

Neighbors' Personal Stake In Preserving Local Parking Regulations Precluded Finding Of Public Interest

Neighbors who were suing to maintain existing neighborhood parking regulations were pursuing their own personal interests and did not qualify for the public interest exception from the anti-SLAPP (Strategic Lawsuit Against Public Participation) statute. Because their Brown Act claim had no merit, it was properly dismissed as an anti-SLAPP suit. [Cruz v. City of Culver City](#), No. B265690 (2nd Dist. Aug. 8, 2016). Learning that the City Council of Culver City was considering a church's request to change neighborhood parking restrictions, neighbors sued claiming the Council's action violated the Brown Act because the process had been initiated during the public comment period rather than as a noticed agenda item. In response to the City's motion to dismiss the action under the anti-SLAPP statute, plaintiffs argued they were subject to the public interest exception from the statute because their action concerned a matter affecting the public interest. The court held that the Council's discussion at the hearing and its decision to place the parking item on a future agenda, were activities arising from free speech, making the anti-SLAPP law applicable. The court also rejected plaintiffs' claim that they were subject to the public interest exception to the anti-SLAPP statute. The public interest exception applies only to actions brought solely in the public interest, and plaintiffs' action did not qualify because "[k]eeping the parking restrictions at status quo would directly benefit plaintiffs . . . [who] sought personal relief in the form of a halt to any attempts by the church to undo the long-standing parking restrictions." Because the anti-SLAPP statute applied, plaintiffs had the burden of showing it was probable they would prevail on the merits. They failed to satisfy this burden. The Brown Act allows a Council to discuss and take action on non-agenda items in three circumstances: (1) the Council may briefly respond to statements or questions from persons exercising their right to publicly testify at a hearing; (2) the Council may ask a question for clarification, make a brief announcement, or make a brief report on its own activities; and (3) the Council may ask staff to provide factual information, report back at a later time, or place an item on a future agenda. The Council's discussion and decision fell within all three exceptions. Accordingly, there was no Brown Act violation, and plaintiffs' action was properly dismissed under the anti-SLAPP statute.

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