

1 CHRISTOPHER M. HARDING (SBN: 76681)
harding@hlkklaw.com
2 1250 Sixth Street, Suite 200
Santa Monica, California 90401
3 Telephone: (310) 393-1007

4 JOSEPH A. PERTEL (SBN: 181657)
THE LAW OFFICE OF JOSEPH PERTEL
5 jpertel@yahoo.com
2801 Ocean Park Boulevard, #276
6 Santa Monica, California 90405
Telephone: (310) 503-5791
7

8 Attorneys for AMICI CURIAE LEAGUE OF
WOMEN VOTERS OF SANTA MONICA, *et al.*
9

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**
12

13 OSCAR DE LA TORRE and ELIAS SERNA,)

14 Plaintiffs,)

15 v.)

16 CITY OF SANTA MONICA,)
17 And DOES 1 through 10, inclusive)

18 Defendants.)
19)
20)
21)

CASE NO.: 21STCV08597

Assigned to Hon. Richard L. Fruin

**AMICI CURIAE'S RESPONSE TO
PLAINTIFFS' OPPOSITION TO AMICI'S
APPLICATION FOR LEAVE OF COURT
TO FILE AMICUS CURIAE BRIEF IN
SUPPORT OF DEFENDANT CITY OF
SANTA MONICA'S MOTION FOR
SUMMARY JUDGMENT;
ACCOMPANYING DECLARATIONS OF
MULVANEY AND TRIVES AND
EXHIBITS THERETO**

Hrg Date: May 6, 2022

Time: 9:15 A.M.

Dept: 15

Reservation No. 661700682638

Action Filed: March 4, 2021

Trial Date: May 16, 2022

1 Plaintiffs, in seeking to prevent this Court from considering Amici League of Women
2 Voters of Santa Monica, *et al.*'s proposed Amicus Brief, falsely claim that the proposed brief
3 merely restates defendant City of Santa Monica's arguments in its summary judgment motion. At
4 the same time, Plaintiffs' opposition exhibits panic at the prospect of this Court considering the
5 Amicus Brief. Amici submit that Plaintiffs' objections implicitly acknowledge Amici's distinct
6 arguments and the civic standing of the Amici, who represent broad and diverse segments of the
7 Santa Monica community and a commitment to integrity and transparency in government.
8 Accordingly, this Court should grant Amici's application to file their proposed Amicus Brief.

9 Below, Amici's response (1) points out that Plaintiffs failed to serve counsel for Amici with
10 their opposition papers, (2) refutes Plaintiffs' false claims about the Amici and the relevant law,¹ (3)
11 provides caselaw supporting this Court's broad discretion (as recognized by the California Supreme
12 Court) in acting on applications to file amicus briefs, (4) highlights the Amici's distinct perspective
13 as non-governmental community-based organizations with public interest concerns relevant to this
14 lawsuit, which potentially threatens public confidence in the integrity and transparency of City
15 decision-making, and (5) summarizes Amici's distinctive legal arguments that this Court will
16 benefit from considering in deciding the parties' competing summary judgment motions.

17 1. Lack of Service: Plaintiffs' counsel filed a Proof of Service attached to Plaintiffs'
18 opposition papers representing that counsel for Amici were served with such papers. This is false.
19 Neither counsel for the Amici (Christopher M. Harding or Joseph A. Pertel) was served. (Counsel
20 for the Amici received a courtesy copy only from defendant City of Santa Monica's counsel in this
21 case.)

22 2. Amici's Legal Status to Participate as Amici Curiae: Counsel for Plaintiffs
23 misrepresents the legal status of three of the Amici: Community for Excellent Public Schools
24 ("CEPS"); Santa Monicans for Integrity in Government ("SMIG") and the Alliance of Santa
25 Monica Latino and Black Voters ("Alliance"). Briefly:

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27
28 ¹ See Declarations of Debbie Mulvaney and Nat Trives and the relevant exhibits thereto filed in support of the Amicus Brief in the CVRA case and refiled herein.

1 • CEPS: For more than 20 years, CEPS has been and is in good standing as a
2 political action committee registered with the City of Santa Monica. Indeed, Plaintiff de la Torre is
3 very familiar with CEPS – having sought and received CEPS’ endorsement in at least one of his
4 prior School Board election campaigns. Attached is the Declaration of Debbie Mulvaney, Treasurer
5 and a member of the Executive and Steering Committees of CEPS, which was first prepared and
6 filed in response to similar false claims made by attorney Kevin Shenkman in opposing CEPS’
7 amicus brief application in the CVRA lawsuit currently pending in the California Supreme Court.²
8 Ms. Mulvaney’s Declaration refutes the false claims made in Plaintiffs’ opposition and explains that
9 CEPS is in good standing as a political action committee and functions as Santa Monica’s foremost
10 education advocacy organization.

11 • SMIG and the Alliance: As the application clearly states, both SMIG and the
12 Alliance are all-volunteer unincorporated associations led by long-term Santa Monica civic leaders.³
13 These organizations are not registered as corporations simply because they are not corporate
14 entities. Caselaw confirms that unincorporated associations clearly have standing to participate as
15 parties to litigation. *See, e.g., Save the Plastic Bag Coal. v. City of Manhattan Beach* (2011) 52 Cal.
16 4th 155, 161 (where the plaintiff was an unincorporated association that was formed to challenge
17 the specific measure at issue in the litigation).

18 3. This Court has Broad Discretion to Accept Amici’s Proposed Amicus Brief:

19 Plaintiffs fail to cite any legal authority barring the submission of amicus briefs in support of
20 summary judgment motions, instead arguing that such a prohibition is implied by other statutes
21 specifically authorizing such briefs in appellate matters.⁴ Amici submit that, pursuant to California
22

23 ² CEPS filed an amicus brief in the California Supreme Court together with the League of
24 Women Voters of Santa Monica, Human Relations Council Santa Monica Bay Area, and the
Alliance of Santa Monica Latino and Black Voters.

25 ³ For example, the Alliance is co-chaired by Antonio Vasquez, Santa Monica’s first Latino
26 Mayor (2015-2016), a City councilmember elected to office three times for a total of ten years
(1990-1994 and 2012-2019) and Nat Trives, Santa Monica’s first Black Mayor (1975-1977), and
City councilmember elected to office for a total of eight years.

27 ⁴ Plaintiffs’ opposition also references Code of Civil Procedure section 437c, which addresses
28 the documents to be filed by the parties to a summary judgment motion; it does not address amicus
briefs by non-parties including the timing for filing such briefs.

1 Supreme Court precedent, the question of whether this Court should accept Amici’s proposed brief
2 is fully within this Court’s discretionary powers. *See In re Marriage Cases* (2008) 43 Cal. 4th 757,
3 791 fn. 10 (“... [T]he superior court, in exercising its traditional broad discretion over the conduct
4 of pending litigation, retained the authority to determine the manner and extent of these entities’
5 participation as amici curiae that would be of most assistance to the court.” (emphasis added.)); *see*
6 also *People ex rel State Farm Mutual Automobile Ins. Co. v. Rubin* (2021) 72 Cal. App. 5th 753,
7 772-3 (the Court of Appeal held that a court has discretion to consider legal issues raised in amicus
8 briefs that concern important policy issues) and Code of Civil Procedure section 128 (specifying the
9 incidental powers of the courts).

10 In this regard, Amici acknowledge that amicus briefs are relatively uncommon in California
11 trial courts but submit that this is an unusual case presenting important questions of law and public
12 policy that Amici have addressed in a distinctive manner from their public interest perspective
13 focused on ethics, integrity and transparency in government. In considering Amici’s proposed Brief,
14 this Court should give considerable weight to the purpose of amicus briefs as explained by the
15 California Supreme Court in *Bily v. Arthur Young & Co.*, (1992) 3 Cal.4th 370, 405, fn. 14:

16 “Both our rules and our practices accord wide latitude to interested
17 and responsible parties who seek to file amicus curiae briefs. (Cal.
18 Rules of Court rule 14(b).) Amicus Curiae presentations assist the
19 court by broadening its perspective on the issues raised by the
20 parties.”

21 4. Amici’s Distinct Perspective Concerning the Legal Issues Presented by this Lawsuit:

22 Amici filed their proposed Amicus Brief to avoid this case being misconstrued narrowly as merely
23 an internal City Hall dispute between the City Council and one of its members. As Amici explain in
24 their proposed Amicus Brief, this case at its core raises fundamental questions about the integrity
25 and transparency of City government, as well as an important question about the democratic rights
26 of Santa Monica’s voters to approve or reject proposed City Charter changes. These are matters of
27 great public interest extending far beyond the more narrow interests of the particular parties.

1 As non-governmental community-based organizations, Amici bring a distinct public interest
2 perspective to this case that differs from that of the parties involved. Amici submit this perspective
3 will benefit the Court in ruling on the issues presented in the parties' competing summary judgment
4 motions.

5 5. The Proposed Amicus Brief Makes Distinct Legal Arguments that Deserve this
6 Court's Consideration: The proposed Amicus Brief presents distinct legal arguments that reflect
7 Amici's unique public interest perspective in two respects.

8 • First, Amici's legal arguments emphasize the important public policies
9 favoring integrity and transparency in democratic government. These policies animate the law
10 concerning both financial conflicts of interest (the Political Reform Act and Government Code
11 section 1090) and the common law conflict of interest doctrine. Amici argue that this Court should
12 give substantial weight to the underlying public policies favoring integrity and transparency in
13 government decision-making in the course of resolving this case. In particular, the proposed Amicus
14 Brief focuses on de la Torre's lack of transparency and integrity with respect to his financial
15 conflicts of interest including his efforts to hide these conflicts. This is evidenced by his continuing
16 failure to disclose in his FPPC Form 700 his ongoing receipt of free legal advice from attorney
17 Shenkman, plaintiffs' counsel in the CVRA case⁵ and his receipt of money from CVRA plaintiff
18 Maria Loya (his spouse). Amici argue that de la Torre's lack of transparency should be central to
19 this Court's consideration and resolution of this lawsuit.

20 • Second, Amici raise an important constitutional question under article XI,
21 section 3(a) of the California Constitution as to whether the City Council may, in fact, settle the
22 CVRA case by conceding district elections without submitting such a settlement to the Santa
23 Monica voters for their approval. This is a fundamental question of municipal democracy that this
24 Court should carefully consider in weighing whether to provide de la Torre with the injunctive relief
25 he is seeking.

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28 ⁵ As of the preparation of this response, de la Torre has not filed his Form 700 with the FPPC,
which was legally required to be filed by April 1, 2022.

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In sum, Amici submit that this Court should exercise its discretion and grant Amici's application to file their proposed Amicus Brief.

Dated: April 25, 2022

Respectfully submitted,
/s/ Christopher M. Harding
Christopher M. Harding

LAW OFFICE OF JOSEPH PERTEL
By: /s/ Joseph A. Pertel
Joseph A. Pertel

Attorneys for Amici Curiae League of Women Voters of Santa Monica, et al.

DECLARATION OF DEBBIE MULVANEY

I, Debbie Mulvaney, declare the following to be true and correct:

1. I am the Treasurer and member of the Executive Committee and Steering Committee of the Community for Excellent Public Schools (“CEPS”), a non-profit political action committee (registered with the City of Santa Monica) that has supported state and local funding measures for public education, as well as endorsed candidates for the Santa Monica City Council, the Santa Monica College (“SMC”) Board of Trustees, and the Santa Monica Malibu Unified School District (“SMMUSD”) Board of Education for nearly twenty (20) years. CEPS has more than 750 members in the Cities of Santa Monica and Malibu.

2. CEPS is composed of a steering committee of twenty-four (24) actively-involved citizens who share a vision and commitment to excellence in public schools from early childhood through post-secondary education.¹ (<http://www.excellentpublicschools.org>; Exhibit K.²) The chair of CEPS is Shari Davis, Co-Director of the Santa Monica College Public Policy Institute and Adjunct Professor of Political Science at SMC. (<https://www.smc.edu/directory/davis-shari.php>) Professor Davis is a graduate of the Harvard Kennedy School, where she earned a Master’s degree in Public Policy, co-chaired the

¹ In addition, CEPS has nine additional *ex officio* members of the organization, including past and present Santa Monica College Trustees Barry Snell and Louise Jaffe, Ph.D., SMMUSD Board members Jennifer Smith, Jon Kean, Laurie Lieberman and Richard Tahvildaran-Jesswein, Ph.D., Santa Monica City Councilmember and former Mayor Gleam Davis, Harry Keiley, past president of the Santa Monica Malibu Unified School District Classroom Teachers Association and current chair of the California Teachers Association Political Involvement Committee and the Board of CalSTRS, as well as Nat Trives, former two-term Santa Monica City Councilmember and Santa Monica’s first Black mayor.

² Community for Excellent Public Schools and CEPS can be found through a quick internet search, with results including the entity’s website (www.excellentpublicschools.org), community blog, Facebook page, press releases, and local newspaper articles concerning the organization’s activities over the past two decades. (Exhibit L.)

Kennedy School's student government, and served on Harvard's Institute of Politics Student Advisory Committee.

3. I have been a member of the CEPS Steering Committee for seventeen (17) years and Treasurer for the past seven (7) years. I am the principal of Mulvaney Business Advisors. I have an MBA in Finance from New York University. I serve as treasurer for several non-profit organizations and have served as the Administrator of the Santa Monica Malibu Parent Teachers Association (PTA) Council's Summer Adventure educational programming for more than twenty (20) years. In addition, I served as one of the three appointed Santa Monica representatives for the Malibu Unification Negotiating Committee, which served for 18 months along with three Malibu representatives (for the first meeting, Plaintiff's counsel, Mr. Shenkman, was one of those representatives) to facilitate the process of separating the Malibu public schools from SMMUSD.

4. Since 2003, CEPS has been the face of public education advocacy in the Santa Monica community for our local schools. The following is a brief overview of its public activities and accomplishments:

a. In January 2003, CEPS helped organize 1000+ parents and students to march through Santa Monica City Council chambers during public comments to show strength of the public education community;

b. In June 2003, CEPS organized a large rally on the lawn of Santa Monica City Hall to urge the City Council to approve long-term, reliable funding to support the local school district which faced a \$13 million budget shortfall due to severe state-wide budget cuts in education;

c. CEPS convened numerous public meetings to discuss proposing an Amendment to the City Charter to provide a permanent and reliable funding stream to the Santa Monica Malibu Unified School District to support public schools;

d. CEPS filed a petition to amend the City Charter, raised more than \$100,000, and gathered more than 15,000 signatures to place the budgetary proposal to support local schools on the November 2004 ballot;³

e. In response to the petition, the City of Santa Monica and SMMUSD reached an agreement that provided \$6 million per year in financial support to the local schools from the City's general revenues;

f. In 2004, CEPS initiated and partnered with the California State PTA to organize "Caravan for Kids," a two-day, 8-city media event, bus caravan from all parts of the State, and rallied on the steps of the State Capitol to protest the Governor's \$2 billion budget grab of funds to statewide public education (Exhibit N);⁴

³ On May 5, 2004, the *Malibu Times* published a front-page article titled "Santa Monica School Funding Deal Could Prevent Divisive Election." (https://www.malibutimes.com/news/article_80391884-04a1-546d-bacb-5a46d36cf07d.html; Exhibit M.) In the article's introduction, the newspaper states that "[a] group called CEPS has gathered enough signatures to put an item on the ballot that would guarantee \$6 million of annual funding from Santa Monica to the school district. Malibu residents form local Malibu group." (*Id.*) Plaintiff's counsel, Kevin Shenkman, who claims no knowledge of CEPS, is a long-time Malibu resident.

⁴ In an article published in the *Santa Monica Outlook* on April 28, 2004, the founder and former president of Mr. Shenkman's client, the Pico Neighborhood Association ("PNA"), current Santa Monica City Councilmember Oscar de la Torre, who was elected to five terms on the SMMUSD Board of Education, was quoted in the concluding paragraph of this article on the success of CEPS' "Caravan for Kids," stating, "'The good people of Santa Monica are known for progressive politics. This will go down in history as a highlight of our collective activism.' De la Torre reflected while walking to his car after the downtown rally." (Exhibit O, p. 4.) Mr. de la Torre also reportedly travelled from Santa Monica to Sacramento as part of the CEPS bus caravan to participate in its rally on the steps of the capitol. (*Id.*)

- g. In 2005, CEPS co-hosted a forum with the RAND Institute on California's K-12 funding in Santa Monica;
- h. In 2006, CEPS organized its first annual "State of Our Schools" events throughout Santa Monica and Malibu to showcase and report on SMMUSD's academic achievements, financial status, and futures challenges;
- i. In 2007, CEPS successfully lobbied the Santa Monica City Council to increase its annual financial support to SMMUSD to more than \$7.5 million per year;
- j. In 2007, CEPS leadership served as core *ad hoc* members of a committee to place an initiative on the February 2008 ballot to renew parcel taxes supporting SMMUSD that were set to expire. CEPS raised \$275,000, produced numerous pieces of direct mail, and organized a massive voter outreach effort with hundreds of volunteers which resulted in the overwhelming passage of the measure. This successful ballot measure guaranteed \$11 million per year in permanent funding, plus annual cost of living adjustments, for SMMUSD;
- k. In 2009, CEPS leaders testified before the Santa Monica City Council in support of \$81 million in redevelopment funding for the Santa Monica "Civic Center Joint Use Project," which the City subsequently approved;
- l. In 2010, CEPS actively supported two local propositions to generate funds for SMMUSD to help weather the state's financial crisis. The campaign was co-chaired by CEPS Chair Shari Davis and Steering Committee member Tom Larmore, while two additional CEPS Steering Committee members, Rebecca Kennerly and Chris Harding, helped raise \$375,000 to support the campaign, which passed overwhelmingly during the November, 2010 election.

5. As the result of its advocacy over nearly twenty years,⁵ CEPS helped generate over \$35 million per year in additional public school funding for SMMUSD, which represents

⁵ "Decade of Advocacy Strengthens Ties," *Santa Monica Mirror*, Nov. 1, 2011 (Exhibit P; <https://smmirror.com/2011/11/a-decade-of-advocacy-and-bold-partnerships-help-strengthen-city-and-schools-op-ed/>.)

over 20% of the school district’s annual budget. This represents more than \$400 million in additional funding over the past seventeen (17) years from efforts supported and backed by CEPS leaderships, its members, as well as their financial contributions and grassroots volunteer efforts.

6. Since 2004, CEPS has hosted “Candidates Forums” to provide numerous opportunities for voters to hear City Council, SMC College Board, and SMMUSD School Board candidates’ views on supporting public education. Since that time, CEPS has endorsed and supported candidates for these elected positions. CEPS is proud of its track record of helping to elect racially-diverse candidates to local public office, including Santa Monica City Councilmembers Tony Vazquez, Ana Maria Jara, Gleam Davis, and Kristin McCowan, Santa Monica College Board of Trustees Dr. Margaret Quinones-Perez and Barry Snell, and SMMUSD Board of Education members Maria Leon-Vazquez, Jose Escarce, Oscar de la Torre, and Keith Coleman.

7. As mentioned, the founder and former president of Mr. Shenkman’s client, the Pico Neighborhood Association (as well as the spouse of Mr. Shenkman’s other client in this case, Maria Loya), has participated in numerous CEPS events over the past twenty years. For example, in September, 2010, Mr. de la Torre sought the political endorsement from CEPS for his reelection campaign to the SMMUSD Board of Education. As part of this process, Mr. de la Torre publicly appeared at a CEPS voter forum. Shortly thereafter, the *Santa Monica Outlook* ran a news article entitled “Education Activist Groups Makes Elections Endorsements” in which CEPS endorsed three incumbent school board members, including Mr. de la Torre:

“CEPS support is ‘a vote of confidence for the direction and positive moves currently underway within the District . . . Each of these incumbents has a strong role to play in Special Education reform, guiding the District through its recent budget crises and helping develop the focus and goals of the District, which has just seen a significant rise in student test scores.’” (Exhibit Q.)

The news article concluded by stating, “CEPS is the most powerful education activist group in Santa Monica . . . It was behind the 2004 push to greatly increase funding from the City to Santa Monica-Malibu Unified School District.”⁶ (*Id.*, emphasis added.)

8. As Treasurer for CEPS, I am responsible for periodically filing financial disclosures mandated by the City of Santa Monica and California’s Political Reform Act.⁷ In the past seven (7) years, I have filed these disclosure forms for CEPS with the City of Santa Monica. According to the City of Santa Monica, CEPS has filed financial disclosure forms on 118 occasions since 2004.⁸ (Exhibit R.)

9. I have been generally aware of Plaintiff’s counsel, Kevin Shenkman, for about six years. As part of the Malibu Unification Negotiating Committee (MUNC), where I, along with two others, represented Santa Monica, Tom Larmore and I identified ourselves as long-time Steering Committee members of CEPS. Mr. Shenkman was one of three people in the room representing Malibu during this first meeting. As there were only seven people in total in the room, it strains credibility to believe that Mr. Shenkman did not hear Mr. Larmore or me specifically describe our longstanding association with CEPS. (Mr. Shenkman was

⁶ In 2004, CEPS sent Plaintiff Maria Loya an invitation to be considered for an endorsement in support of her campaign for the Board of Trustees for Santa Monica College. Ms. Loya did not respond to the invitation.

⁷ CEPS is registered with the City of Santa Monica as “Community for Excellent Public Schools,” Committee Identification Number 1243108. (Exhibit R.)

⁸ The City of Santa Monica maintains a “Public Access Portal” which allows residents and other interested parties to search for information concerning political action committees, including CEPS, by organization name, committee identification number, filing date(s), independent expenditure, and/or contributions. (<https://public.netfile.com/pub2/?aid=CSM>.) It takes only a moment to locate a Santa Monica-based political action committee using this user-friendly service. (*Id.*) The California Secretary of State also provides a convenient link to the City of Santa Monica’s campaign disclosure website at <https://www.sos.ca.gov/campaign-lobbying/cal-access-resources/city-and-county-electronic-filings>. (Exhibit S, p. 2.)

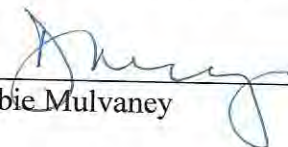
subsequently removed from the Malibu negotiating team by the Malibu City Council as they were concerned that he was more focused on this lawsuit than his role of helping Malibu separate from SMMUSD.)

10. Members of the CEPS Steering Committee, including myself, were actively involved in the process of reviewing and editing drafts of the Amicus Brief filed in this case on CEPS' behalf, as well as on behalf of the League of Women Voters of Santa Monica ("League"), the Human Relations Council – Santa Monica Bay Area ("HRC"), and the Alliance of Santa Monica Latino and Black Voters ("Alliance").

11. As a long-time resident and active member of the Santa Monica community, I am very familiar with the leadership and work of the League (of which I am a member in good standing) and HRC, as well as the Alliance, which was formed in response to this action by former Santa Monica City Councilmembers Nat Trives and Tony Vasquez, both of whom I have known for more than twenty-five years and who have decades of knowledge and experience working in Santa Monica's local community.

12. CEPS and I share the view of the League, HRC, and the Alliance that Santa Monica's Latino and Black voters have greater power and influence under the City's at-large election system than they would under a district-based election system, as seen by the success of Latino and Black voters in electing candidates of their choices, including, for example, Santa Monica's City Council which currently has four Latino Councilmembers (Christine Parra, Gleam Davis, Oscar de la Torre, and Lana Negrete) and one Black Councilmember, Kristin McCowan, i.e., five of seven elected positions (71%) on the City Council.

I declare the forgoing to be true and correct under penalty of perjury. Executed this 15th day of July 2021, at Santa Monica, California.


Debbie Mulvaney

DECLARATION OF NATHANIEL TRIVES

I, Nathaniel Trives, declare as follows:

1. My name is Nathaniel Trives. I am filing this declaration in my individual capacity and as co-chair of The Alliance of Santa Monica Latino and Black Voters (“Alliance”). I serve as co-chair of the Alliance with my friend and colleague Antonio Vazquez.

2. I am a long-time resident of Santa Monica. My family moved to Santa Monica in 1949, when I was 14 years old. I graduated from Santa Monica High School in 1952. I served as Student Body President of Santa Monica High School during my senior year.

3. I have been active in Santa Monica community, civic, charitable, educational and governmental affairs for more than 50 years.

4. My community service has included serving on the Santa Monica City Council for eight years (1971-79) and as the first Black mayor of Santa Monica (1975-77). In July 2020, I was appointed by the City of Santa Monica to its new Public Safety Reform Commission in the wake of national and community-wide calls for racial justice. (Exhibit D;

https://www.surfsantamonica.com/ssm_site/the_lookout/news/News-2020/July-2020/07_10_2020_Santa_Monica_Announces_Appointments_to_Police_Task_Force.html.)

5. I spent more than twenty years as a Professor in the Political Science Department at California State University, Los Angeles, where I taught criminal justice. I also served as a Special Master for the U.S. District Court for the Northern District of California overseeing a consent decree governing the resolution of race and gender bias issues in the San Francisco Police Department.

6. In 2007, California Assembly Speaker Fabian Nunez appointed me to the California Commission on Judicial Performance. (“Assembly Speaker Appoints Ex-Santa Monica Mayor to CJP.” *Metropolitan News*, October 4, 2007, Exhibit E; <http://www.metnews.com/articles/2007/triv100407.htm>.)

7. I have served for many years on the Board of Directors of the Human Relations Council Santa Monica Bay Area (“HRC”) and on the Steering Committee of Community for Excellent Public Schools (“CEPS”). (Exhibit F.)

8. I have followed with interest the pending CVRA lawsuit challenging the City of Santa Monica’s at-large election system for City Council. Throughout this litigation, I have publicly supported the City’s position in favor of at-large voting in the City of Santa Monica.

9. Earlier this year, in my capacity as a board member for the HRC, I became aware that various organizations (including HRC) were considering filing an Amicus Brief supporting the City's position concerning at-large voting in this lawsuit. As a member of the HRC Board of Directors, I voted to support the HRC's participation as an Amicus Curiae, subject to HRC reviewing and approving the Amicus Brief. This HRC vote took place after extended discussion and review of preliminary drafts of the Amicus Brief.

10. As a CEPS Steering Committee member, I also learned that CEPS had decided to participate as an Amicus Curiae in this lawsuit.

11. During the Amicus Brief's preparation and review, I discussed this case with Antonio Vazquez. Like me, Mr. Vazquez is a former member of the Santa Monica City Council (1990-94 and 2012-19) and a former mayor (2015-16). Mr. Vazquez was elected to and currently serves as a board member on the State Board of Equalization. Mr. Vazquez has long been recognized as Santa Monica's foremost Latino political leader.

12. Mr. Vazquez supports the City of Santa Monica's at-large election system for City Council (and other elected bodies).

13. Together, Mr. Vazquez and I decided to form the Alliance, an unincorporated association, in order to participate as an Amicus Curiae and support the Amicus Brief then under preparation. We did so because we share an opinion that Latino and Black voters in Santa Monica have greater voting power under the City's at-large election system than would be the case with district elections. This opinion is grounded in our personal experience in Santa Monica elections, our conversations with other Latino and Black community activists and leaders, and our review of City election results for City Council as well as other Santa Monica elected bodies (including the School Board and the Santa Monica College Board of Trustees) since the CVRA was adopted in 2002.

14. We believe our position is shared by the vast majority of Latino and Black civic and community leaders in Santa Monica. This belief is supported by past election results where Santa Monica's voters have twice rejected ballot measures that would have imposed district elections for Santa Monica City Council. Most recently, in 2002, Santa Monica's voters rejected by an overwhelming margin Measure HH that would have established district elections.

15. The Alliance is an *ad hoc* group formed for the specific purpose of participating as an Amicus Curiae in this case. The Alliance consists of approximately 25-30 Latino and Black

community leaders and voters. Mr. Vazquez and I formed the Alliance because we believe it is very important for the Court to consider this case from the perspective of Latino and Black community leaders with extensive on-the-ground experience in Santa Monica. Mr. Vazquez and I (and the other Alliance members) are strong supporters of voting rights and the empowerment of Latino and Black voters.

16. In agreeing to participate as an Amicus Curiae, the Alliance was an active participant in the process involving circulation, review and editing of multiple drafts of the Amicus Brief. This process involved extensive revisions during the drafting process. At the culmination of this process, all four organizations (including the Alliance) agreed to its contents.

17. In our Amicus Brief, the Alliance and the three other Amici argue for a 20-year perspective on Santa Monica election results to assess the voting power of protected class voters (this case focuses on Latino voters). Since 2002, Latino voters have successfully elected Latino-preferred candidates and Latino candidates at a higher percentage than the percentage of Latino voters in Santa Monica. (*See* Amicus Brief, Appendices B and C.) At present, the Santa Monica City Council (the focus of this lawsuit) now has four Latino members out of seven councilmembers overall: Oscar de la Torre, Christine Parra, Gleam Davis and Lana Negrete (who was recently appointed to fill a vacancy created by the resignation of Kevin McKeown). Together with Councilmember Kristin McCowan, who is Black, the Santa Monica City Council now has five of seven protected-class members (71.4%) in comparison to a voting population consisting of less than 12% protected-class voters.

18. The Alliance is especially concerned that imposition of district elections in Santa Monica would reduce representation of protected-classes (in particular, Latinos and potentially Blacks). At present, Councilmembers de la Torre (Latino), Parra (Latino), and McCowan (Black) all reside in the Pico Neighborhood District ordered by the trial court. If this order is allowed to stand, two of these three protected-class councilmembers will lose their seats. In a recent Amicus Brief filed with this Court, the Attorney General's Office expressed concern with such a result that would be contrary to the purpose of the CVRA:

“The court should also consider whether alternative systems would instead *harm* the protected class. For instance, if multiple members of the protected class on a governing body come from the same district, a district electoral system may in fact lead to less influence

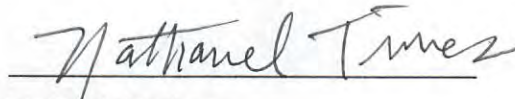
on the protected class's part. It is not likely that an existing at-large system has 'impaired' a protected class's ability to influence elections if the alternatives would result in less influence."

(Attorney General's Amicus Brief at p. 26.)

19. Mr. Vazquez and I are troubled that plaintiffs (through their counsel) are questioning the Alliance's legitimacy, speculating without any basis that the Alliance "may have been conjured up" by counsel for the Amici. It is quite apparent to Mr. Vazquez and me that plaintiffs are seeking to silence the Alliance because we have a different point of view than plaintiffs about how best to achieve Latino and Black voting power and representation in Santa Monica.

20. Mr. Vazquez and I, and the Alliance's other members, ask the Court to deny plaintiffs' motion to strike and consider the merits of our Amicus Brief's arguments in the course of addressing the question presented for review.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration is executed on the 17th day of July, 2021 in Santa Monica, California.



Nathaniel Trives

Exhibit D

Santa Monica LOOKOUT

Traditional Reporting for A Digital Age



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Santa Monica Announces Appointments to Police Reform Advisory Committee

By Lookout Staff

July 10, 2020 -- The City's first Black Councilmember, the two top local NAACP officials, two Santa Monica police officers and a dozen activists, residents and service providers have been selected to serve on the City's new Public Safety Reform Advisory Committee.

The Committee -- whose 15 members were chosen by Interim City Manager Lane Dilg -- will review proposals and recommend public safety reforms "for both use of force and invest/divest strategies," City officials said.

"Each of the appointees is committed to ensuring that the City follows best practices for creating a community in which all feel and are safe," Dilg said in a statement announcing the appointments Friday.

"Together, they bring relevant knowledge and expertise as advocates for racial justice, residents, business owners, law enforcement officers with a commitment to public safety reform, mental health providers, and social services providers."

The committee includes former mayor Nat Trives, who became the first Black Councilmember in 1971, and Darrell Goode and Rebecca Lantry, president and vice-president respectively of the Santa Monica/Venice branch of the NAACP.

Santa Monica police officers Darnell Crumpler, a volunteer with the Ploice Activities League (PAL), and Erika Aklufi, a member of the homeless outreach team, were also appointed, along with Robbie Jones and Angela Scott, members of the Committee for Racial Justice.

The committee also includes three counselors and social serive workers -- Shuli Lotan, mental health counseling coordinator for the School District; Rasika Flores, a case manager at St. Joseph's Youth Resource Center, and Liz Cruz, a licensed clinical social worker.

George Brown, co-author of the "New Era of Public Safety" report for the Leadership Conference on Civil and Human Rights, Downtown property owner Wally Marks and residents Michael Shotton, Ralinda Harvey Smith and Marc Morgenstern, president of the Ocean Park Association, were also appointed.

"Working together with City staff, the committee will first facilitate a community input process, and review local, regional, and national proposals advocating for changes to policing and the ways that cities conceive of and allocate funds to achieve public safety," City officials said.



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After gathering information, the committee will make recommendations to the Interim City Manager regarding reforms to SMPD's use of force policies and changes that should be made to the City's budget, "informed by calls for divest and invest strategies, to better achieve public safety and wellbeing for all in our community."



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Exhibit F



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FOR
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HRC Board of Directors



Meet the individuals that make up the HRC Board of Directors and the community organizations, institutions and businesses that they represent.

HRC BOARD CHAIR

John Maceri, Executive Director, The People Concern

John Maceri is the Executive Director of The People Concern. With more than fifty-six years of work in the community, The People Concern empowers the most vulnerable among us to rebuild their lives. As a long-time community volunteer, John served on the board of the Business Alliance of Los Angeles as a member, Vice President and two-term President. He is a Past Chair of the Westside Shelter and Hunger Coalition, and served as a member of the Board of the Santa Monica Chamber of Commerce. John is a past Vice President of the Board of North Valley Caring Services, and a former member of the governing board of the Children Affected by AIDS Foundation.

HRC BOARD PAST CHAIR

Dr. Karen S. Gunn, Community Member/Business Owner

Dr. Karen S. Gunn is a psychologist with over thirty years of experience working as a consultant and educator in the public and private sectors. Her expertise lies in organizational, management and program development, leadership skills, cross-cultural and diversity issues, interpersonal communication and human relations. Dr. Gunn was a tenured faculty member in the Psychology Department at Santa Monica College and served as department chair during that time. Dr. Gunn has served as a board member for national and local organizations as well as non-profit agencies. Dr. Gunn served as the prior Human Relations Council Board Chair.

HRC BOARD VICE CHAIRS

Donna Gentry, Owner, Gentry Group

Donna is an independent consultant providing marketing communications and special event services for over 25 years to non-profit organizations, business and government. She is an active volunteer and in addition to the HRC, her volunteer efforts present and past include: Board member of the Police Activities League (PAL); OPCC (now The People Concern), Westside Family Health Center, Pico Improvement Organization and the City of Santa Monica's Buy Local Committee. Her website santamonicabayevents.net is offered as a community service whereby local non-profit organizations may have their events posted free of charge for promotion to the community.

Dr. Jody Priselac, Associate Dean for Community Programs, UCLA

Jody Z. Priselac is one of the founding Directors of the HRC in 2004 and has been a

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member ever since. She has served as Vice Chair and Chair of the HRC Board. Dr. Priselac is the Associate Dean for Community Programs in UCLA's Graduate School of Education & Information Studies. She has over 30 years of experience as a mathematics educator, serving in many roles, including high school teacher, professional development leader, teacher educator, and educational researcher. Her research focuses on how to change teacher practice in mathematics in urban schools and partner with communities to advance equitable education.

Mary Luthy, Retired Community Health Nurse

For 20 years, Mary managed community health programs in downtown Los Angeles at California Hospital Medical Center, St. Vincent Medical Center and Providence Saint John's Health Center in Santa Monica. For over 11 years, she served the Director of Community Benefits for at Providence Saint John's Health Center. The Community Benefits Department collaborated with government agencies and community organizations to better serve vulnerable populations. As Director, she served as the hospital liaison for the launch of Westside Respite Health Care with The People Concern, (formerly OPCC), Venice Family Clinic, and UCLA Santa Monica. She worked closely with Emergency Department medical staff, management and staff, case management, community health outreach, and community service providers to ensure the coordination and delivery of services to those experiencing homelessness and others in needed.

HRC BOARD SECRETARY

Debra A. Farmer, President/CEO, Westside Family Health Center

Debra A. Farmer has been President/CEO of Westside Family Health Center (WFHC) since 1999. Ms. Farmer has been a tireless health advocate at the local, state and national levels for women's health care and health care for the safety net. She is a board member of the California Primary Care Association (past board chair), the Westside Coalition – Hunger, Housing, Health and Clinic Mutual Insurance Company (current board president) and was formerly board chair of the Community Clinic Association of Los Angeles County. Ms. Farmer's previous professional experiences include stints at The Ahmanson Foundation and Planned Parenthood Los Angeles.

HRC BOARD TREASURER

Perry Roshan-Zamir, Community Member

Perry Roshan-Zamir is the general counsel for Cabo Cantina and their group of restaurants and practices franchise law. He received his bachelors in Biomedical and Electrical Engineering from USC in 1989, his J.D. From Whittier College School of Law in 1992 and his Masters in Business Taxation from USC in 1996. Perry is a certified diving instructor, very well-traveled, and serves as the chairman of the board of directors of Reef Check, an international non-profit organization whose mission is to empower people to save our reefs and oceans. Perry also serves as a member of the board of directors of the Senior Arts Foundation, based in Los Angeles.

HRC BOARD OF DIRECTORS

Ana Maria Jara, City of Santa Monica Council Member & Community Member

Ana Maria Jara, a native from Guatemala, C. A. is a proud mother of four daughters, has six grandchildren. Has lived in Santa Monica for almost 40 years and worked at Santa Monica College for over 25 years. In January 2019, Ana was appointed to the Santa Monica City Council. Throughout her career, she has been a tireless advocate for smart and inclusive solutions to issues of inequality in Santa Monica. Ana has served on numerous boards and organizations playing a vital leadership role to impact the lives of youth and families in Santa Monica. Her first entry into civic engagement was as an advocate with The Quiet Minority. Since then, she has served on PTSA as a member and co-chair, participated as District Advisory Committee member for multiple groups, and co-founded various district-wide committees. Before being appointed to serve on the City Council, she served as Chair on the Commission of the Status of Women and the Social Services Commission.

Cynthia Rose, Santa Monica Spoke

Cynthia Rose is the Director of Santa Monica Spoke and co-founder of the Santa Monica Safe Streets Alliance working to make Santa Monica a safer and better place to live, walk, bike, work, and play through community engagement, education and

encouragement. She is a dedicated community advocate focused on collaborations to establish policy and infrastructure for safer walking and biking as means for creating more environmentally sustainable, equitable and healthy community. In addition to her local advocacy, she is currently Board Chair of the California Bicycle Coalition and previous board member of the Los Angeles County Bicycle Coalition and Sustainable Streets. Cynthia is a certified cycling instructor with the League of American Bicyclists.

Donald J. Zelaya, City of Santa Monica Information Services

Donald has been with the City of Santa Monica since 2015 in various departments and currently works for Information Services. Donald is a member of the Government Alliance on Race & Equity (GARE) network whose mission is to promote and institute equity in local government. He has long been involved in social justice efforts beginning from when he worked in an access and retention community center for historically underrepresented students. Donald is passionate about community empowerment and being an active community member. He currently serves on the City of Los Angeles, Sylmar Neighborhood Council where he chairs the outreach and community engagement committee. Donald holds a bachelor's degree in Biology from University of California, San Diego with a minors in Political Science and Urban Studies and Planning.

Eric Shafer, Senior Pastor, Mt. Olive Lutheran Church

The Rev. Eric C. Shafer is Senior Pastor at Mt. Olive Lutheran Church in Santa Monica. He has helped open the Bruin Shelter (now called "Students4Students" Shelter) at Mt. Olive, the first shelter for homeless college students on the west coast and has been involved in the relaunch of the Santa Monica Area Interfaith Council. His previous positions include Senior Vice President for Odyssey Networks in New York City and Director of Communion for the Evangelical Lutheran Church in America in Chicago. Shafer has taught in South Africa and Madagascar and made multiple trips to Jerusalem and the West Bank.

Gary Avrech, Community Member/Business Owner

Gary Avrech was born and raised in Southern California. He owns and operates Go Graphics & Printing Company, which he founded in 1982. He is the founder and Executive Director of Community Productions Inc., a 501(c)(3) nonprofit that assists other organizations that help those in immediate distress. He graduated from SMC and served as President of the Associated Students and Student Member of the SMC Board of Trustees. He has also served in many volunteer roles, including President and Member of the SMC General Advisory Board; Chair and Board Member of the Rev. Dr. Martin Luther King Jr. Westside Coalition; Vice President and Board Member of the Santa Monica-Venice Branch of the NAACP; Chair and Member of the SMMUSD Intercultural Equity & Excellence District Advisory Committee.

Janet Gollery McKeithen, Senior Pastor, Church In Ocean Park

Janet Gollery McKeithen holds a Bachelors degree from Humboldt State University and a Master's of Divinity from CST. In her 20's, she was the Executive Director of SSP, a program where high school students help repair the homes of Native American families. In Inyo County, she worked with mothers who were addicted to Meth and directed the "Healthy Families" program. She is an ordained elder in the UMC, served as the Consultant for Immigration and Refugee Ministries, and has helped create Latch-Key programs, english classes, spanish classes, a senior citizen center and the Western Methodist Justice Movement. She is a founding member of the Committee for Racial Justice, and the President of the Santa Monica Area Interfaith Council. She is an Advisory Committee member for Climate Action Santa Monica, and has recently helped launch Young People Creating Change (YPCC). Janet was a member of the SMMUSD Special Education District Advisory Committee (SEDAC) for 10 years and currently serves on the GoSaMo Transportation Management Organization.

Julie Rusk, Chief of City Wellbeing, City of Santa Monica

Julie is the City of Santa Monica's first Chief of Civic Wellbeing. Throughout her career, she has spearheaded responsive government policy and innovations to

improve community outcomes through creative partnerships, social impact initiatives and civic engagement. In 2017, she created the City's first [Office of Civic Wellbeing](#) within the City Manager's Office after leading the City's winning government innovation proposal to develop a local wellbeing index from Bloomberg Philanthropies and Santa Monica's 2016 Robert Wood Johnson Foundation Culture of Health prize. Ms. Rusk was a 2016/17 Fellow with Business Alliance for a Local Living Economy (BALLE); was named to the 2017 List of 25 Top Influencers by Engaging Local Government Leaders (ELGL); and is currently a Senior Fellow with UCLA's Center for Healthier Children, Families and Communities.

Laura Rosenbaum, Community Member

Laura is an active volunteer in Santa Monica, serving on the boards of the Human Relations Council and the Boys & Girls Club of Santa Monica. Professionally, she is director of retail banking marketing at OneWest Bank. She is the mother of two sons and two grandsons, and enjoys studying the earthworks and culture of the Hopewell Indians of Ohio.

Lindsay Call, Chief Resilience Officer, City of Santa Monica

Lindsay Call serves as the City of Santa Monica's Chief Resilience Officer, overseeing the City's Office of Emergency Management. Lindsay focuses on building the City's "community resilience" program to better prepare the local population to recover from events ranging from acute emergency incidents, like earthquakes, to long-term chronic challenges, such as climate change. Over the past ten years, Lindsay has served various public health and emergency management agencies, specializing in serving vulnerable populations. She has spent much of her life volunteering, including for Kansas City's ANYTOWN social justice youth program. Lindsay holds a Bachelor's Degree in International Studies from American University in Washington, DC and a Master's of Public Health from UCLA.

Michele Wittig, Ph.D., Professor Emerita, CSUN

Michele Wittig has been engaged in community organizing and activism since the 1960's at the University of Illinois, from which she received the Ph.D. in experimental psychology. During four decades as a CSUN professor, she taught research methods; published research on acculturation, prejudice reduction, justice and intergroup relations; and conducted program evaluations for human rights organizations. Her work in Santa Monica has addressed homelessness, educational opportunity and policing equity. She has been an expert witness on employment discrimination and a consultant to the International Red Cross and Red Crescent Societies (Geneva) and to the British Red Cross.

Misti Kerns, President/CEO, Santa Monica Travel and Tourism

Misti Kerns, President/CEO of Santa Monica Travel & Tourism (SMTT), joined SMTT in 1997 and has served in her current role for 17 years and is a Certified Meeting Professional (CMP) and a Certified Destination Management Executive (CDME). Kerns founded the 'I AM Santa Monica' program, which has certified over 3,000 local employees and community members as official Santa Monica ambassadors. She is an active member of the Santa Monica Human Relations Council, Santa Monica Pier Corporation Board of Directors and the Santa Monica Chamber of Commerce and serves on local, state and national tourism boards. Kerns has been a resident of Santa Monica for over 22 years, and resides in the city by the sea with her husband and daughter.

Nat Trives, Coalition for Engaged Education

Nat arrived in Santa Monica in 1949 and he attended Lincoln Jr. High School, SAMOHI and SMC. He married Ida Smith on July 3, 1955 and they are the proud parents of Dr. Toni Trives, Chair of the Modern Language Department at SMC. She has two sons, Tristan and Tanner who are the center of the family's love and affection. Nat has enjoyed a wonderful career in public service as a member of SMPD, Professor Emeritus in Criminal Justice CSULA, former Mayor of Santa Monica, Deputy Superintendent at SMC and a volunteer on more than twenty NPO Boards.

Natalya Zernitskaya, Community Member

Natalya was born in Belarus and moved to San Francisco with her family as a child. After earning her Bachelor's degree in Economics from University of California, Santa Cruz, she decided to relocate to the Los Angeles area and found her community in Santa Monica. In addition to her full time job as a Due Diligence Analyst in the financial services industry, Natalya is currently the President of the League of Women Voters of Santa Monica; and has served as Treasurer and Webmaster for the organization in the past. She was also previously the Secretary of the Administrative Board of Directors for the Church in Ocean Park. Occasionally, she freelances as a Stage Manager for theatrical productions in the Los Angeles Area. Natalya is passionate about human rights and advocating for positive change in her community, with a particular focus on the issues of housing, social justice, and women's rights.

Shawn Landres, Ph.D., Community Member

Connecting people, ideas, and resources, Shawn Landres, Ph.D., has earned international recognition for his leadership in social innovation and interreligious engagement. A widely published essayist and editor whose work has been featured by the Obama White House and covered by TIME, the Wall Street Journal, and The New York Times, Shawn is the co-founder of Jumpstart Labs, an active partner in early-stage ventures and social enterprises, and Senior Fellow at the UCLA Luskin School of Public Affairs. Currently Chair of the Los Angeles County Quality & Productivity Commission and a member of the City of Santa Monica Planning Commission, Shawn and his family live in Santa Monica, where he also serves on the SMMUSD Financial Oversight Committee and the Airport2Park Foundation advisory board.

Sheila Banani, Baha'i Community Member

Sheila Banani has been a homeowner in Santa Monica since 1966. She is a graduate of UCLA, with a B.A. in Sociology and an M.A. in Urban Planning: Public Policy & Social Development. She was an elected member and Chair of Santa Monica Baha'i Assembly from 1966-2016. She taught Sociology at Santa Monica College from 1974-1979. Sheila was also a Santa Monica Recreation & Parks Commission member from 1976-1980. She worked in the Santa Monica City Hall Advanced Planning Department as a Planner in 1981. Sheila is a published poet and writer, with a poem featured in the anthology "When I Am An Old Woman I Shall Wear Purple." Sheila currently serves on the Santa Monica Bay Area Human Relations Council Board of Directors, as she has since 2005.

Stephanie Cohen, District Director, West/Metro LA

Stephanie Cohen serves as Supervisor Sheila Kuehl's District for West/Metro Los Angeles. She is responsible for overseeing community engagement, events, programming and constituent services for the communities spanning from Venice and Santa Monica to East Hollywood and Los Feliz. Prior to joining Supervisor Kuehl's office, Stephanie served as Deputy District Director to California State Assemblymember Richard Bloom where she was instrumental in creating educational opportunities for stakeholders related to homelessness, the Affordable Care Act/healthcare, veteran's affairs and education. She served as Assemblymember Bloom's liaison to religious communities and planned the Legislature's Annual Holocaust Remembrance Ceremony in coordination with the Legislative Jewish Caucus. She is the founder of the Pacific Palisades Task Force on Homelessness, and continues to serve on its Board of Directors as well as on the Board of LACER Afterschool Programs. Stephanie graduated from UCLA with degrees in Political Science and Near Eastern Languages and Cultures.

Tara Baraukas, Executive Director, Community Corporation of Santa Monica

Tara has worked to create innovative and sustainable affordable housing for 19 years. She serves as the Executive Director of Community Corporation of Santa Monica, a nonprofit affordable housing owner and development organization based in Santa Monica. In this role she oversees the management of 1,700 units of affordable housing, housing development, resident services, maintenance and administration of 80 staff. Previously, Tara developed affordable and permanent supportive housing throughout the state of California. She currently serves on the

Board of Directors for SCANPH, a nonprofit membership organization that advocates for effective affordable housing policy throughout Southern California. She also serves on the Salvation Army Adult Rehabilitation Center Advisory Council, the UCLA Ziman Affordable Housing Advisory Council, and the Board of Friends of Katherine Johnson STEM Academy.

Tara Pomposini, Santa Monica Family YMCA

Tara Pomposini’s entire career has been with the YMCA and includes the YMCA of Pittsburgh and Burbank before coming to the Santa Monica Family YMCA. Tara believes that each person has unique and special gifts to develop and share, and that lasting personal and social change can only come about when we invest in our children, our community, and our health. Under Tara’s leadership, the Y launched its Community-Based Health Initiative, offering Livestrong, diabetes prevention, balance, and arthritis programs. Tara served on the YMCA of the USA National Board, National Committee on Membership Standards, Y-USA International Committee, and the National Y-USA Safety Task Force. She currently serves on the Board of Directors for the California State Alliance of YMCAs whose purpose it is to harness the power of our collective strength to impact our local communities through advocacy, public policy, and program initiatives. Tara earned a BS in Community Development from Penn State University and has a Master’s in Human Services in Organizational Leadership and Non-Profit Management from Springfield College.

Timothy Conley, President, 67 Entertainment

Timothy Lee Conley is an LA-based Filmmaker, Professor and Administrator. He currently serves as the Executive Producer and Owner of 67 Entertainment. Timothy also serves as an adjunct faculty member at Santa Monica College, teaching courses in Media and Film Studies. Timothy is the Director of Media and Communications for the USC Office of Religious Life. A retired professional athlete, Timothy had the privilege to play in the NFL for the Seattle Seahawks. He has a true passion for grassroots community organizing. Timothy currently serves as a board member with the Santa Monica Bay Area Human Relations Council and is very active with the Baha’i Faith Community of Los Angeles.

Lt. Thomas McLaughlin, Santa Monica Police Department

Lieutenant Thomas McLaughlin has been a member of the Santa Monica Police Department since 2001. Lt. McLaughlin currently serves as the Officer-in-Charge of the Criminal Investigations Division, where he is responsible for overseeing all investigative and administrative work of the division. During his time as a police officer, he spent time working in patrol, detectives, narcotics, field training officer program, internal affairs, and was on loan to a federal task force. For the last seven years, Tom has been the Legal Officer Liaison to the Santa Monica City Attorney’s Office, where he assists with civil rights inquiries. Lt. McLaughlin has a Bachelor’s degree in psychology from California State University, Long Beach and a Master’s degree in criminal justice from Chapman University.



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Decade of advocacy strengthens ties - Santa Monica Daily Press

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FOR IMMEDIATE RELEASE September 4, 2020 CONTACT: Shari Davis...

COMMUNITY FOR EXCELLENT PUBLIC SCHOOLS

excellentpublicschools.blogspot.com

May 30, 2012 · COMMUNITY FOR EXCELLENT PUBLIC SCHOOLS (CEPS) has advocated for excellent public schools in Santa Monica and Malibu for ten years. Its broad-based membership extends across all political lines in Santa Monica and Malibu in its common mission of protecting the integrity of Santa Monica and Malibu's excellent public school in the face of ever-dwindling state funding.

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COMMUNITY FOR EXCELLENT PUBLIC SCHOOLS: City of Santa Monica ...

excellentpublicschools.blogspot.com · 2012 · 05

Santa Monica, however, was not about to allow the State's ongoing crisis to decimate its proudly excellent public schools. The correlation between excellent public education and a strong city was, in the minds of many leaders in our community, undeniable.

Images for Community For Excellent Public Schools Santa Monica



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COMMUNITY FOR EXCELLENT PUBLIC SCHOOLS: Open Letter to Santa ...

excellentpublicschools.blogspot.com · 2010 · 07

I am writing on behalf of Community for Excellent Public Schools (CEPS) regarding the proposed Transactions Use Tax item #8 – B on tonight's agenda. As you know, Community for Excellent Public Schools has advocated on behalf of preserving and protecting the excellence of our local public schools for more than a decade.

COMMUNITY FOR EXCELLENT PUBLIC SCHOOLS: CEPS Press Release ...

excellentpublicschools.blogspot.com · 2010 · 03

Community for Excellent Public Schools (CEPS) is dedicated to the preservation and betterment of public schools in the Santa Monica -Malibu Unified School District. In order to achieve this goal, we resolve: To promote a shared community vision for excellence in our public schools that includes early childhood and post-secondary education;

Santa Monica-Malibu Unif Sd / Homepage

www.smmusd.org

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COMMUNITY FOR EXCELLENT PUBLIC SCHOOLS: Thoughts about ...

excellentpublicschools.blogspot.com › 2010 › 11

Now, our work as **Community for Excellent Public Schools** continues. As the organization that originated of the measure that became the current Joint Use Agreement, and stalwart proponents of **school**/city partnerships, the actual process of allocation of these funds and a renegotiation of the current Joint Use agreement must be very high on our ...

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https://www.malibutimes.com/news/article_80391884-04a1-546d-bacb-5a46d36cf07d.html

Santa Monica school funding deal could prevent divisive election

May 5, 2004

A group called CEPS has gathered enough signatures to put an item on the ballot that would guarantee \$6 million of annual funding from Santa Monica to the school district. Malibu residents form local CEPS group.

By Jonathan Friedman/Staff Writer

and Leah Barta/Special to The Malibu Times

The Santa Monica-Malibu Unified School District and the city of Santa Monica are racing against the clock to complete a deal on city funding of the district. Santa Monica City Manager Susan McCarthy and SMMUSD Superintendent John Deasy have been negotiating for several weeks, and a proposal is expected to be ready to go before the SMMUSD Board of Education at its Thursday meeting. It is expected to be presented to the Santa Monica City Council at its meeting on Tuesday.

Meanwhile, a group called Community for Excellent Public Schools, or CEPS, has gathered enough signatures to put an item on the November ballot that would amend the city charter to require the city of Santa Monica to give \$6 million annually to the district with an increase if city revenues grow by at least 3.5 percent. CEPS will meet on Friday to determine whether it will turn in the petition. If it does, the election will take place regardless of any agreement that is approved between the district and the city.

SMMUSD money that comes from the cities of Malibu and Santa Monica goes directly into the district's General Fund. Therefore, an increase in the amount of money Santa Monica gives would mean more for the Malibu schools. However, the SMMUSD Board of Education has

already approved in concept a proposal for 15 percent of district donations to be placed into a fund, with that money being distributed to the schools based on a formula that gives more to those with economically disadvantaged students and other hardships. One of the elements of the proposal being debated is whether 15 percent of money from the cities would have to be put into the fund.

The CEPS proposal has created intense debate in Santa Monica since it was first proposed in January. Santa Monica city employees have lashed out against it, saying it threatens their jobs in a time when the city faces annual budget deficits for several years. City council members have also come out in opposition to it, calling it fiscally irresponsible to guarantee an amount of money that might not be available. Nevertheless, negotiations between the city and the district have led to an agreement on the \$6 million annual contribution according to The Lookout, a Santa Monica news Web site.

CEPS member Rick Gates said the group would have to decide on Friday whether it likes the agreement. If it decides it does not, then it will pursue with the election. "It's a matter of whether the city gets close enough to what we want, and how close is close enough," Gates said.

Santa Monica City Councilmember Mike Feinstein has been a vocal opponent of the CEPS proposal. In March, he came to a school board meeting to propose various other options, including the city leasing vacant district land. Feinstein said an election would divide the community. In an e-mail sent to The Malibu Times Tuesday, Feinstein wrote that he still feels that way.

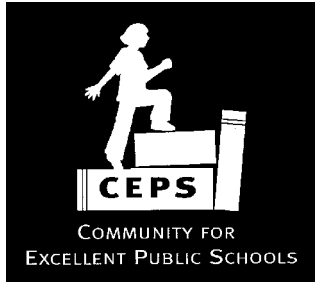
"A ballot measure that is unnecessarily divisive, economically unsound and likely illegal as well, can't but help to create divisions," Feinstein wrote.

A new group has formed in Malibu called Malibu CEPS that is working to increase city funding of the district and to raise community outreach for the schools. Co-chair Laura Rosenthal said the group has only met twice since forming in February, so it does not have a set list of goals. She said she expects the group to have one by the summer.

Rosenthal said she was pleased the city of Malibu increased the amount of money it gave to the school district this fiscal year to an all-time high of \$380,000, and it also reached a landmark joint-use agreement with the district for the use of its sports facilities. But Rosenthal said more is possible.

Exhibit N

California State PTA thanks Community for Excellent Public Schools (CEPS) for its organizational support for the *Caravan for Kids*.



Community for Excellent Public Schools is a non-profit grassroots organization based in Santa Monica.

CEPS is dedicated to the preservation and betterment of public schools. In order to achieve this goal, we resolve:

1. To promote a shared community vision for excellence in our public schools that includes early childhood and post-secondary education;
2. To evaluate and pursue a range of short and long term funding measures through state, city and school district policies and elections;
3. To identify and support issues that will support education and public schools, including early childhood education, after-school programs, and post-secondary public education;
4. To increase public awareness of the value and uniqueness of our public schools;
5. To promote accountability for high quality public education by public institutions and public officials.

2118 Wilshire Boulevard, #264, Santa Monica, CA 90403
310.586.4499; or info@excellentpublicschools.org
www.excellentpublicschools.org

BACKGROUND FACT SHEET

MEMBERSHIP	More than one million members belong to the California State PTA through approximately 3900 local elementary and secondary PTA associations that are organized into 184 PTA councils and 29 PTA districts. Membership is open to parents, teachers, students and community members without regard to race, color, creed or national origin.
PURPOSE	<p>The California State PTA is a volunteer organization that works to promote the education and well-being of all children and youth at home, in school and in the community.</p> <p>PTAs are exempted from paying income tax on money earned as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as from time to time amended, which describes exempt organizations as those which are organized and operated exclusively for charitable and educational purposes.</p>
HISTORY	The organization was founded in San Francisco in 1897 as the California Home and School Child Study Organization. In 1902 it became affiliated with the National PTA and in 1925 it was incorporated as the California Congress of Parents and Teachers. Recognizing the value of student members, the name was changed to the California Congress of Parents, Teachers, and Students, Inc. in 1978. The Congress' common name is the California State PTA.
ACTIVITIES	The California State PTA plans and hosts an annual statewide convention, develops projects and programs for use throughout the state and has, since its founding, sought constructive changes in public policy affecting children, youth and families through legislation and a statewide child advocacy program. The California State PTA also promotes and supports the activities of the National PTA and provides ongoing leadership development and training for its constituent units, councils and districts.
MAJOR ISSUES	Program and advocacy efforts cover five major subject areas: communications, community concerns, education, health, and parenting education.
CONTACTS	President Carla Niño President Elect Brenda Davis Vice President for Convention Joyce Peariso Vice President for Leadership Services Pam Brady Vice President for Member Services Sue King Vice President for Communications Dinah Showman Vice President for Community Concerns Pat Klotz Vice President for Education Jo Loss Vice President for Health Nancy Adalian Vice President for Parenting Education Kay Trotter Secretary Kay Rookhuyzen Treasurer Michael Opfer Parliamentarian Brenda Steffen Director of Legislation Cecelia Mansfield Chairman of the District Presidents Mary Galuska

April 2005

Exhibit Q

Education Activist Group Makes Election Endorsements

By Lookout Staff

September 30, 2010 --Community for Excellent Public Schools (CEPS) on Thursday endorsed all the incumbents in the City Council and Board of Education races. The education advocacy group also backed challenger Ted Winterer as a fourth pick in the four-year council race despite there only be three seats available. Challenger Laurie Lieberman received support for the school board competition.

The selections were made by the CEPS Steering Committee following a forum on Monday. A CEPS press release states the primary criteria for endorsements in the council races were the candidates' positions on Measures Y and YY (the half-cent sales tax proposal and the advisory measure that calls for half the tax revenue to go to education). The Steering Committee also voted to endorse both measures.

“CEPS noted the longtime service of (incumbents) Bob Holbrook, Pam O’Connor and Kevin McKeown to the City of Santa Monica and their proven commitment to education issues,” the release states. “The group also felt that Ted Winterer, an SMMUSD parent and Santa Monica Planning Commissioner, would be a valuable addition to the City Council.”

Those three incumbents and Winterer are running four three four-year positions on the council. The incumbents receiving the CEPS endorsement for the two two-year seats are Terry O’Day and Gleam Davis.


For the Board of Education race, the endorsed incumbents are Oscar de la Torre, Ralph Mechur and Barry Snell. The release states that the CEPS support is “a vote of confidence for the direction and positive moves currently underway within the District. Each of these incumbents had a strong role to play in Special Education reform, guiding the District through its recent budget crises and helping develop the focus and goals for the District, which has just seen a significant rise in student test scores.”

As for the endorsement for Lieberman, the release states CEPS “feels (she) will add a strong, new and extremely knowledgeable voice to the SMMUSD Board of Education.”

CEPS is the most powerful education activist group in Santa Monica. It was behind the 2004 push to greatly increase funding from the City to the Santa Monica-Malibu Unified School District.

Exhibit R

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1 2 3 4 5 6

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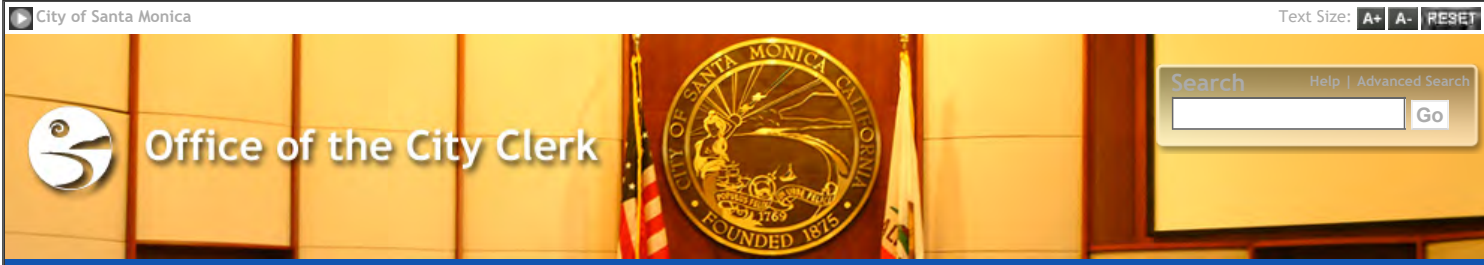
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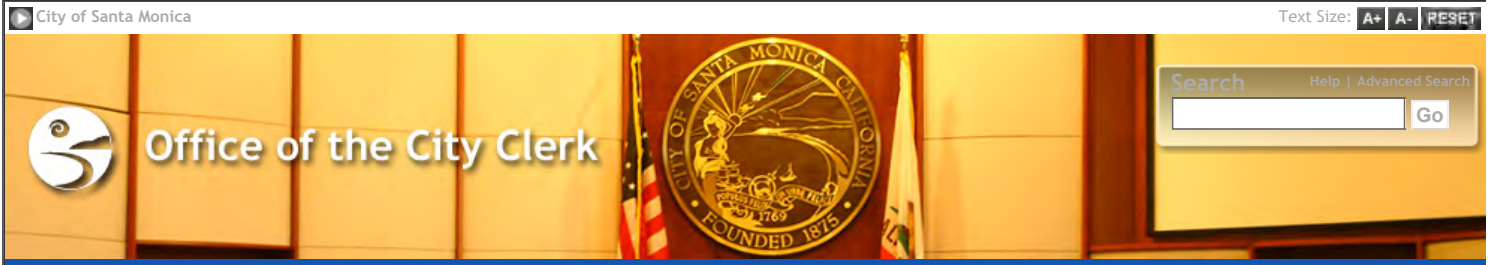
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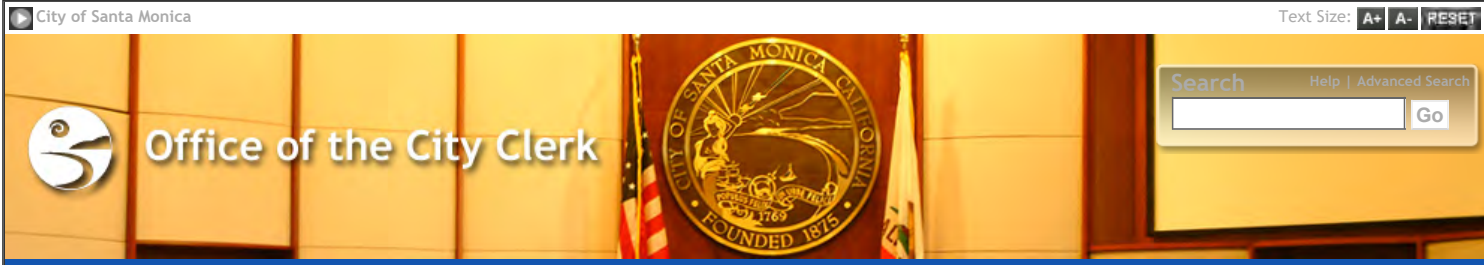
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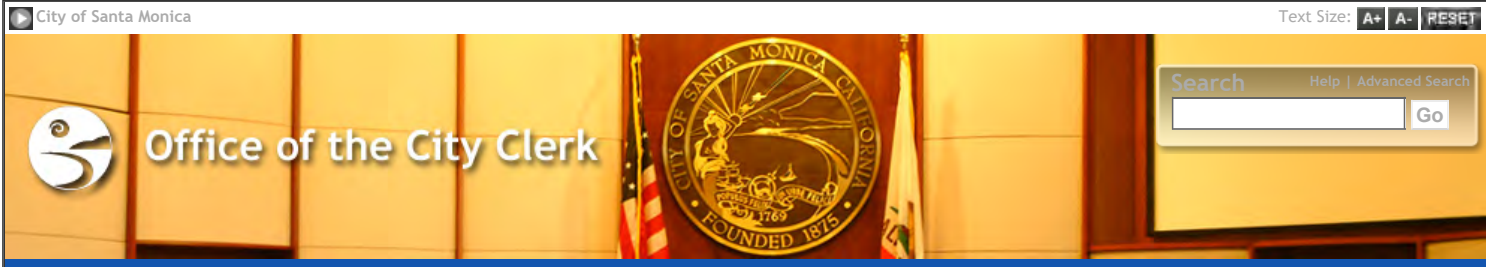
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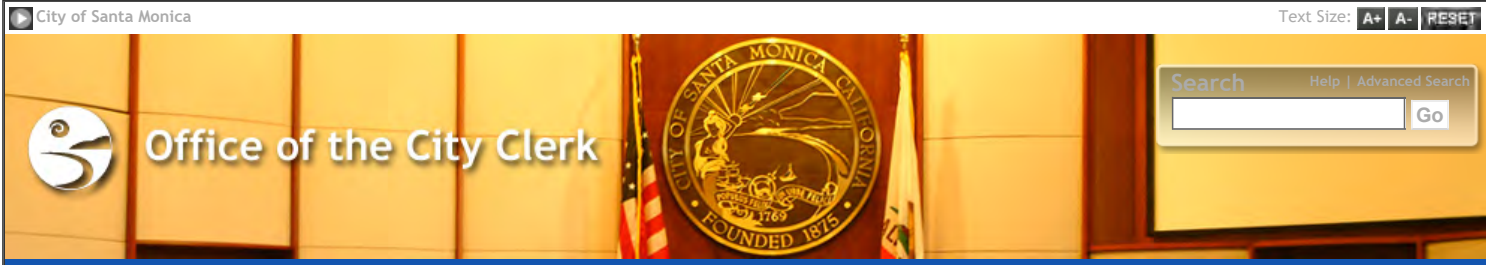
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1 2 3 4 5 6

Page size: 20

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1
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I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years, and I am not a party to this action. My address is 1250 Sixth Street, Suite 200, Santa Monica, California 90401.

I hereby state that I electronically filed the foregoing document with the Clerk of the Court for the Superior Court of California, County of Los Angeles through Janney & Janney, our Electronic Filing Service Provider, on April 25, 2022 described as:

**AMICI CURIAE’S RESPONSE TO PLAINTIFFS’ OPPOSITION TO
AMICI’S APPLICATION FOR LEAVE OF COURT TO FILE AMICUS CURIAE
BRIEF IN SUPPORT OF DEFENDANT CITY OF SANTA MONICA’S MOTION
FOR SUMMARY JUDGMENT**

All participants in the case listed below are registered eFile users and service will be accomplished through our Electronic Filing Service Provider:

Wilfredo Trivino-Perez
Trivino-Perez and Associates
10940 Wilshire Boulevard, 16th Floor
Los Angeles, California 90024
T: (310) 443-4251
F: (310) 443-4252
Email: wtpesq@gmail.com

Joseph Lawrence
Interim City Attorney
1685 Main Street, Room 310
Santa Monica, CA 90401
T: (310) 458-8336
F: (310) 395-6727
joseph.lawrence@santamonica.gov

Kirsten R. Galler
Deputy City Attorney
1685 Main Street, Room 310
Santa Monica, CA 90401
T: (310) 458-8336
F: (310) 395-6727
kirsten.galler@santamonica.gov

Brandon D. Ward
Deputy City Attorney
1685 Main Street, Room 310
Santa Monica, CA 90401
T: (310) 458-8336

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F: (310) 395-6727
brandon.ward@santamonica.gov

Carol M. Silberberg
Robert P. Berry
Berry Silberberg Stokes PC
155 North Lake Avenue, Suite 800
Pasadena, CA 91101
T: (213) 968-2688
F: (213) 986-2677
csilberberg@berrysilberberg.com

/s/ Amy Park

Amy Park