

08/01/2023

Re: Alleged Brown Act Violation

Good afternoon Madam City Attorney,

I am writing to you to inform you that I would like to move forward with an ethics complaint on Mayor, Valerie Amezcua due to a Brown Act Violation on 04/18/2023. I moved forward and provided a written disclosure to you, Madam City Attorney on 04/19/2023. On 04/25/2023, Madam City Attorney, you provided a memo to the City Council, which can be found attached to this email. It is my knowledge and understanding, that District Attorney, Todd Spitzer has received this disclosure. I have concerns about this investigation due to the fact that this disclosure was sent to our District Attorney, several months ago and I have yet to receive a response.

As a result of this Brown Act Violation, I am required to bring my concerns to you under charter section 401.05 to the entirety of the City Council. I received confirmation from you, Madam City Attorney, Sonia Carvalho that Mayor Amezcua confirmed with you to have spoken to Council-members, Phil Bacerra and David Penaloza prior to the closed session meeting on 04/18/2023.

Below is the disclosure I submitted to you on 04/19/2023. I would like to move forward with submitting this disclosure as a description of the alleged Brown Act Violation that occurred on 04/18/2023.

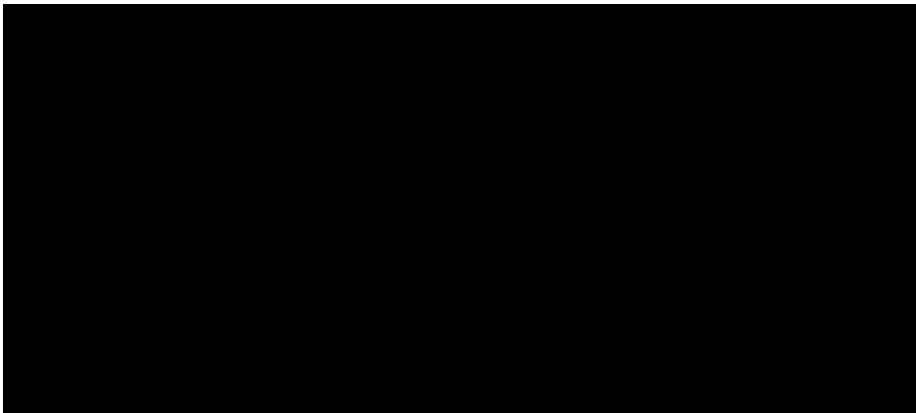
Disclosure sent by myself on 04/19/2023

From: "Hernandez, Johnathan" <JRyanHernandez@santa-ana.org>
Date: April 19, 2023 at 8:51:31 PM PDT
To: "Carvalho, Sonia R." <SCarvalho@santa-ana.org>
Subject: Brown Act Allegation 04/18/2023

Good afternoon Madam City Attorney,

Thank you for your time earlier today. As discussed during our call, I have a number of concerns about how meetings are being conducted in our City. We have a newly elected Mayor, Valerie Amezcua and I am concerned about her violating the Brown Act.

I'd like to start by providing an account of my experiences and conversations with Mayor Amezcua. I had my first sit down meeting with Mayor Amezcua on December 15, 2022. Mayor Amezcua had just been sworn in and we scheduled a lunch meeting at Avilas in Orange. Within the opening minutes of our meeting Mayor Amezcua immediately brought up her concerns with SAPD and began to speak about Police Chief Valentin. Mayor Amezcua in the meeting stated the following to begin her dialogue on Chief Valentin: "You know Valentin got your cousin killed right?" And continued to talk about the shooting of Brandon Lopez. I didn't entertain the dialogue and shifted the conversation, Mayor Amezcua then talked to me about her experience with Chief Valentin during her visit to the PD with POA president, Gerry Serrano. She described her experience as disrespectful and she felt the Chief demonstrated a lack of character and leadership. She spent the next 2 hours of our conversation talking to me about her priorities. She prefaced her statements by disclosing that she was endorsed by the POA but that the POA is not lobbying her or forcing her to attempt to do the following, which is fire the City Manager and Chief Valentin. During the meeting she was adamant about firing the Chief and demonstrated knowledge and an understanding that in order to fire the Chief she has to fire the City Manager (CM), Kristine Ridge. She elaborated on a strategy that included scheduling a closed session item regarding the City Manager. She asked if I would support the item, I shared that I have my concerns about the CM and did not support her request. I shared that I would need more information on what she is concerned about and that I was committed to working with her to address them with CM directly rather than attempting to fire her. The Mayor had knowledge of "Evergreen" and shared her concerns about it. Our meeting ended and that was the last time we met over lunch.



[REDACTED] Mayor Amezcua, along with Councilmembers David Penaloza and Phil Bacerra share POA endorsements and combined received over \$400,000 in POA PAC support.

[REDACTED] I have never seen such a blatant attempt to count votes while a Councilwoman is speaking.

[REDACTED] The result was exactly what the POA wanted. Her bias to the POA is clear and items related to this particular labor group continue to have recurring brown act allegations during negotiations. This is the 2nd year in a row that I experience this. The first time I have seen a Mayor engage in counting votes during a closed session meeting.

This last council meeting confirmed my suspicions about serial meetings. On April 5th I received text message from Mayor Amezcua at 8:54 am regarding a BOLO that is related to the death of Brandon Lopez, who happens to be a relative of mine. Mayor Amezcua has continuously attempted to use my personal experience as a political pawn in an attempt to lure me into supporting her agenda to fire the City Manager. There are no words to describe how dehumanizing this experience is. The text she sent me alludes to a failed item the Mayor agendized on 04/04/2023 regarding the “freezing of promotions in the PD”. As a result of her text I called her and she discussed her frustration with the Chief and the CM. She talked to me about how “we need to get rid over the Evergreen Clause. Did you know if she ever decides to leave we have to pay her....” I told her I wasn’t sure if I would support it and that I would consider it at a later time and felt that an employee evaluation was very premature. During our dialogue today you mentioned that she told you she spoke to Councilmembers: Penaloza and Bacerra. This experience at the most recent closed session where our Mayor agendized an “employee evaluation.”

[REDACTED]

I look forward to your response. Please send me a response as soon as you are able to.

Thank you,

Johnathan Ryan Hernandez | Councilmember

As a result of this Brown Act Violation, I am required to bring my concerns to you under charter section 401.05 to the entirety of the City Council. I received confirmation from you, Madam City Attorney, Sonia Carvalho that Mayor Amezcua confirmed with you to have spoken to Council-members, Phil Bacerra and David Penaloza in regards to the items being discussed in closed session on 04/18/2023.

Santa Ana City Charter Section 401.05 reads in applicable part as follows:

Any person alleging a violation of the Code of Ethics and Conduct by any member of the City Council, ... shall provide a written document to all members of the City Council with their name and contact information and a brief description of the alleged violation. The City Council shall refer the complaint to an ad hoc committee of the Council for review. The Council ad hoc committee may then make a recommendation to the full City Council for further review, investigation or action. When a review or investigation is completed, the City Council may impose sanctions which may include, a reprimand, formal censure, or loss of committee assignments or in the case of members of boards, commissions or committees, removal from the board, commission, or committee.

It is the responsibility of the City Council to review the matter. I suggest the creation of an ad-hoc committee to investigate the matter and take action. I would also like to know that status of this disclosure being sent to our District Attorney is.

I look forward to a response from you.

Thank you,

Johnathan Ryan Hernandez | Councilmember

City of Santa Ana | 20 Civic Center Plaza | Santa Ana, CA 92701

Office: [\(714\) 647-6900](tel:7146476900)

<http://www.santa-ana.org/>

Additional attachments related to Ethics Complaint can be found below. *
Here is the forwarded email response (04/19/2023) from Madam City Attorney, Sonia Carvalho:

Begin forwarded message:



Memo that was sent by the City Attorney regarding Brown Act, on 04/25/2023
*attached in email

Continued on the next page.

Valerie Amezcua >



Case Number: 2021 - 20827
Suspect: Nelson ME.Nendez aka "Full Nelson"
Crime Type: PC 664/187
Location: Bristol Street / Santa Ana Blvd
Synopsis: This "senior" Officer responded to assist Anaheim PD with a pursuit, in the city of Santa Ana, of an "armed," jobless suspect in a stolen vehicle. The suspect's vehicle got stuck on the rail road tracks at Santa Ana Blvd. Bristol St. This police officer allegedly observed the suspect display a handgun and advised over SAPD primary radio frequency of his observations. Anaheim PD SWAT personnel responded and surrounded the vehicle. Further investigation revealed the victim was unarmed and the "senior" officer was absolutely lying.
The "Officer" is known to set up video surveillance, and broadcast irrelevant information while using I.A. County police radio equipment. He counts his superior time as time on the job and is known to frequent the PDA, as well as Main Street and 137th Street. If located, do not retaliate but is known to associate with Miranda. Tell if he needs, since the incident the suspect has not been seen doing police work but do not take this as an 888888888 behavior due to not being a standard since his arrest date. The "Officer" has prior arrests for PC 647, BVCV and knowing of suspect, if seen, you can arrest, HE IS NOT DANGEROUS.
FOR LAW ENFORCEMENT PERSONNEL ONLY
Please call 911 or 910-211-2111 for more information. Do not use this information for anything other than law enforcement purposes. This information is for law enforcement purposes only. Do not disseminate this information to the public. This information is for law enforcement purposes only. Do not disseminate this information to the public. This information is for law enforcement purposes only. Do not disseminate this information to the public.

**Fake BOLO at SAPD
reveals Culture of
Harassment**
knock-la.com

This is terrible and the very people they are talking about are getting promoted. Very sorry you have to deal with this again but you will see more promotions for these officers.

Valerie

Text message sent by Mayor, Valerie Amezcua on 04/05/2023, related to the "Be On The Look Out/BOLO" that alleges Brandon Lopez was murdered by Anaheim PD, and that Santa Ana Police Officer, Nelson Menendez had knowledge Brandon was unarmed and lied about him being armed resulting in his murder

Mayor's Prayer Breakfast (05/09/2023)

Pictured with the Santa Ana POA President, Gerry Serrano and Officer Nelson Menendez, who was pictured on the BOLO related article from KNOCK LA, the Mayor forwarded to me via text message on 04/05/2023. I filed the Brown Act Violation Complaint on 04/19/2023.



