

OC Judge Rules Cypress Did Not Violate State Open Meeting Law

BY HOSAM ELATTAR – VOICE OF OC – 12/12/23

Orange County Superior Court Judge Erik Larsh ruled that Cypress officials did not violate the Brown Act – California’s open meeting law – when they decided behind closed doors last year not to switch the city’s election system.

Cypress Mayor Anne Mallari said in a [Monday news release](#) that she was happy with Larsh’s decision.

“I am deeply troubled that special interests from outside Cypress continue to use the legal system to blindly pursue an agenda that threatens our community and our democracy,” Mallari said in the news release.

The lawsuit was brought against the city by [Californians Aware \(CalAware\)](#), a prominent First Amendment and transparency advocacy group, who argued that officials violated the Brown Act when they reviewed a legal threat to transition to by-district elections and made a policy decision behind closed doors not to make the switch.

CalAware argues that the decision should’ve been publicly made.

Kelly Aviles and Shaila Nathu, attorneys for Cal Aware, did not respond to requests for comment Monday. Aviles is also Voice of OC’s chief public records litigator.

In 2022, the Southwest Voter Registration Education Project threatened to sue Cypress officials if they didn’t make the switch alleging they were violating the State’s voting rights act by maintaining at-large elections.

In at-large elections, residents citywide can vote for as many candidates as there are council openings. So if two seats on the council are up for grabs, residents can vote for two candidates.

In by-district elections, residents can only vote for one candidate to represent the district they live in.

Threats and lawsuits across the state – and Orange County – have already forced local cities like [Garden Grove](#), [San Juan Capistrano](#), [Fullerton](#), [Orange](#) and [Santa Ana](#) to switch from at-large elections to district elections.

But that trend seemingly reversed last year in OC, with smaller cities like [Brea](#) and [Cypress](#) taking a stand against those legal threats.

And now Cypress officials are facing a separate State Voting Rights lawsuit from the Southwest Voter Registration Education Project and two Cypress residents after they voted to reject the threat in a closed session meeting in March 2022.

[Read: [Cypress Sued For Violating Voting Rights Act After Refusing District Elections](#)]

City Councilmember Frances Marquez, the only official to vote against rejecting the threat, said the lawsuit could have been avoided in a Monday email.

“We would have never been sued if the vote was public and transparent. We should embrace democracy and fair representation,” she wrote.

City Attorney Fred Galante said in Monday’s press release that the city is committed to following the Brown Act and “embodies transparent and responsive government.”

“We’re pleased that the court recognized that and vindicated the City completely,” he said.