

Brea City Council

Matters From The Audience (03/04/2014)

Response by: Brett Murdock, Mayor; James Markman, City Attorney

**James Markman:** I guess I have been nominated to go first in response to the two people who spoke about the Vargas and Balz lawsuit. All I can say is we have the greatest legal system ever experienced on the face of the earth and sometimes, once in a while, **there is a result we don't agree with and this is one of those times** and I don't like the City Clerk's decision and that of the Registrar of Voters, as noted in the Court of Appeals opinion, was to get in front of the voters, the correct attribution of ballot arguments which had come from the **city council as a whole** as noted in a special meeting attended by the proponents of the measures.

The signature had not been placed because there was no place to put it on the county form to show it came from the city council, so **the City Clerk made the decision to have that show, it concurred in by the registrar**, we went forward.

Lawsuit was filed. The city and the county prevailed in the superior court. The Superior Court in its order said for the City and the County to [do] have done anything different would have been a deception to the public as to where the argument came from.

That was a case filed in Mr. Vargas' name, but we believe supported by the proponents and they filed the case, they generated the legal controversy and then not satisfied with the result, they filed the appeal.

So, you know when you start a lawsuit sometimes you generate a lot of expenses, **the city defended in good faith**. We have reached a point where a lot of money has been sent, we agree. We never thought that money was well spent because the election has long been over and that election cannot be impacted by the outcome of this case --

**Brett Murdock:** **Mr. Markman, to clarify, who filed the appeal?**

**James Markman:** The appeal was also filed by Mr. Vargas and the proponents.

**Brett Murdock:** **And that appeal was filed after the election was long over, correct?**

**James Markman:** It was filed after the election was over. **We raised the point of mootness with the Court of Appeals**. Again, it's a great legal system, **they didn't agree with our position or the position of the Superior Court**.

I will say that -- and we are certainly not going to sit here and retry it or whine about a court decision in this system.

We point out we have conferred with the city council about what will be done next then we have been instructed, and we advised the other parties of that instruction as we go forward.