



Mission Grove Neighborhood Alliance, Inc.

“We the People: If You Know Something, Say Something, Report It!”

Community Advocacy Report: November 5, 2024.

Researched and Written by MGNA, a Community Advocacy & Public Interest Organization

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MGNA POSITION AND ANALYSIS REGARDING:

RIVERSIDE OFFICIALS CHALLENGE BROWN ACT RIGHTS AMID REGIONAL CORRUPTION SCANDALS

The Mission Grove Community Alliance (MGNA) has a critical role in ensuring that the principles of the California Brown Act, regarding transparency, accountability, and public participation are upheld in our city, county and other local agencies. Given the complexities and potential vulnerabilities associated with local government operations, especially considering the Brown Act, the Regional Housing Needs Allocation (RHNA) law, Infill Planning and Development, Infrastructure-Power Grid Planning and Development, Regulatory Capture and Whistleblower Protections, MGNA's proactive engagement is vital. Here are compelling reasons why MGNA will investigate and report these issues in an informative and educational format that will encourage and mobilize the community:

1. Ensuring Transparency in Governmental Operations:

The Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the California Government Code, (<https://leginfo.legislature.ca.gov/>), was established in 1953 to guarantee public access to meetings of local legislative bodies, emphasizing transparency in conducting governmental business. MGNA's position will serve to ensure that all meetings and deliberations adhere strictly to the standards established by the legislature under the Brown Act and, advocate for independent audits of any City, County, or other government agencies, including any Resolutions, Charters or other governing legislation, to ensure that there is no preemptive law violations embedded in those rules.

2. Mitigating Risks of Corruption:

Based on publicly available information from the U. S. Department of Justice (USDOJ) ([justice.gov](https://www.justice.gov)) regarding Federal Bureau of Investigations (FBI) cases and the United States Attorney's Office (USAO) in Central and Southern California, the California Brown Act has often been violated in ways that severely undermine transparency and public accessibility, examples include:

- Frequent pre-meeting violations include failing to provide the statute required meeting and action notice, using vague or incorrect agenda descriptions, adding items after the posting deadline, and misusing emergency meeting provisions.
- During meetings, violations involving improper discussions in closed sessions, misuse of attorney-client privilege, conducting deliberations outside public view, and restricting public comment.
- Staff reports incomplete, biased and not objective in nature.
- Elected officials voting on items they have not reviewed and voting on items that they have a conflict of interest.
- Public meetings with no meeting minutes, incomplete or misleading reports based on previous meetings.
- Public comments including EComments not reflected in meeting minutes or reports, incorrectly summarized.
- Discussing non-agendized items and manipulating consent calendars at the risk of transparency and accountability.
- Documentation failures such as inadequate meeting minutes, incorrect vote recording, missing documentation of closed session decisions, delayed posting of meetings minutes and incomplete public comment records.
- Communication offenses, like serial meetings held outside public oversight, unlawful private deliberations/negotiations, and unauthorized information leaks.
- Public participation was frequently hindered by insufficient comment opportunities, stringently enforced and overly restrictive speaking rules, neglecting public input, and limiting access to meetings.
- City meeting rules were found in conflict with the Brown Act and were used to manipulate otherwise lawful government business.

These practices lead to reduced transparency and accountability, undisclosed key issues, bypassed public reviews, and undue influence such as pay-to-play schemes, bribery, and kickbacks on decisions, all of which erode public trust and the integrity of local governance. This is exemplified by a sampling of the many Central and Southern California corruption cases on file with the USDOJ, FBI and the USAO:

- Jose Huizar, City of Los Angeles ([justice.gov](https://www.justice.gov))
- Gabriel Chavez, County of San Bernardino ([justice.gov](https://www.justice.gov))
- Ricardo Pacheco, City of Baldwin Park ([justice.gov](https://www.justice.gov))
- Robert Rizzo, City of Bell ([justice.gov](https://www.justice.gov))
- Mark Ridley-Thomas, Los Angeles County ([justice.gov](https://www.justice.gov))
- Harry Sidhu, City of Anaheim ([justice.gov](https://www.justice.gov))
- Richard Allen Kerr, City of Adelanto ([justice.gov](https://www.justice.gov))

These cases underscore the risk of corruption in local government, particularly highlighting potential violations of the Brown Act. By proactively monitoring these activities in the City of Riverside, County and other local agencies, MGNA aims to identify and expose unethical practices such as pay-to-play schemes, kickbacks, and undue influence over

elected officials, as well as systemic schemes to defraud the public of *honest services* (18 USC 1346). This vigilance is crucial in maintaining the integrity of our local government, ensuring that our civic leaders are held accountable, and reinforcing the principles of transparency and public participation.

3. Promoting Public Participation:

The Brown Act provides the public with the right to attend and participate in governmental meetings. MGNA will advocate and mobilize increased community awareness and engagement in these meetings, ensuring that community members have a voice, particularly in decisions that affect the character, health, welfare and safety of the community. This is crucial where Regulatory Capture can significantly influence community composition and local infrastructure and services such as police and fire protection.

4. Advocating for Community Inclusion in Planning and Land Use:

“Infill Development” and “RHNA” refer to two distinct concepts within urban planning and development, especially in the context of housing and land use. Infill Development is the process of developing vacant or underutilized land within existing urban areas while under RHNA, local governments must plan to meet community housing needs across all income levels in their region. Both concepts are prone to and are susceptible to Regulatory Capture to the disadvantage of existing communities. MGNA and citizen inclusion and oversight will ensure these two concepts meet the state mandates, including the Brown Act, while genuinely serving community needs and welfare. This includes monitoring planning processes and scrutinizing property transactions related to land use planning and development to maintain transparency and public benefit.

5. Educating and Empowering the Community:

By investigating and reporting on these Community Advocacy issues, MGNA will play an educational role, empowering and mobilizing residents with knowledge about their rights and the impacts of housing policies under RHNA and other issues. An informed community is better equipped to engage in meaningful dialogue and advocacy concerning local governance and development issues.

6. Addressing Legal and Strategic Considerations:

Given the legal complexities surrounding the Brown Act and Regulatory Capture, monitoring compliance and reporting findings helps in navigating these issues effectively. This is particularly important in ensuring closed session negotiations concerning real estate and other sensitive matters are conducted legally under the Brown Act, California Government Code Section 54956.8, (<https://leginfo.legislature.ca.gov/>). Recent FBI investigations across Central and Southern California have revealed:

- Patterns of Regulatory Capture, Pay-to-play schemes, Bribery and Kickbacks
- Corruption within local government, Illegal closed-door dealings
- Influenced decision-making, exploitation of housing mandate pressures

- Violations of public trust, misuse of public resources
- Revolving door conflicts of interest in development projects
- Circumvention of transparency requirements

These investigations highlight the critical need for:

- Increased public oversight
- Strict adherence to Brown Act requirements
- Regular monitoring of governmental proceedings
- Timely reporting of potential violations
- Enhanced transparency measures and independent oversight mechanisms

The prevalence of these Federal cases in Central and Southern California jurisdictions suggests a regional pattern of governance vulnerabilities, particularly in issues experiencing significant pressures and Regulatory Capture such as: Marijuana retail sales, Power Grid planning, RHNA/Infill housing development, and more. This underscores the critical need for enhanced oversight, stronger compliance mechanisms, and increased public vigilance in local government's obeying all laws including the Brown Act.

This is why MGNA stands firmly against any attempts by the City or other jurisdictions to diminish and/or discontinue Information Technology (IT) supported Brown Act rights, which serve as the bedrock of transparent and participatory governance. These IT enhancements, crucial during the COVID-19 pandemic, have significantly advanced citizen engagement, ensuring that governance remains transparent, accountable, and accessible to everyone. Any reduction in these vital IT capabilities represents a direct violation of the democratic values enshrined in the Brown Act, essentially stripping many citizens of their ability to actively observe and participate in public governance. As MGNA advocates for the preservation and expansion of these indispensable digital access points, we emphasize the ongoing need for citizens and community advocacy groups to vigilantly oversee local government actions. This oversight is crucial to safeguarding public interests and ensuring that government integrity and inclusiveness remain at the forefront of our civic processes, in line with the foundational principles of the Brown Act.

The blatant disregard for the Brown Act by government officials, through practices such as inadequate notice, opaque closed sessions, and the manipulated use of consent calendars, is not just disappointing but a direct affront to democratic principles. These actions undermine public trust and deter meaningful citizen participation. When agendas are not properly posted in the statute required timelines, or when substantive and controversial issues are buried in consent calendars without proper public discussion, it creates a barrier to transparency and accountability. Such conduct not only skirts legal obligations but mocks the very essence of public governance. It is imperative that government officials adhere strictly to the Brown Act, Charters and other legislation ensuring that every meeting is accessible, transparent, and genuinely open to public scrutiny. Failure to do so can result in civil and criminal repercussions and a profound erosion of public confidence in our governmental institutions. Government officials must rectify these

breaches immediately and take serious measures to prevent Regulatory Capture which is known to corrupt the Brown Act process.

MGNA strongly advocates for robust whistleblower protections for government insiders and citizens who report violations of abuse, waste, theft, fraud and corruption in government. Whistleblowers typically fall within one of these three areas:

1. Victim of a crime or wrongdoing
2. Witness to a crime or wrongdoing
3. Informant of a crime or wrongdoing

California Penal Code Section 136.1 (<https://leginfo.legislature.ca.gov/>), addresses the issue of tampering with witnesses, victims and informants. It is designed to protect the integrity of the legal process by making it illegal to knowingly and maliciously prevent or dissuade any witness, victim or informant from reporting a crime or wrongdoing, attending or giving testimony at any trial, proceeding, or inquiry authorized by law.

The following key elements of Section PC 136.1 are:

- **Offense Description:** The statute makes it a crime to attempt to or to successfully prevent or dissuade witness, victim or informant from reporting a crime, attending or testifying in a proceeding, or providing evidence in any form.
- **Methods of Violation:** This can include using force or threats of force, offering a bribe, inflicting or threatening to inflict injury of any type (*personal or professional-added*), or any other form of intimidation or coercion.
- **Penalties:** The penalties for violating PC 136.1 can vary widely depending on the circumstances and whether it is prosecuted as a misdemeanor or a felony. Factors include whether the act was accompanied by force or threats of force, and if the accused has prior convictions for similar offenses. Felony convictions can lead to significant prison time.
- **Enhanced Penalties:** If the witness tampering is done in furtherance of a conspiracy or is related to other serious crimes, the penalties can be more severe.
- **Protective Measures:** The law also provides for protective measures for victims, witnesses and informants recognizing the risk and vulnerability of those who come forward to participate in the judicial process.

This statute is crucial for maintaining the rule of law, as it helps ensure that witnesses, victims and informants can participate in the legal process without fear of retribution or coercion. The Federal Witness Protection Program, officially known as the Witness Security Program (WITSEC) carries further protections and penalties (usmarshals.gov).

MGNA's commitment to transparency, accountability, and public participation in local government underscores the necessity of safeguarding those who courageously expose corruption and procedural misconduct. Given the complexities and vulnerabilities inherent in local government operations, especially highlighted by the numerous FBI/USAO investigations into local government corruption exposing Brown Act breaches across Central and Southern California, the role of whistleblowers becomes even more pivotal. These

individuals are often the first line of defense against corruption, playing a critical role in maintaining the integrity of governance by shedding light on actions that would otherwise undermine public trust and violate statutory mandates.

MGNA's proactive stance is not merely about compliance but about fostering a culture where government officials are held accountable and where whistleblowers feel protected rather than persecuted. This involves not only advocating for their legal protection but also ensuring that there is a clear, accessible process for reporting violations without fear of intimidation, coercion, harassment and retaliation. By empowering and protecting whistleblowers and insiders willing to report unethical practices, MGNA helps ensure that our government officials are not only compliant with laws but also genuinely reflective of, and beneficial to, the community's needs. We believe that effective whistleblower protections are essential to combat the potential for Regulatory Capture in local governments.

MGNA'S CLOSING POSITION AND ARGUMENT STATEMENT

MGNA vehemently opposes any government agencies attempts to undermine the Brown Act, a fundamental pillar of transparent and participatory governance. These attempts to curtail Information Technology-supported Brown Act rights, crucial for citizen engagement represent a direct threat to the democratic values that are core to our community's integrity. Such actions by government officials, ranging from providing inadequate meeting notices to conducting opaque closed sessions and improperly manipulating consent calendars for substantive issues, are not merely disappointing but a flagrant violation of the Brown Act principles of transparency and public accountability.

This nefarious disregard for the law by public officials erodes public trust and hinders effective citizen participation, creating barriers that diminish the community's ability to oversee and influence governmental decisions that directly impact their lives. It is imperative that the City, County and other agencies of Riverside immediately address these breaches, taking decisive lawful action to uphold the law and prevent any further erosion of public confidence. MGNA stands committed to ensuring that every governmental meeting and decision-making process is accessible, transparent, and genuinely open to public scrutiny as mandated by the Brown Act.

MGNA will continue to advocate for, educate, and mobilize our community, reinforcing the need for robust whistleblower protections to safeguard those who courageously report violations. Our unwavering vigilance as a community is essential in maintaining the integrity of local government and ensuring that it serves the true interests of its constituents, "We the People."

Whistleblowers: insiders and citizens who believe that they are the victim, witness or informant of criminal or any suspected wrongdoing in Riverside County may contact the Riverside office of the Federal Bureau of Investigations (FBI) at 951-686-0335, or at 3480 Vine St., Riverside, California 92507.