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**BEFORE THE ATTORNEY GENERAL  
OF THE STATE OF CALIFORNIA**

JOHN RANDO and MARIANO A.  
RODAS,

Proposed Relators,

vs.

FRANK QUINTERO, individually and in  
his official capacity as Glendale City  
Councilmember; CITY OF GLENDALE,

Defendants.

) CASE NO.

)  
) **VERIFIED STATEMENT OF FACTS IN**  
) **SUPPORT OF APPLICATION FOR LEAVE**  
) **TO SUE IN QUO WARRANTO TO TRY**  
) **TITLE TO PUBLIC OFFICE**

) [Cal. Code Reg Title 11, Section 2(A)]

) Date Action Filed:  
)  
)

I, C.D. Michel, declare and say:

1. I am an attorney licensed to practice before this Court of the State of California. I am Senior Counsel with the firm of Michel & Associates, P.C., attorneys of record for the Proposed Relators in this matter, John Rando and Mariano A. Rodas ("Proposed Relators"), and I have been authorized to make this statement on their behalf.

2. Proposed Relators are currently reside and own property in the City of Glendale.

3. I submit this declaration in support of Proposed Relators' *Application for Leave to Sue in Quo Warranto*. I am familiar with the facts as set forth in this matter, as well as those set forth in this Verified Statement of Facts. I have first-hand knowledge of the matters detailed herein, and if called upon as a witness, I could and would testify completely to these facts.

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1           4.       On April 12, 2013, the City of Glendale held its municipal election to elect among  
2 others, a City Treasurer and three City Councilmembers.

3           5.       Three councilmembers, including Laura Friedman, Ara Najarian, and Defendant  
4 Quintero had terms that expired in April 2013, leaving three councilmember positions for which  
5 the voters could cast their ballot. Laura Friedman and Ara Najarian both ran for re-election in  
6 April 2013. Defendant Quintero did not declare candidacy for re-election. Attached to this  
7 Declaration as Exhibit A is a true and correct copy of the "Meet the Candidates" page for the  
8 2013 Glendale City Council Election showing Defendant Quintero's absense.

9           6.       On or about April 11, 2013, the City of Glendale finalized the election results, and  
10 Ara Najarian, Laura Friedman, and Zareh Sinanyan won the election to fill the three available  
11 councilmember positions. Attached to this Declaration as Exhibit B is a true and correct copy of  
12 the Official Final Results.

13           7.       On April 15, 2013, the new councilmembers took office, and Defendant Quintero's  
14 term as city councilmember effectively terminated. Attached to this Declaration as Exhibit C is a  
15 true and correct copy of Articles IV, V, and VI of the Glendale City Charter. *See* Exhibit C at 1-2  
16 for Article V, Section 6 of the Glendale City Charter, showing Defendant Quintero's term ended  
17 once Councilmember Sinanyan was elected and qualified.

18           8.       Rafi Manoukian, a sitting Glendale city councilmember at the time of the April 12,  
19 2013 election, ran in the election for the position of City Treasurer and won. *See* Exhibit B.

20           9.       Because Mr. Manoukian's council term was not set to expire this year, his  
21 assuming the position of Treasurer on or about April 15, 2013, left a vacancy on the City Council  
22 that was not filled by the election.

23           10.      Per Article VI, Section 13(b) of the Glendale City Charter, any vacancy on the city  
24 council must be filled by appointment by the majority vote of the remaining members of the  
25 council. If any appointment to the council is not made within 30 working days of the vacancy,  
26 then the council must call for a special election within 120 days to fill the vacant seat. *See* Exhibit  
27 C at 7 for Article VI, Section 13(b) of the Glendale City Charter.

1           11.     At the city council meeting on April 16, 2013, the councilmembers discussed how  
2 to determine who to appoint to fill the vacant seat. Defendant Quintero's name was raised as a  
3 possible candidate. Councilmember Najarian raised his concern before the council and the  
4 Glendale City Attorney, Michael J. Garcia, that Article VI, Section 12 of the Glendale City  
5 Charter might preclude appointment of Defendant Quintero because two years had not yet lapsed  
6 since the ending of Defendant Quintero's former term on April 15, 2013.

7           12.     Article VI, Section 12 was amended by Glendale voters in the City's 1982 election  
8 to reword its original language and to add the following completely new sentence:

9                   No former councilmember shall hold any compensated city office or  
10                   city employment until two (2) years after leaving the office of  
                    councilmember. (1982.)

11 Attached to this Declaration as Exhibit D is the Glendale City Council Agenda from April 16, 2013;  
12 See Exhibit C at 7 for Article VI, Section 12 of the Glendale City Charter.

13           13.     Article IV, Section 1 of the Glendale City Charter refers to city councilmembers as  
14 "officers," and Article IV, Section 3 provides that city councilmembers receive compensation  
15 from the City. See Exhibit C at 1 for Article IV, Sections 1 and 3 of the Glendale City Charter. At  
16 the April 16, 2013 City Council Meeting, the Council considered a Staff Report: Discussion of  
17 Options for Appointment or Election to Fill the Vacancy on City Council Created by Departure of  
18 Council Member Manoukian, that specified the vacant councilmember position enjoys a salary of  
19 \$1430 per month, \$50 per Housing Authority meeting, and benefits. Attached to this Declaration  
20 as Exhibit E is a true and correct copy of the Report: Discussion of Options for Appointment or  
21 Election to Fill the Vacancy on City Council Created by Departure of Council Member  
22 Manoukian.

23           14.     In response to Councilmember Najarian's inquiry, City Attorney Garcia provided  
24 his opinion on the application of Article VI, Section 12 to the proposed appointment of Defendant  
25 Quintero. He concluded that such provision would not preclude Defendant Quintero's  
26 appointment to the City Council.

27           15.     He reasoned that according to the legislative history, the voters' main intent in  
28 adopting the provision was to clarify an ambiguity in the previous charter provision, which when

1 read literally, prevented councilmembers from having any employment beyond the council  
2 whatsoever.

3 16. City Attorney Garcia continued explaining his position by stating that while the  
4 legislative history makes clear that the Charter amendment's purpose was also to prevent former  
5 councilmembers from using "undue influence" to try to obtain a city position within two years of  
6 leaving office – what he referred to as "a typical revolving-door policy" – he did not believe that  
7 the provision contemplated the appointment of a former councilmember back on the council.

8 17. City Attorney Garcia reasoned that because Defendant Quintero was a co-equal  
9 member of the council with no legal or supervisory authority over the other councilmembers, in  
10 his view, the public policy purpose of this particular charter amendment would not be served by  
11 reading it in such a way as to prevent the Council from appointing Defendant Quintero, or any  
12 recently resigned council member, to serve on the council.

13 18. He further opined that because the constitutional right to public office was  
14 implicated, he felt that the provision and its legislative history had to be more clear that situations  
15 like Defendant Quintero's were intended to be covered by the Charter's prohibition on former  
16 councilmembers obtaining City positions within two years of their leaving office. According to  
17 City Attorney Garcia, the provision is ambiguous on that point – although he does not point to a  
18 specific ambiguity – and the voter materials from 1982 (when the Charter amendment was voted  
19 on) did not clearly enough reflect the intent to do so.

20 19. On April 23, 2013, the City Council appointed Defendant Quintero to fill the  
21 vacancy.

22 20. Glendale City Council meetings generally take place weekly on Tuesday evenings.

23  
24 I declare under penalty of perjury under the laws of the State of California that the  
25 foregoing is true and correct and that this declaration is executed this 23rd day of May, 2013, at  
26 Long Beach, California.

27   
C. D. Michel, declarant