

2040 No Name Lane
Diamond Springs, CA 95619

August 13, 2025

From: Joseph Connolly, M.A.

To: El Dorado County Clerk of the Board

Copy: El Dorado County Board of Supervisors
El Dorado County Chief Administrative Officer
El Dorado County Counsel
El Dorado County Director of Health and Human Services
El Dorado County Veteran Services Officer

Subj: Cure or Correct Notice of Brown Act Violations

Dear Clerk of the Board:

Pursuant to the Ralph M. Brown Act provisions, I am submitting a “cure and correct” notice regarding the purported motion and subsequent Board of Supervisors (“Board”) approval regarding item 31 (file number 25-0919) of the July 15, 2025 Board of Supervisors agenda.

For the following reasons, I request the Board declare its July 15, 2025 action regarding item 31 to be void, and to return the item to the relevant County staff with direction as recommended herein.

I believe doing so is in the best interests of the County and its entire veterans community, in order to *achieve a unified consensus* on areas of “disagreement” as were continually noted in the HHSA presentation on July 15th, *versus continuing to support unilaterally divisive proposals* that are not supported by critical stakeholders such as the monument’s founder and the originating “Friends of the Monument” managers.

Brown Act Meeting Requirements:

The Brown Act defines a meeting as “any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take any action on any item that is within the subject matter jurisdiction of the legislative body.”

A meeting subject to the Brown Act includes “regular meetings”; i.e., meetings “occurring at the dates, times, and location set by resolution, ordinance, or other formal action by the legislative body and are subject to 72-hour posting requirements.”

“Every regular meeting of a legislative body of a local agency ... must be preceded by a posted agenda that advises the public of the meeting and the matters to be transacted or discussed.”

“The agenda must state the meeting time and place and must contain “a brief general description of each item of business to be transacted or discussed at the meeting Special care should be made to describe on the agenda each distinct action to be taken by the legislative body.”

The July 15, 2025 Agenda Item & Brown Act Violations:

The publicly available agenda item was to “receive and file a presentation and provide direction to staff on the *proposed recommended revisions* to the El Dorado County Veterans Monument Criteria for Military Honoraria and Civilian Recognition (Monument Criteria), last adopted by the Board on September 11, 2007, *with the options as follows*.” (emphasis added.) (See Figure 1.)

Board of Supervisors	MEETING AGENDA	July 15, 2025
9:00 A.M. - TIME ALLOCATION (Items will not be heard prior to the time stated)		
31. 25-0919	<p>Health and Human Services Agency (HHSA) Veteran Services Office is recommending the Board receive and file a presentation and provide direction to staff on the proposed recommended revisions to the El Dorado County Veterans Monument Criteria for Military Honoraria and Civilian Recognition (Monument Criteria), last adopted by the Board on September 11, 2007, with the options as follows:</p> <p>1) Approve the Veterans Affairs Commission's (VAC) recommended revision, thereby adopting the Revised Monument Criteria version as presented in Attachment A titled "Draft VAC Recommended Revised Veterans Monument Criteria" which is also HHSA's recommendation, for the effective date of July 15, 2025; or</p> <p>2) Direct staff to follow the current El Dorado County Veterans Monument Criteria for Military Honoraria and Civilian Recognition (Attachment D), adopted by the Board on September 11, 2007, thereby making no revisions; or</p> <p>3) Adopt an alternative revision from the options presented for five sections discussed for revisions: Residency Language, Military Honoraria Language, Definition of Hero Language, Eligibility for Recognition through Military Honoraria (Alternative Language), and Appeal Language; or</p> <p>4) Provide alternative direction for next steps staff should take on said Monument Criteria.</p>	
FUNDING: N/A		

Figure 1
El Dorado County Board of Supervisors Meeting Agenda – July 15, 2025

The agenda listed four *separate* options for the Board to act upon, but *only by choosing one of the four* agendized options. As agendized, the options did not allow the Board to vote on more than one option, or to combine elements of each option.

For example, the word “or” appears at the end of options 1, 2, and 3 to indicate a distinct separation between the four agendized options. The agenda did not include the words “and/or”, to potentially combine the agendized options, nor did it list an option to *modify* the agendized items.

Option 1 was to “Approve the Veterans Affairs Commission’s (VAC) recommended revision, *thereby adopting the Revised Monument Criteria version as presented in Attachment A* titled “Draft VAC Recommended Revised Veterans Monument Criteria” which is also HHSA’s recommendation, for the effective date of July 15, 2025; or” (emphasis added.)

First, Option 1 was limited to approving “the Veterans Affairs Commission’s (VAC) recommended revision.” However, I don’t recall that the public Board record for the agenda item included any proof of a VAC recommendation.

The VAC is only authorized to make recommendations to the Board; i.e., *directly to the Board*. There was no officially endorsed recommendation submitted in writing to the Board by the VAC that I recall in the record, nor did the VAC Chair attend the Board meeting to endorse any purported recommendation by the commission. Therefore, as agendized, the item should be declared invalid as it was declared to be a “recommended revision” approved by the VAC.

Second, Option 1 was limited to “adopting the Revised Monument Criteria version as *presented in Attachment A*.” (emphasis added.) As agendized, the option did not include authority to modify the recommended criteria, as the Board did in ad hoc fashion to include specific honoraria criteria not in the public record, nor publicly agendized for the public to be aware of such potential changes. Therefore, as agendized, and as ultimately voted upon by the Board, there was no authority under Option 1 to make any changes to the proposed honoraria criteria contained in “Attachment A.”

Third, Option 1 was to *receive and file* a presentation on the “*proposed recommended revisions to*” the current honoraria policy governing the El Dorado County Veterans Monument. The presentation given by Ms. Timalynn Jaynes of HHSA did not include recommendations to revise the proposal, nor did it include specific details of honoraria sizes as the Board ultimately purported to approve. (See Figure 2.)

Public Comment: K. Schoniger, A. Amaro, K. Payne, B. Sweet, D. Kissinger, D. Wolfson, S. Culver, J. Pomino, D. Becker, M. Adams, K. Greenwood, L. Campbell

A motion was made by Supervisor Veerkamp, seconded by Supervisor Ferrero:
1) Approve Option One regarding the Revised Monument Criteria: Approve the Veterans Affairs Commission's (VAC) recommended revision, thereby adopting the Revised Monument Criteria version as presented in Attachment A titled "Draft VAC Recommended Revised Veterans Monument Criteria which is also HHSA's recommendation, for the effective date of July 15, 2025;
2) Include language in the Revised Monument Criteria to include plaque dimensions as specified in the application; and
3) Include language in the Revised Monument Criteria to include language establishing standardized stone dimensions.

Figure 2

Excerpt of Approved Board Minutes for item 31 of the Board's July 15, 2025 agenda

Fourth, regarding Option 1, is that no Board member is permitted to give direction to County staff, yet the Board did so ad hoc with Ms. Jaynes and the County's Veteran Services Officer ("VSO"), following Ms. Jaynes' presentation to the Board.

Fifth, rather than simply ask questions of Ms. Jaynes for Board information and potential deliberation, Board members engaged in ad hoc conversation of details not in the agendized record, permitted the VSO to speak to details Ms. Jaynes was not aware of or had presented to the Board, and then *directed Ms. Jaynes and the VSO to revise the proposed recommendations* so that they would include specific details about the size of "plaques" and "stones." They did so using very general language, such as "standard size," without specifying what that term meant in regard to either form of honoraria. (See Figure 2.)

The Board's improper direction to revise the recommended honoraria proposal was not inclusive of Option 4, which in any event, could not be combined with approving the recommendations under Option 1.

Option 4 was limited to "Provide alternative direction for next steps staff should take on *said Monument Criteria*." (emphasis added.) As previously stated herein the Board was not permitted to approve Option 4, as agendized, in conjunction with the approval of the proposed recommendations under Option 1. Nor did Option 4 authorize the Board to direct staff to make any modifications to the proposed recommendations, which were agendized as the "*said Monument Criteria*."

As agendized, Option 4 may have allowed the Board to motion that County staff be directed to make revisions to the proposed recommendations, based upon the Board's comments and questions, and *then* return those revisions to the Board as a properly noticed item, subject to public notice, comment and further Board action. However, those acts were not moved for or adopted by the Board on July 15, 2025.

The Board's improper direction to revise the recommended honoraria proposal was also not inclusive of Option 3, for similar reasons. There were no *recommended* revisions to those sections of the proposed recommendations, the Board did not move for or adopt to approve Option 3 in any form, and any such revisions made ad hoc on July 15, 2025 were not subject to public comment as they rightly should have been.

Finally, the agendized item did not include any authority for the Board to *amend the Veterans Monument design, nor permit additions or modifications to that design*. As noticed to the Board prior to July 15th, the monument's current status does not allow adding any new bronze plaques, because the designated space for bronze plaques had been used up by prior unilateral decisions of the Veterans Alliance.¹ The issue of plaques is therefore moot.

Furthermore, previously installed "Memorial Stones", as now recommended by the VAC, were unlawfully authorized by the Veterans Alliance because those honoraria were not authorized by the Board's 2007 honoraria policy. Their installation altered the design of the Monument's brick honoraria sections, and would continue to do so if approved by the Board now.²

Chapter 9.54 of the County's Code of Ordinances governs the Veterans Monument. Section 9.54.040(J) prohibits the "Destruction or removal of property. No person shall willfully destroy, damage, deface, mutilate, remove, or *displace any property, including any placards or memorial bricks, at the monument.*" (emphasis added.)

Altering the monument's design without authority is a potential misdemeanor offense subject to a fine of not more than \$500.00 and/or imprisonment not to exceed six months. (See County Code of Ordinances, Section 9.54.050.) Whether the Alliance's unilaterally approved "memorial stones" should be subject to that prohibition is a potential question for past resolution of those offenses, especially since the Board acknowledged on July 15th that "enforcement" of honoraria policy was crucial to the success of that policy.

However, the same prohibition should apply today and into the future. For example, by knowing that there is no further space to install more plaques or install new memorial stones unless the monument's "property" were to be "displace[d]" or "remove[d]", including "any placards or memorial bricks," which is a misdemeanor offense under the County Code of Ordinances.

¹ See Joseph Connolly letter of July 10, 2025 [Proposed Changes to El Dorado County Veterans Monument Honoraria], electronically submitted July 13, 2025.

² *Ibid.*

There was no valid motion made or approved:

The minutes of the Board's July 15, 2025 agenda reflect Board action that is inaccurate of the Board's language and acts regarding item 31.

According to the minutes of July 15, 2025 "A motion was made by Supervisor Veerkamp, seconded by Supervisor Ferrero: 1) Approve Option One regarding the Revised Monument Criteria: Approve the Veterans Affairs Commission's (VAC) recommended revision, thereby adopting the Revised Monument Criteria version as presented in Attachment A titled "Draft VAC Recommended Revised Veterans Monument Criteria which is also HHSA's recommendation, for the effective date of July 15, 2025; 2) Include language in the Revised Monument Criteria to include plaque dimensions as specified in the application; and 3) Include language in the Revised Monument Criteria to include language establishing standardized stone dimensions." (See Figure 2.)

First, on its face, the plain language of the minutes reflects the Brown Act violations submitted herein. Item 1 of the minutes is reflective of Option 1 of the agendized item. As agendized, item 1 of the minutes would have been the extent of any authorized Board action for item 31, which was restricted to approving *only one of the four agendized options*. Nor did Option 1 permit Board modifications or further revisions.

Secondly, items 2 and 3 of the minutes are to "include language in the Revised Monument Criteria", either "to include plaque dimensions as specified in the application" or by "establishing standardized stone dimensions."

Those directions are not inclusive of the Board's authority to approve an "*alternative revision*" of specified portions of the recommended proposals under Option 3 of the agendized item. That is, honoraria "dimensions" were not inclusive to those sections, nor were they an *alternative* form of something already proposed. Dimensions of "stones" and "plaque[s]" simply were *not included* in the recommended proposals.

Nor is the language used in the minutes clear to an objective reader: e.g., what does "standardized" mean exactly? Or, what does "as specified in the application" mean?, in that the "application" was not in the public record for the agendized item 31.

The only properly made "motion" was by Supervisor Veerkamp, after public comment and *prior to the Board's extended discussion and its ad hoc discussion with County staff*. That motion was *immediately seconded* by Supervisor Ferraro. Procedurally, I believe those actions would have ended any further Board discussion and required a vote to be

initiated by the Board chair. Instead, Supervisor Turnboo asked, “Any more discussions before we move on?”

Supervisor Veerkamp’s motion was as follows: “With that [introductory remarks] I would move the recommendation *of the four VAC recommendations as staff has presented.*” (emphasis added.) The motion was immediately seconded by Supervisor Ferraro but no vote on the motion was taken, nor was any alternative motion presented at that time.

When the motion was made, it acknowledged Ms. Jaynes’ recommendations of specific language utilized in the composition of the proposed recommendations, and why other potential language was not used. Nevertheless, the motion was by all appearances, a motion to approve Option 1 of the agendized item, *and only* Option 1.

Among the Board’s extended discussions, ad hoc revision ideas, and ad hoc direction to County staff, Supervisor Veerkamp made the statement “The motion maker would modify to include that language” and Supervisor Ferraro acknowledged he would second that as well. However, *no new motion was made* and acted upon at that time, and Supervisor Veerkamp’s “motion maker” statement was not a proper motion, nor was it clear what “include *that* language” meant. “That language” was a broad, vague statement without definition or specific content.

Following the end of the Board’s discussion, the Chair asked the Board clerk to summarize the Board’s “motion” prior to the Board’s vote. The clerk’s readback was “A motion was made by Supervisor Veerkamp, seconded by Supervisor Ferraro, to approve Option 1 of the items listed, *also to* include the language that plaques shall be a standard size to mirror the language in the application. *Also*, there shall be included a standard size for the stones.” (emphasis added.)

The Chair then called for a vote of the clerk’s readback to the Board and the Board voted 4-0 to approve the clerk’s readback. Noticeably, the clerk did not repeat Supervisor Veerkamp’s original motion which had not been acted upon when it was made and seconded.

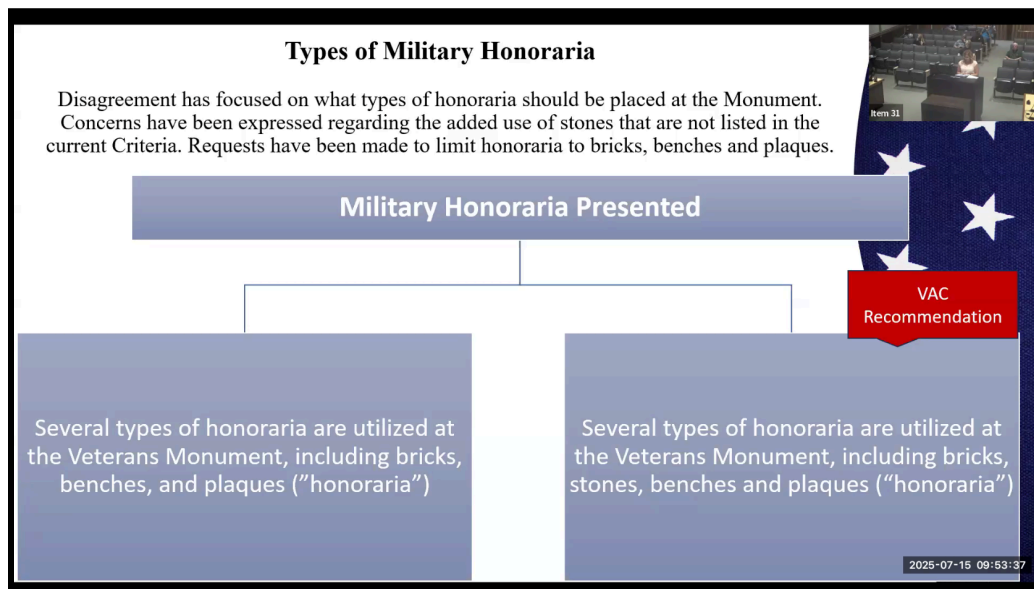
Brown Act Remedies:

In general, the acts of legislative bodies subject to the Brown Act cannot be invalidated if they are taken “in substantial compliance with the law.” Here, there was no compliance, as the Board exceeded its authority to act upon item 31 as it was agendized.

It then further exceeded that authority by taking action to *amend* the agendized item to *include ad hoc revisions* that were not subject to public notice, public comment, nor a valid motion or vote by the Board.

In this instance, invalidation of the Board's July 15, 2025 acts would be a matter of good public policy, especially as the proposed policy remains subject to strong public criticism and objections, remains in conflict with the Board's 2021 direction in how to fully resolve the matter and does nothing to resolve the ongoing "disagreement[s]" that were a central element of Ms. Jayne's presentation. (See e.g., Figure 3.)

As stated in this letter's introduction, a far better outcome for such an important and sensitive issue is *unity* vs. *unilaterally caused division*.



"Any interested person, including the district attorney, may seek to invalidate certain actions of a legislative body on the grounds that they violate the Brown Act." The Brown Act's remedies include invalidation of actions that violate notice and agenda requirements for regular meetings.

"[A] legislative body often has an opportunity to correct a violation prior to the filing of a lawsuit. Compliance ultimately results from regular training and a good measure of self-regulation on the part of public officials."

"Before filing a court action seeking invalidation, a person who believes that a violation has occurred must send a written "cure or correct" demand to the legislative body. This

demand must clearly describe the challenged action and the nature of the claimed violation. This demand must be sent within 90 days of the alleged violation, or within 30 days if the action was taken in open session but in violation of Section 54954.2, which requires (subject to specific exceptions) that a legislative body may act only on items posted on the agenda. The legislative body then has up to 30 days to cure and correct its action. The purpose of this requirement is to offer the body an opportunity to consider whether a violation has occurred and, if so, consider correcting the action to avoid the costs of litigation. If the legislative body does not act, any lawsuit must be filed within the next 15 days.”

“Although just about anyone has standing to bring an action for invalidation, the challenger must show prejudice as a result of the alleged violation.”

In this case, I was and remain a specific party to the Board of Supervisors 2021 direction that the then Director of the Health and Human Services Department (“HHS”), Mr. Don Semon, resolve public objections to the same issues that continue to be unilaterally advanced by the Veterans Alliance and the Veteran Affairs Commission, who as noted by public speakers and previous Brown Act violation notices, have repeatedly colluded with some members of the Alliance to unilaterally advance Alliance proposals of divisive honoraria policies.

In 2021 I was an appellate representative for the founder of the El Dorado County Veterans Monument, Mr. Richard Buchanan, and I continue to object to the Veterans Alliance acts to unilaterally change the County’s 2007 honoraria policy because their acts are not in the public or the monument’s best interests.

I am also a retired U.S. Coast Guard veteran with 25 years of service, and a citizen of El Dorado County with the public right to challenge poor policy decisions with attendant fiscal implications; i.e., the use of taxpayer dollars provided to the Veterans Alliance by El Dorado County government offices, in conjunction with conflicts of interest amongst Veteran Affairs Commissioners and alternates who hold or purport to hold Board positions or have membership in the Veterans Alliance.

There is no prejudice for the County to invalidate its purported approval of recommended changes to the existing 2007 honoraria policy, the subject of item 31 on July 15, 2025.

No harm would be done by returning the item to County staff, and to the interested stakeholders, with sufficient Board direction that supports the Board’s role as strategic managers of the County’s resources, not staff to make ad hoc policy decisions.

Strategic Board direction could include pausing the approval or installation of any further honoraria until those important issues are resolved without further contest. The Board could also direct that it would not receive *any* further recommendation for honoraria changes unless there was consensus amongst all veterans stakeholders, *including the monument's founder*, that changes are warranted and what such changes should be.

Pausing these important matters until they can be resolved limits any further division caused by unilateral decisions, allows all parties time to consider what they really want and how they want to achieve it, work together to consensus about *all* Veterans Monument issues (such as its proper governance), and demonstrate the goodwill that is best brought to bear by the brotherhood of veterans united in the cause to honor *and remember* all those who have preceded us.

Therefore, I respectfully submit this request to cure the Board's acts of July 15, 2025 as described herein, by invalidating the purported approval of honoraria policy changes for the Veterans Monument, pause all current and future honoraria matters, and return this item to County staff with the direction to return only when consensus has been reached.

Sincerely,

s/Joseph Connolly

Joseph Connolly, M.A.
Senior Chief Petty Officer, U.S. Coast Guard (Ret.)