.

16 2. The specific alleged actions taken by the Julian-Cuyamaca Fire Protection District on
17 February 13 (Item No. 14), March 13 (Item No. 11), and April 10, 2018 (Item No. 13), including the
18 adoption of Resolution No. 2018-03, for and related to actions to terminate and dissolve the Julian-
19 Cuyamaca Fire Protection District, shall be rendered null and void.

20 3. A declaratory judgment and/or other further appropriate judicial relief is granted in favor
21 of Plaintiffs and against the Julian-Cuyamaca Fire Protection District for the aforementioned voided
22 actions of the District that are enforceable and shall herein be rendered void based on Plaintiffs' action
23 brought under Government Code section 54960.1, as provided for and instructed under Government
24 Code sections 54953 and 54960.1.

25 4. A writ of mandamus shall issue in favor of Plaintiffs, under the seal of this Court,
26 ordering the Julian-Cuyamaca Fire Protection District to set aside and rescind its February 13 (Item No.
27 14), March 13 (Item No. 11), and April 10, 2018 (Item No. 13) actions for and related to termination and

JUDGMENT

1 dissolution of the Julian-Cuyamaca Fire Protection District.

2 5. Plaintiffs shall recover their prevailing party statutory costs in the amount of
3 \$ _____, along with their statutory entitled reasonable attorneys' fees and non-statutory
4 litigation costs as allowed under California Government Code § 54960.5 and California Code of Civil
5 Procedure § 1021.5 in the amount of \$ _____ (as against and payable by the Julian-Cuyamaca
6 Fire Protection District), subject to appropriate post-judgment filings and/or motions, in amounts (if any)
7 as further ordered and entered by this Court.

8 6. The Court shall exercise continuing jurisdiction over the declarations of law, return of the
9 writ of mandamus, and to determine and ensure compliance with this Judgment.

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11 **IT IS SO ORDERED AND ADJUDGED.**

12 Dated: APR 05 2019

RANDA TRAPP

Hon. Randa Trapp
JUDGE OF THE SUPERIOR COURT

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JUDGMENT

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF UNDER CODE OF
CIVIL PROCEDURE SECTIONS 860 *ET SEQ.* AND 1060 *ET SEQ.***

Exhibit "C"

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FILED
Clerk of the Superior Court

APR 05 2019

By: Anthony Shirley, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO, CENTRAL DIVISION**

JULIAN VOLUNTEER FIRE COMPANY ASSOCIATION; BRIAN CROUCH, in his capacity as President of the Julian Volunteer Fire Company; MIKE HATCH, an individual; EVA HATCH, an individual; and DAVE SOUTHCOTT, an individual;

Plaintiffs and Petitioners,

v.

JULIAN-CUYAMACA FIRE PROTECTION DISTRICT; JACK SHELVER, in his official capacity as Board President of the Julian-Cuyamaca Fire Protection District; and DOES ONE through TEN, inclusive;

Defendants and Respondents;

Case No. 37-2018-00020015-CU-WM-CTL

**[PROPOSED]
PEREMPTORY WRIT OF MANDATE**

To: Defendant and respondent JULIAN-CUYAMACA FIRE PROTECTION DISTRICT ("Respondent" or "District"):

WHEREAS, consistent with the prior findings, orders, and Judgment made and entered by this Court, this Court finds and hereby orders, after a duly noticed motion and hearing on petitioners JULIAN VOLUNTEER FIRE COMPANY ASSOCIATION, BRIAN CROUCH, in his capacity as President of the Julian Volunteer Fire Company, MIKE HATCH, an individual, EVA HATCH, an individual, and DAVE SOUTHCOTT ("Plaintiffs") *First Amended Complaint for Declaratory and Injunctive Relief; Petition for Writ of Mandate* dated June 1, 2018 (*First*

1 *Amended Complaint*"), the consideration of the Plaintiffs' submitted briefing and filing, and the
2 argument of counsel, that Respondent has violated the Brown Act (Government Code §§ 54950-
3 54963), specifically Government Code sections 54953, subdivisions (c)(1) and (c)(2), and
4 54960.1, arising from the secret ballot of the majority of the board members to dissolve the
5 District on or about January 30, 2018, as alleged in the First and Second Causes of Action in the
6 operative *First Amended Complaint* at ¶¶ 23, 26-28, 31-33, 38, 48-62, such that Plaintiffs are
7 entitled to have a peremptory writ of mandate issued under seal of this Court.

8 THEREFORE, IT IS ORDERED that, immediately upon service of this writ, Respondent
9 shall take action to rescind the following actions taken on February 13 (Item No. 14), March 13
10 (Item No. 11), and April 10, 2018 (Item No. 13), including Resolution No. 2018-03.

11 This Court shall retain jurisdiction over Respondent, including by way of a return to this
12 peremptory writ of mandate, until this Court has determined that Respondent has complied with
13 the acts encompassed by the foregoing order.

14 Respondent shall file a return to this writ no later than twenty (20) days from the date this
15 writ is issued and served setting forth what Respondent has done to comply with the writ set
16 forth herein.

17 IT IS SO ORDERED.

18 LET THE FOREGOING WRIT OF MANDATE ISSUE.

19 Dated: APR 05 2019

20 RANDA TRAPP
21 JUDGE OF THE SUPERIOR COURT



22
23 _____, Clerk
24 By ANTHONY SHIRLEY, Deputy Clerk