



National Freedom of
Information Coalition

<http://nfoic.org/>



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Knights FOI Fund supports another Freedom of Information suit

Complaint alleges that Los Angeles City Council's meeting notices repeatedly used vague and confusing language to mislead public on pending actions.

Columbia, Mo. and San Rafael, Ca. (June 24, 2010) – The First Amendment Coalition (FAC), a member of the National Freedom of Information Coalition (NFOIC), has filed suit against the Los Angeles City Council over the Council's failure to tell the public, in advance, that it was about to consider and vote on layoffs of thousands of government workers. FAC's suit, supported by NFOIC's Knight FOI Fund, alleges a "pattern and practice" of violations of the Brown Act and requests declaratory and injunctive relief.

At issue is a City Council special meeting on February 18 at which the Council voted to reaffirm a prior commitment to eliminate 1,000 city jobs and, on top of that, to lay off 3,000 more city employees. Such a controversial action normally would be expected to draw a large crowd of citizens to the Council meeting, many of whom would request to speak about major layoffs. But that did not happen at the February 18 meeting.

The reason? The required public notice for the meeting didn't give a clue about impending layoffs. The relevant portion of the published agenda notice stated:

"Consideration, discussion and possible actions addressing the Fiscal Year 2009-10 and 2010-11 budget deficits, City staff and others to report on budget balancing matters and possible closed executive session as it may relate to bargaining instructions relative to negotiations with employees and employee matters and to provide for the ability to meet in closed executive session as it may relate to bargaining instructions relative to negotiations with employees and employee organizations."

"The whole point of a public notice is to enable citizens to know what the City Council intends to vote on, so they can decide whether to attend," said Peter Scheer, FAC's executive director. "But

the LA City Council has truly mastered the art of writing a notice that confuses, misleads, obfuscates—everything but tell the public what is going on,” Scheer said.

The complaint states that, far from this being an isolated event, the identical notice language was used repeatedly for 37 City Council meetings from February 10 to April 21. In fact, Council motions covered by the repeating notice provision were acted on at just four of these meetings—which serves only to compound the confusion of citizens attempting to find out whether an issue they care about will be taken up at a given Council meeting.

On March 16, FAC delivered a letter to the LA City Council demanding a “cure and correction” of the February 18 Brown Act violation. The Los Angeles City Attorney responded that the agenda description “adequately informed the public of the subject under consideration.” FAC filed suit on April 28.

FAC is represented in the case by media attorney Judy Alexander, who serves as special litigation counsel to FAC. For a copy FAC’s complaint in the lawsuit, visit <http://www.firstamendmentcoalition.org/wp-content/uploads/2010/05/FAC-v.-LA-City-Council-complaint.pdf>

For more information on the **Knight FOI Fund**, including the selection process for grants and how to apply, see <http://www.nfoic.org/knight-foi-fund>.

The **John S. and James L. Knight Foundation** advances journalism in the digital age and invests in the vitality of communities where the Knight brothers owned newspapers. Since 1950, the Foundation has granted more than \$400 million to advance quality journalism and freedom of expression. Knight Foundation focuses on projects that promote community engagement and lead to transformational change. For more, visit <http://www.knightfdn.org/>.

The First Amendment Coalition (FAC) is a section 501(C)(3) nonprofit dedicated to freedom of speech and government transparency and accountability at the local and national levels. FAC initiates test-case litigation and files amicus briefs in key appeals; provides free legal help and information to journalists of all kinds; and, through widely published Op-Eds, educational programs and other means, is an outspoken public advocate for the First Amendment and the public’s right to know. Based in San Rafael, CA, FAC is supported by individuals, media firms and foundations. For more, visit <http://www.firstamendmentcoalition.org/>.

The **National Freedom of Information Coalition** is a national network of state freedom of information advocates, citizen-driven nonprofit freedom of information organizations, academic and First Amendment centers, journalistic societies and attorneys. Its mission is to foster government transparency at the state and local level. A unit of the [Missouri School of Journalism](#), the NFOIC is an affiliate of the [Donald W. Reynolds Journalism Institute](#). NFOIC is based at the [University of Missouri](#), home to the nation’s oldest [Freedom of Information Center](#). For more, visit <http://www.nfoic.org/>.

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