



Stone  
Busailah, LLP

A Partnership of Professional Law Corporations \*

Michael P. Stone, P.C.\*  
Muna Busailah, P.C.\*  
Michael P. Stone  
Muna Busailah †  
Stephen P. Chulak  
Michael D. Williamson  
Robert Rabe ‡  
Robert M. Todd  
Sherry H. Lawrence  
Maurice E. Sinsley  
Travis Poteat

† Solicitor, England and Wales  
‡ Barrister, England and Wales

✓ PRINCIPAL OFFICE  
1055 E. Colorado Boulevard, Suite 320  
Pasadena, California 91106  
Telephone: (626) 683-5600  
Facsimile: (626) 683-5656

□ RIVERSIDE COUNTY OFFICE  
21800 Cactus Avenue  
Riverside, California 92518  
Telephone: (951) 653-0130  
Facsimile: (951) 656-0854

October 22, 2021

VIA U.S. MAIL AND EMAIL

**PRIVILEGED AND CONFIDENTIAL**

City Council  
City of Moreno Valley  
14177 Frederick St.  
Moreno Valley, CA 92553

Re: Brown Act - Moreno Valley City Council Seat

Dear City Council:

This firm represents Robert Palomarez, a resident of the City of Moreno Valley.

The purpose of this letter is to provide you an opportunity to avoid litigation over the ill-timed and ill-advised appointment of LaDonna Jempson to the Moreno Valley City Council seat which was held by Victoria Baca until her death earlier this month. The appointment was a violation of several provisions of the Brown Act, which involves meetings of legislative public bodies at local levels of government.

First and foremost, among the derelictions of duty committed by City Council members in this matter, was to make the appointment when such decision-making and action were not items on the October 19, 2021 agenda. The item on the agenda regarding the open seat involved directing the City Clerk in preparing applications for potential appointees to the vacancy.

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Re: Moreno Valley City Council Seat  
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Appointing a new member and filling the vacancy immediately was not on the agenda. Such action violated the Brown Act's requirements for a city council to provide: notice of each item of business to be voted on at a council meeting; a brief, general description of each item of business to be transacted or discussed; and description of each distinct action to be taken by the council. As you must be aware, such requirements enable informed decision-making by the public whether to attend a council meeting or participate in a discussion on an issue. (See *Govt Code* §54954.2(a)(1), (a)(3).)

In essence, the Brown Act proscribes an act taken or discussion about any item not appearing on the posted agenda. As the immediate appointment to fill the open seat was not an act appearing on the posted agenda, the City Council's appointment of Ms. Jempson was a proscribed act. Furthermore, no public comments were permitted prior to the appointment, which is a further Brown Act violation.

Unless the Council complies with State and City law and revokes the appointment of Ms. Jempson to the City Council, litigation will ensue. Pursuant to the remedy found in the Brown Act, Mr. Palomarez intends to seek a preliminary injunction from the Superior Court and an order to vacate the appointment of Ms. Jempson as a City Council member; an order that the City Council only take action on items put on the agenda, consistent with City and State law; and an order that the Council desists from further violating such Brown Act and municipal provisions. In other words, the Council must immediately act to invalidate its illegal action.

Thank you very much for your attention and anticipated cooperation.

Cordially,

*Muna Busailah*

MUNA BUSAILAH

cc: Steve Quintanilla, Interim City Attorney ([cityattorney@moval.org](mailto:cityattorney@moval.org))  
Mike Lee, City Manager ([cmoffice@moval.org](mailto:cmoffice@moval.org))  
Pat Jacquez-Nares, City Clerk ([cityclerk@moval.org](mailto:cityclerk@moval.org))

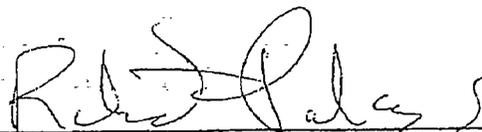
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**VERIFICATION OF ROBERT PALOMAREZ**

I, ROBERT PALOMAREZ, declare that I am the Petitioner and a party to this action. I have read the foregoing PETITIONER'S VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF and know its contents; the matters stated are true of my own knowledge, except as to matters which are stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 9<sup>th</sup> day of November 2021, at Moreno Valley, California.

  
ROBERT PALOMAREZ, Petitioner/Declarant