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Superior Court of California

County of Sacramento

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10 | SUPERIOR COURT OF CALIFORNIA
11 | COUNTY OF SACRAMENTO

13 | LEON CORCOS; and FAIR OAKS VILLAGE
14 | ENHANCEMENT COMMITTEE,

15 | Petitioners and
16 | Plaintiffs,

17 | v.

18 | FAIR OAKS WATER DISTRICT,

19 | Respondent and
20 | Defendant.

Case No.: **26WM000022**

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
INJUNCTIVE OR OTHER RELIEF**

Code Civ. Proc. § 526a
Ralph M. Brown Act, Gov. Code § 54960

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1 convening the board’s regular public meetings. This is a blatant violation of the Ralph M. Brown
2 Act. For nearly sixty years, courts have recognized that the Brown Act prohibits the use of “evasive
3 devices” like “nonpublic pre-meeting conference[s]” to thwart the people’s right to know what
4 their government is up to. *Sacramento Newspaper Guild v. Sacramento Cnty. Bd. of Sup’rs*, 263
5 Cal. App. 2d 41, 50 (1968).

6 6. Petitioners and Plaintiffs bring this lawsuit to restrain the District’s wasteful
7 spending pursuant to Code of Civil Procedure section 526a, and to vindicate the public’s right to
8 open government by ending the District’s practice of secret deliberations in violation of the Brown
9 Act.

10 THE PARTIES

11 7. Petitioner and Plaintiff Leon Corcos is a resident of Sacramento County, California.
12 Corcos has lived in Fair Oaks for nearly three decades, and owns property and multiple businesses
13 in Fair Oaks Village.

14 8. Petitioner and Plaintiff Fair Oaks Village Enhancement Committee is a nonprofit
15 public benefit corporation organized under California law. FOVEC’s membership is comprised of
16 Fair Oaks residents, property owners, and business leaders who promote Fair Oaks, and other
17 individuals who have joined together to promote the development and revitalization of Fair Oaks
18 Village. FOVEC’s members include District ratepayers and Fair Oaks taxpayers, and they are
19 personally affected by the proposed development of the District’s Corporation Yard.

20 9. Respondent and Defendant Fair Oaks Water District is a special district formed
21 pursuant to the California Water Code for the purposes of providing drinking water to residents
22 within its jurisdiction. The District serves approximately 40,000 people in northeastern
23 Sacramento County, predominantly within the community of Fair Oaks.

24 JURISDICTION AND VENUE

25 10. This Court has jurisdiction over this action and authority to issue relief pursuant to
26 Code of Civil Procedure section 526a. This Court has jurisdiction over the Brown Act claim and
27 authority to issue mandamus, injunctive, and declaratory relief pursuant to Government Code
28 section 54960.

1 11. Venue is appropriate in this Court pursuant to Code of Civil Procedure section
2 394(a).

3 **GENERAL ALLEGATIONS**

4 12. Fair Oaks Village is a historic neighborhood in the heart of Fair Oaks, an
5 unincorporated community in northeastern Sacramento County. In January 1975, the Sacramento
6 County Board of Supervisors adopted the “Fair Oaks Community Plan” setting out objectives and
7 proposed policies to guide development in Fair Oaks for the years to come. Included in the plan is
8 a series of “Goals and Objectives.” Central among these goals was “maintain[ing] and enhanc[ing]
9 the identity and attractiveness of the Fair Oaks community and its social, economic and aesthetic
10 attributes and benefits to the local residents,” and “retain[ing] and promot[ing] the Village
11 Downtown area as the economic and cultural center of the community.” Community Plan at 6
12 (Goals 7 & 8).

13 13. The Goals further prescribed general guidelines for residential, commercial, and
14 public development to preserve the community’s character. Residential development should be
15 “good quality housing” that is “in harmony with the existing community and its environment.”
16 And “commercial facilities and public or quasi-public building” should be “consistent with and
17 compatible to the surrounding architectural, environmental, economic, cultural, and historical
18 attributes of the community.” Community Plan at 6 (Goal 7(A), (B)).

19 14. In 1976, the Board of Supervisors implemented the Community Plan by
20 designating the Village as a “Special Planning Area” with the aim of retaining “the Village area
21 as a viable commercial center” as well as “preserv[ing] and enahnc[ing] ... its environmental and
22 historical character.” SPA § 502-10.

23 15. FOVEC was established in 2007 by a group of volunteer residents committed to
24 thoughtfully encouraging economic growth while preserving the historic character of Fair Oaks
25 Village. At that time, the Village—once a vibrant cultural arts and commercial center—had
26 experienced significant decline, with limited business activity and few attractions drawing visitors
27 to the area. FOVEC’s founders envisioned restoring Fair Oaks Village as the arts and
28 entertainment hub of unincorporated Sacramento County: a place where residents and visitors

1 could walk, dine, shop, and gather in an environment that reflected the Village’s unique history
2 and charm. To that end, FOVEC developed a long-term plan to guide revitalization efforts and
3 began sustained work to bring that plan to fruition.

4 16. Since its inception, FOVEC has been a leading partner in the Village’s
5 revitalization. The organization has supported the attraction and retention of a diverse range of
6 quality local businesses, including boutique retailers, specialty shops, and several successful
7 restaurants and cafés. FOVEC has also collaborated closely with Sacramento County officials to
8 assist new businesses in navigating complex permitting processes, ensuring that growth is both
9 sustainable and consistent with the community’s character. In addition to promoting economic
10 development, FOVEC has addressed essential infrastructure needs in the Village. In short, FOVEC
11 has been at the center of the renaissance of the Village over nearly two decades.

12 17. The Fair Oaks Water District was established in 1917 (as the Fair Oaks Irrigation
13 District) to provide water to the Fair Oaks community and has functioned continuously since then.
14 It serves approximately 40,000 residents across 6,160 acres (about 9.5 square miles) in
15 northeastern Sacramento County, covering roughly 14,000 homes and 13,000 residential and
16 commercial service connections. The district obtains about 90% of its water through wholesale
17 purchases from the San Juan Water District, which treats surface water from Folsom Lake. The
18 remaining 10% comes from groundwater pumped from district-owned wells. Its stated mission is
19 to provide an “adequate and reliable supply of water, exceeding all drinking water standards, at
20 the lowest reasonable cost” to the Fair Oaks community.

21 18. The District’s headquarters is located in the heart of the Village at 10326 Fair Oaks
22 Boulevard. Across the street (at 10317 Fair Oaks Boulevard) lies the District’s “corporation yard,”
23 a 1.6 acre parcel that includes a main building that the District uses for administrative purposes
24 and a surrounding lot that the District uses for its industrial activities (such as storing materials,
25 equipment, and heavy machinery).

26 19. The District has sought to redevelop the Corporation Yard by replacing the current
27 structure with a 16,000+ square-foot building, while also reorganizing and expanding the industrial
28 operations on the adjacent lot. This includes building an additional annex structure, building

1 covered vehicle bays, storage sheds for hazardous materials, and bins for industrial trash. These
2 industrial uses will be at a reduced setback from surrounding residential development, putting
3 hazardous waste, fuel storage, noise and dust from gravel and sand, and vehicle washing within
4 feet of neighboring homes.

5 20. The redevelopment would also re-orient the default entry and egress for the lot,
6 such that the District's industrial vehicles will enter and exit the property closer to the critical
7 intersection where Fair Oaks Boulevard, Winding Way, and Old Winding Way converge. The new
8 entry/exit gate is on a blind curve entering traffic onto Fair Oaks Boulevard.

9 21. The District's proposed redevelopment constitutes waste under Code of Civil
10 Procedure section 526a. The District has failed to use due care when approving the use of public
11 funds to pursue the redevelopment project. This is evidenced by the District's failure to tailor the
12 scope of the project to its actual current needs and its lack of due diligence.

13 22. The District first considered the redevelopment project in 2007, when its needs and
14 operations looked vastly different. At that time the District employed 40 staff members who
15 worked either at its headquarters or in the field. By 2024, the District's full-time employee count
16 dropped to 31, with many employees working remotely on a part- or full-time basis. The District's
17 proposal does not account for its substantially lower headcount and the reduced need for
18 centralized physical infrastructure. In addition, the District's actual operations belie the need for
19 increasing the intensity of industrial activity at the site: The District purchases 90% of its water
20 from San Juan Water District and outsources much of its work to off-site contractors.

21 23. This failure to account for current conditions is compounded by the project's
22 skyrocketing price tag: As initially proposed, the District estimated that redevelopment would cost
23 approximately \$7 million. That figure has (at least) doubled, with the District offering vague
24 estimates between \$14 and \$21 million. And the continued need for redevelopment at this scale is
25 undermined by the District's 2009 construction of its current administrative headquarters across
26 the street.

27 24. The District also refused to conduct standard due diligence before pressing ahead
28 with its redevelopment efforts. It did not conduct a needs assessment, cost/benefit analysis, or

1 consider alternatives that would have a lesser impact on the surrounding community. As one
2 example, the District refused to consider a proposal by the Fair Oaks Park District and Fair Oaks
3 Cemetery District to establish a unified yard that would allow the agencies to share resources and
4 reduce costs for all involved. As another, the District dismissed analysis from Turton Commercial
5 demonstrating the financial and strategic advantages to the District if it chose to sell or redevelop
6 the property for commercial or mixed-use purposes. Moreover, the District has sought to shield
7 itself from scrutiny by rejecting calls for standard oversight through an advisory committee of
8 impacted ratepayers.

9 25. That's not all. The redevelopment would increase environmental risks in the
10 surrounding community. The District's proposal would result in repositioning industrial material,
11 hazardous waste, heavy equipment, and supplies so that they are immediately adjacent to the
12 residential area abutting the property's northwest corner. This will pose a substantial
13 inconvenience to the adjoining area.

14 26. In short, the District's intention to spend upwards of \$20 million to redevelop its
15 Corporation Yard is injurious and wasteful.

16 27. Compounding the District's governance failures is its violation of California's open
17 meeting laws. On multiple occasions over the past several years, members of the District's Board
18 of Directors have gathered for lengthy closed-door meetings with the District's General Manager
19 Tom R. Gray (usually in Gray's office at District headquarters) before convening the Board's
20 formally noticed public meetings.

21 28. Petitioners and Plaintiffs allege, on information and belief, that during these closed-
22 door pre-meeting gatherings the District's board members engaged in deliberation on public
23 issues.

24 29. The District's practice of closed-door meetings violates the Ralph M. Brown Act,
25 which is designed to "ensur[e] that the 'actions [of public agencies] be taken openly and that their
26 deliberations be conducted openly.'" *Freedom Newspapers, Inc. v. Orange Cnty. Emps. Ret. Sys.*,
27 6 Cal. 4th 821, 834 (1993) (quoting Gov. Code § 54950). The Brown Act requires that all
28 "meetings of the legislative body of a local agency shall be open and public, and all persons shall

1 be permitted to attend any meeting of the legislative body of a local agency,” subject to limited
2 exceptions. Gov. Code § 54952.2(a). To that end, the Act defines “meeting” broadly to include
3 ““any congregation of a majority of the members of a legislative body at the same time and location
4 ... to hear, discuss, deliberate, or take action on any item that is within the subject matter
5 jurisdiction of the legislative body.”” *Atwell Island Water Dist. v. Atwell Island Water Dist.*, 45
6 Cal. App. 5th 624, 631 (2020) (quoting Gov. Code § 54952.2(a)).

7 30. “Open government is a constructive value in our democratic society.” *Roberts v.*
8 *City of Palmdale*, 5 Cal. 4th 363, 380 (1993) (citations omitted). As the Legislature declared in the
9 Brown Act’s statement of intent: “The people, in delegating authority, do not give their public
10 servants the right to decide what is good for the people to know and what is not good for them to
11 know. The people insist on remaining informed so that they may retain control over the instruments
12 they have created.” Gov. Code § 54950. “The [Brown] Act thus serves to facilitate public
13 participation in all phases of local government decisionmaking and to curb misuse of the
14 democratic process by secret legislation by public bodies.” *Golightly v. Molina*, 229 Cal. App. 4th
15 1501, 1511 (2014).

16 31. Gathering members of the Fair Oaks Water District’s Board of Directors in General
17 Manager Tom Gray’s office for secret meetings is an open-and-shut violation of the Brown Act.
18 Over a half-century ago, the Third District Court of Appeal explained the vice of such illicit
19 gatherings: “An informal conference or caucus permits crystallization of secret decisions to a point
20 just short of ceremonial acceptance. There is rarely any purpose to a nonpublic pre-meeting
21 conference except to conduct some part of the decisional process behind closed doors.”
22 *Sacramento Newspaper Guild*, 263 Cal. App. 2d at 50; *see also Morrison v. Housing Authority of*
23 *the City of Los Angeles Bd. of Comm’rs*, 107 Cal.App.4th 860, 876 (2003) (a legislative body
24 cannot “make [a] finding of fact in secret which ought to be made in public and then conduct a
25 mere ‘ceremonial’ hearing to satisfy the open meeting requirement”). And because the Brown Act
26 “appli[es] to collective investigation and consideration short of official action,” it prohibits the
27 District’s board members from engaging in nonpublic discussions of public business even if they
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1 do not commit to a particular course of action in those deliberations. *Stockton Newspapers, Inc. v.*
 2 *Members of Redevelopment Agency*, 171 Cal. App. 3d 95, 102 (1985).

3 32. This is so even for closed-door meetings where a majority of board members are
 4 not present. “[T]he Brown Act cannot be avoided by subterfuge,” and using serial meetings to
 5 further “a concerted plan to engage in collective deliberation” violates the open-meeting
 6 requirements. *Roberts v. City of Palmdale*, 5 Cal. 4th 363, 376 (1993); *see also Stockton*
 7 *Newspapers*, 171 Cal. App. 3d at 102 (explaining that “the concept of ‘meeting’ under the Brown
 8 Act comprehends informal sessions at which a legislative body commits itself collectively to a
 9 particular future decision concerning the public business”). To that end, “a series of nonpublic
 10 contacts at which a quorum of a legislative body is lacking at any given time is proscribed by the
 11 Brown Act if the contacts are ‘planned by or held with the collective concurrence of a quorum of
 12 the body to privately discuss the public’s business’ either directly or indirectly through the agency
 13 of a nonmember.” *Stockton Newspapers*, 171 Cal. App. 3d at 103.

14 **FIRST CAUSE OF ACTION**

15 **(Code Civ. Proc. § 526a (Waste))**

16 33. Petitioners and Plaintiffs incorporate by reference paragraphs 1 through 32 as if
 17 fully set forth herein.

18 34. Petitioners and Plaintiffs assert this claim as ratepayers (and taxpayers) under
 19 California Code of Civil Procedure section 526a, which “provides a mechanism for controlling
 20 illegal, injurious, or wasteful actions by [public] officials.” *Weatherford v. City of San Rafael*, 2
 21 Cal. 5th 1241, 1249 (2017). The “primary purpose” of section 526a is to “enable a large body of
 22 the citizenry to challenge governmental action which would otherwise go unchallenged in the
 23 courts because of the [usual] standing requirement.” *Blair v. Pitchess*, 5 Cal. 3d 258, 267–68
 24 (1971) (citation omitted).

25 35. As set forth above, the District has expended and will continue to expend
 26 government resources and public funds to pursue its redevelopment of the Corporation Yard.
 27 Petitioner and Plaintiff seeks a declaration that such expenditures were and are illegal, wasteful,
 28 and injurious, and request that the Court enter an injunction enjoining the District from using

1 government resources or public funds to complete the redevelopment as currently approved by the
2 District.

3 **SECOND CAUSE OF ACTION**

4 **(Violation of the Ralph M. Brown Act – Gov. Code § 54960(a))**

5 36. Petitioners and Plaintiffs incorporate by reference paragraphs 1 through 32 as if
6 fully set forth herein.

7 37. Under Government Code section 54960(a), “any interested person” may bring any
8 action “for the purpose of stopping or preventing violations or threatened violations” of the Ralph
9 M. Brown Act, and “to determine the applicability of this chapter to ongoing actions or threatened
10 future actions of the legislative body.”

11 38. Respondent and Defendant Fair Oaks Water District has a clear, present, and
12 ministerial duty to conduct its business in conformity with the Brown Act.

13 39. Petitioners and Plaintiffs have a beneficial interest in Respondent and Defendant
14 Fair Oaks Water District’s compliance with the Brown Act and the relief sought in this petition
15 and complaint.

16 40. Petitioners and Plaintiffs have no plain, speedy, and adequate remedy in the
17 ordinary course of law other than the relief sought in this petition and complaint.

18 41. As set forth above, members of the Fair Oaks Water District Board of Directors
19 have gathered with General Manager Tom R. Gray office for nonpublic pre-meeting conferences
20 before convening public board meetings.

21 42. Petitioners and Plaintiffs are entitled to relief by mandamus, injunction, and
22 declaratory relief because Respondent and Defendant Fair Oaks Water District’s practice of
23 convening nonpublic pre-meeting conferences continues, such that there is a continuing and future
24 threatened Brown Act violation. *Shapiro v. San Diego City Council*, 96 Cal. App. 4th 904, 915
25 (2002); *Ctr. for Loc. Gov’t Accountability v. City of San Diego*, 247 Cal. App. 4th 1146 (2016).

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PRAYER FOR RELIEF

Wherefore, Petitioner and Plaintiff prays for judgment as follows:

1. For a declaratory judgment that the Fair Oaks Water District’s use of public funds to complete the redevelopment of its Corporation Yard as currently approved constitutes waste under Code of Civil Procedure section 526a.
2. For preliminary and permanent injunctive relief enjoining the Fair Oaks Water District from using public funds to complete the redevelopment of its Corporation Yard as currently approved.
3. For a writ of mandate finding that the Fair Oaks Water District’s practice of convening nonpublic pre-meeting conferences with members of its Board of Directors and General Manager Tom R. Gray violates the Brown Act, and directing the Fair Oaks Water District to cease that practice;
4. For preliminary and permanent injunctive relief enjoining the Fair Oaks Water District from convening nonpublic pre-meeting conferences with members of its Board of Directors and General Manager Tom R. Gray;
5. For a declaratory judgment that the Fair Oaks Water District’s practice of convening nonpublic pre-meeting conferences with members of its Board of Directors and General Manager Tom R. Gray violates the Brown Act;
6. For costs of suit, including reasonable attorney’s fees available pursuant to applicable law.
7. For other appropriate relief.

Dated: January 26, 2026

Respectfully submitted,

/s/ Stephen M. Duvernay
Stephen M. Duvernay

John R. Garner
Attorneys for Petitioners and Plaintiffs
Leon Corcos and Fair Oaks Village
Enhancement Committee

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VERIFICATION

I, Leon Corcos, declare:

I have read the foregoing Verified Petition for Writ of Mandate and Complaint for Injunctive or Other Relief and know the contents thereof. I am a party to this action. The factual matters concerning my experience stated in the foregoing document are true of my own knowledge. The remaining matters are stated on information and belief, and, as to those matters, I believe them to be true.

Executed January 26, 2026.

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

DocuSigned by:
Leon Corcos
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Leon Corcos

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VERIFICATION

I, Keith Walter, declare:

I am the President of the Fair Oaks Village Enhancement Committee, and I am authorized to make this verification on its behalf I have read the foregoing Verified Petition for Writ of Mandate and Complaint for Injunctive or Other Relief and know the contents thereof. I am a party to this action. The factual matters concerning the organization’s experience stated in the foregoing document are true of my own knowledge. The remaining matters are stated on information and belief, and, as to those matters, I believe them to be true.

Executed January 26, 2026.

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

DocuSigned by:
Keith Walter
By: _____
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