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**DATE** 9/26/2025

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**Cc:** [David A Livingston](#)  
**Subject:** Public Comment for Good Governance Meeting 9-25-25  
**Date:** Thursday, September 25, 2025 4:53:47 PM  
**Attachments:** [EGG Governance Comments](#) [Budget Ad-hoc.pdf](#)

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Dear Clerk of the Board, please submit the attached comments for the Board of Supervisors special meeting on Good Governance tomorrow 9-25-25.

Dear Honorable Supervisors, please see the attached topic for consideration regarding the use and scope of ad-hoc committees. Any learnings and clarifications from the governance facilitator would be greatly appreciated if shared out publicly after the workshop.

Thank you for all the hard work you do.

Best,  
Lexi Boeger

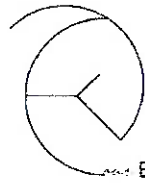
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**Lexi Boeger**

Co-founder [Our EGG](#)

Economic Generator and Germination for El Dorado

People-Powered and Rurally Rooted



# El Dorado Economic **Generator & Germination**

EGG Cultivating Enduring Prosperity in El Dorado County

**Date: September 25, 2025**

**To:** The Honorable Members of the Good Governance Committee El Dorado County Board of Supervisors

**Subject:** Comments Regarding the Brown Act and the Use of Ad-Hoc Committees for Budgetary Deliberation

Dear Members of the Good Governance Committee:

On behalf of Our EGG, a community and economic development organization dedicated to fostering a more resilient and engaged community, we are submitting these comments for your consideration. Our mission is built on the belief that transparency and good governance are vital engines for civic engagement, community health, and economic prosperity. We believe that an informed public, confident in its government's processes, is more willing to participate, invest, and collaborate, which in turn creates a healthier, more vibrant community.

The purpose of this submission is to offer a constructive perspective on the use of ad-hoc committees, specifically for the budget process, and to highlight how this practice may conflict with the foundational principles of the Ralph M. Brown Act. This matter came to our attention as we were preparing materials for an upcoming series titled "**A Framework for Empowering Civic Engagement in El Dorado County.**" This series of educational content is aimed at building civic literacy, which we believe is the foundational skill for a healthy, engaged, and prosperous community. Our series focuses on demystifying local government, and in our research, we identified a number of questions regarding the county's use of ad-hoc committees for the budget that we believe are highly relevant to your committee's mission of ensuring good governance.

## The Foundational Principles of the Brown Act

The Ralph M. Brown Act is California's open meetings law, designed to ensure that the deliberations of local legislative bodies are conducted openly and are accessible to the public. The law is founded on the principle that the people insist on remaining informed to retain control over the instruments of government they have created.

The law distinguishes between two types of committees:

- **Standing Committees** are permanent bodies with "continuing subject matter jurisdiction" or a fixed meeting schedule. These are considered "legislative bodies" and are fully subject to the Brown Act, requiring a publicly posted agenda at least 72 hours in advance and an opportunity for public comment.
- **Ad-Hoc Committees** are a limited exception. They are temporary, advisory bodies created for a "limited or a single purpose." For a committee to be exempt from the Brown Act's open meeting requirements, it must be composed of less than a quorum of the legislative body and be purely advisory, with no delegated decision-making power.

The central question for a Good Governance Committee is whether a committee's function aligns with its legal classification. We believe that a closer look at the Budget Ad Hoc Committee merits this review.

### The Budget in the Shadows: A Conflict with Brown Act Principles

The core issue with the El Dorado County Budget Ad Hoc Committee is a conflict between its name and its function. While the committee is an ad-hoc body by name, its work is continuous and central to local government, as the county budget is an annual process. A California Attorney General opinion concluded that a committee that advises on "budgets, audits, contracts, and personnel matters" has continuing jurisdiction and should therefore be subject to the Brown Act, regardless of its formal name.

This issue is amplified by the Board's explicit delegation of authority. An August 26, 2025, agenda item tasked the committee with reviewing and prioritizing items to "determine policy corrections" before returning to the full Board for "ratification." This language moves far beyond a purely advisory role and enters the "deliberative process," which the Brown Act mandates must be public. The public record shows the committee has already engaged in this process with staff to "determine that there were four revenue generating options that would be feasible to perform analysis on." Similarly, at the September, 23rd, 2025 meeting of the Board, the *Committee on Housing and Homelessness Programs* presented an item proposing the closing of the county Navigation Center, a reallocation of funding and the development of a new facility and program model at the county jail- an item of substantive importance to the public. Staff openly acknowledged during the presentation that they had worked closely with the "Budget Ad-Hoc Committee" on the development of the recommendation and proposal. This raises the question of whether the substantive debate is happening behind closed doors, leaving the public to only observe the final, "crystallized" recommendation, which is precisely what the Brown Act was designed to prevent.

This approach also carries a high potential for a "serial meeting" violation. The Brown Act forbids a majority of a legislative body from using a "series of communications... through intermediaries" to deliberate on public business. As a five-member board has a quorum of three, a two-member committee meeting with staff who then act as a conduit to share this information and the committee's

recommendations with other board members can be viewed as a "hub-and-spoke" violation. This practice risks shutting out the public from the most important conversations in county government.

## **A Tale of Two Budgets: Learning from Our Neighbors**

El Dorado County's current model is not a necessity but a choice. Other counties have adopted transparent, legally defensible models for financial oversight.

| <b>Characteristic</b>   | <b>El Dorado County</b>                                                         | <b>Placer County</b>                                                 | <b>Sacramento County</b>                                        |
|-------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------|-----------------------------------------------------------------|
| <b>Committee Name</b>   | Budget Ad Hoc Committee                                                         | No single budget committee. Full board handles key decisions.        | Budget & Finance Committee (Standing Committee)                 |
| <b>Membership</b>       | 2 supervisors (less than a quorum)                                              | Full Board of Supervisors in public meetings                         | 3-5 supervisors (a quorum)                                      |
| <b>Function</b>         | Continuous deliberation on budget, revenue, and policy                          | Budget is developed by staff and reviewed publicly by the full Board | Continuous review of appropriations and revenue measures        |
| <b>Brown Act Status</b> | Operates as an exempt ad-hoc body, but function is that of a standing committee | Fully compliant, with all deliberations in publicly-noticed forums   | Explicitly a standing committee, subject to all Brown Act rules |

As this comparison shows, counties like Placer and Sacramento have opted for models that centralize budget review in public workshops or use formal, standing committees that are explicitly subject to the Brown Act. This demonstrates that it is possible to conduct the vital, detailed work of budget management in a way that is both efficient and fully transparent.

### **Conclusion: A Call for Accountability and Trust**

The use of a private committee for continuous budget deliberation risks eroding the public trust that is vital for civic engagement and economic health. By adopting a model that aligns with the spirit of the Brown Act, the El Dorado County Board of Supervisors can not only fulfill its legal obligations but also rebuild public confidence and strengthen the community it serves. We believe the Good Governance Committee is the ideal forum to begin this conversation, and we urge you to review the current practices and consider a more transparent model for the county's budget process.

Respectfully submitted,

Lauren Hernandez, Co-Founder  
Lexi Boeger, Co-Founder





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